

International Labour Standards and the Employment of Disabled Persons

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Integration of People with Disabilities into Employment – Legislation and
Practical Experience in European Union Countries
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Overview

- **International Initiatives**
- **ILO Standards**
- **Making a Difference in Practice**



International Initiatives

- Specifically concerning people with disabilities: 15 in past 30 years.
- Dealing with general population – people with disabilities mentioned: 13 since 1944
- Major human rights/non-discrimination instruments, no specific mention of disabled persons: 5 in period 1948 –1966



International Initiatives - Disabled Persons

- ILO Recommendation concerning Vocational Rehabilitation of the Disabled 1955
- UN Declaration on the Rights of Mentally Retarded Persons, 1971
- UN Declaration on the Rights of Disabled Persons 1975
- UN International Year of Disabled Persons 1981
- The World Programme of Action Concerning Disabled Persons, 1982
- U.N. Decade of Disabled Persons, 1983-92
- ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) 1983, (No. 159) and Recommendations 168.
- Council of Europe Coherent Policy for the Rehabilitation of Persons with Disabilities, 1992
- U.N. Standard Rules, 1993
- The Asian and Pacific Decade of Disabled Persons, 1993-2002 and 2003-2012
- Salamanca Statement and Framework For Action on Special Needs Education, 1994
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities 1999
- The African Decade of Disabled Persons, 1999 - 2009
- European Year of People with Disabilities 2003
- UN Convention on the Rights of Persons with Disabilities



International Instruments mentioning Disabled Persons

- ILO Employment (Transition from War to Peace) Recommendation No. 71 1944
- ILO Social Security Convention 1952
- European Social Charter 1961
- ILO Human Resources Development Convention (No 142) and Recommendation 150, 1975
- African Charter on Human and Peoples' Rights 1981
- Additional Protocol on the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights 1988
- UN Convention on the Rights of the Child 1989
- Vienna Declaration and Programme of Action, World Conference on Human Rights 1993
- The Copenhagen Declaration and Programme of Action, World Summit for Social Development, 1995
- The Beijing Platform for Action, Fourth World Conference on Women, 1995
- EU initiatives
 - Treaty of Amsterdam 1997
 - EU Charter of Fundamental Rights 2000
 - EU Directive on Discrimination 2000



Human Rights/Non Discrimination Instruments

- no explicit mention of disabled persons

- Universal Declaration of Human Rights 1948
- European Convention on Human Rights 1950
- ILO Discrimination (Employment and Occupation) (No. 111) 1958
- U.N. Covenant on Economic, Social and Cultural Rights 1966
- U.N. Covenant on Civil and Political Rights 1966



Principles of UN Convention - Rights of Persons with Disabilities 2006

- Respect for inherent dignity, individual autonomy
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference; disability as part of human diversity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for evolving capacity of children

International Initiatives

- Promote full participation with equality of disabled persons in all aspects and sectors of society
- Promote view of disability as a form of social diversity
- Point to the need for a “society for all”
- People with disabilities as citizens, disability as a *rights* issue

ILO's Primary Goal

Decent Work

**Promote opportunities for women and men,
including those with disabilities, to obtain
decent and productive work,
in conditions of freedom, equity, security
and human dignity**



ILO 'Instruments'

- Conventions
- Recommendations
- Codes of Practice



ILO Standards on Disability

- ◆ Recommendation 99, 1955
- ◆ Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons) 1983
- ◆ Recommendation 168, 1983
- ◆ Code of Practice – Managing Disability in the Workplace, 2001



Person with a disability

“...an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment”

*ILO Code of Practice - Managing Disability
in the Workplace 2001*



Recommendation 99, 1955

- What is recommended?
 - Vocational Rehabilitation
 - Vocational Guidance
 - Vocational Training and
 - Placement of Disabled Persons
 - Catering to all disabled persons with prospects of securing and retaining suitable employment
 - Use of general services, where possible
 - Administrative Organization
 - Coordination, cooperation
 - Staff training
 - Standards
 - Research



Recommendation 99, 1955 (2)

- Further guidance:
 - Enabling of disabled persons
 - Information
 - Financial assistance
 - Social security
 - Promoting Employment Opportunities
 - Quotas
 - Incentives to employers
 - Sheltered Employment
 - Transitional where possible
 - Special Provisions for Children, Young Persons
 - Adaptation to national circumstances



Convention No. 159, 1983

- What is required?
 - National Policy on Vocational Rehabilitation and Employment of Persons with Disabilities - principles of Equal opportunity, Equal treatment
 - Provision for Special Positive Measures
 - not discriminatory
 - Consultation
 - Employers' and Workers' Organizations
 - Organizations of/for Disabled Persons



Convention No. 159, 1983 (2)

- Action at National Level

- Provision for vocational guidance, vocational training, employment and other related services
- Use of existing services where possible (mainstreaming)
- Provision for people with disabilities in rural and remote areas, as well as urban areas
- Staff training



Recommendation No. 168, 1983.

- What is recommended?
 - Provision for people with all types of disability
 - Mainstreaming where possible
 - Employment in line with disabled person's choice and capabilities
 - Equal opportunity, treatment for disabled men and women
 - Special positive measures
 - Employment promotion measures in conformity with general labour standards



Recommendation No. 168, 1983. (2)

- **What else is recommended?**
 - **Training in variety of forms**
 - **Community participation**
 - **Provision of services in rural areas, remote communities**
 - **Training, induction and employment conditions of all relevant staff**
 - **Contribution of employers' and worker's organizations**
 - **Contribution of Disabled Persons and their organizations**
 - **Compatibility of social security schemes with vocational rehabilitation policy**

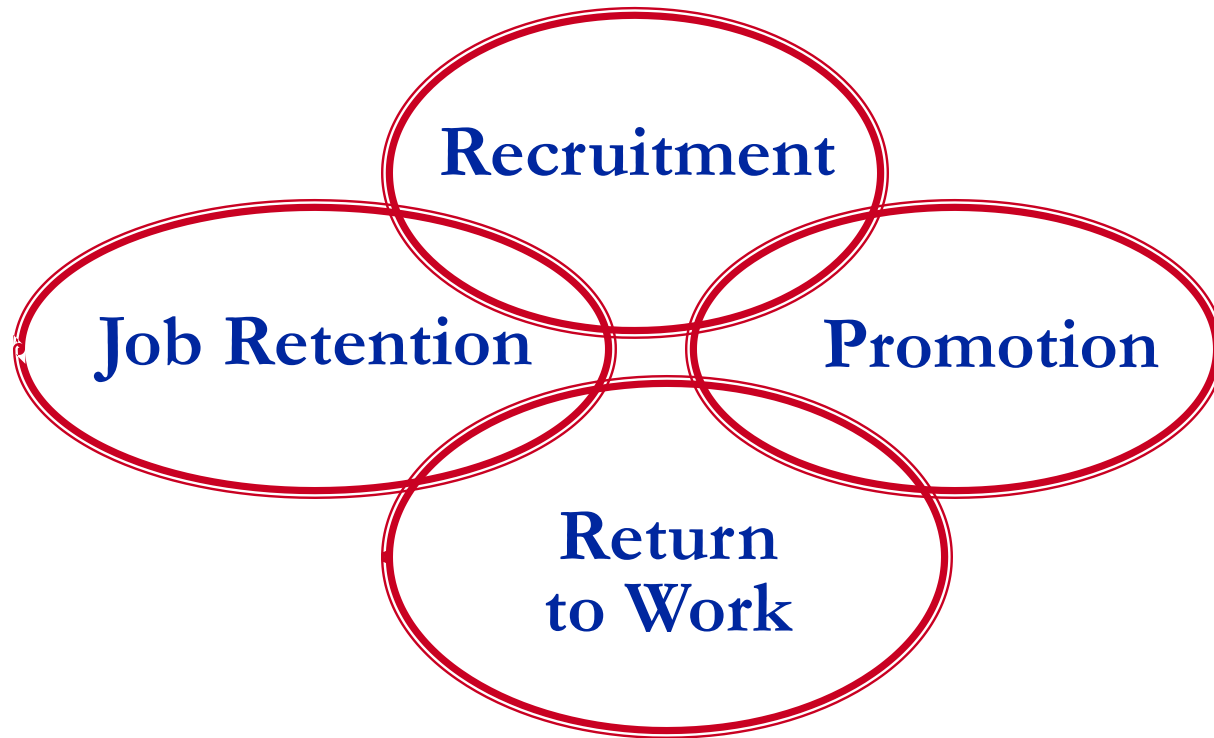


ILO Code of Practice Management of Disability at the Workplace

- **Finalized and adopted by Tripartite Meeting of Experts, Geneva, October 2001**
- **Unanimously adopted by ILO Governing Body November 2001**



Code provides guidance on managing disability issues in



Disability Management - Key Actors



Code of Practice - Objectives

- Equal opportunities in the workplace
- Improved employment prospects
- Safe, accessible and healthy workplace
- Minimal employer costs associated with disability
- Maximal contributions of workers with disabilities to the enterprise.



Disability Management at the Workplace

- **Framework for Disability Management**



Preparation of Strategy

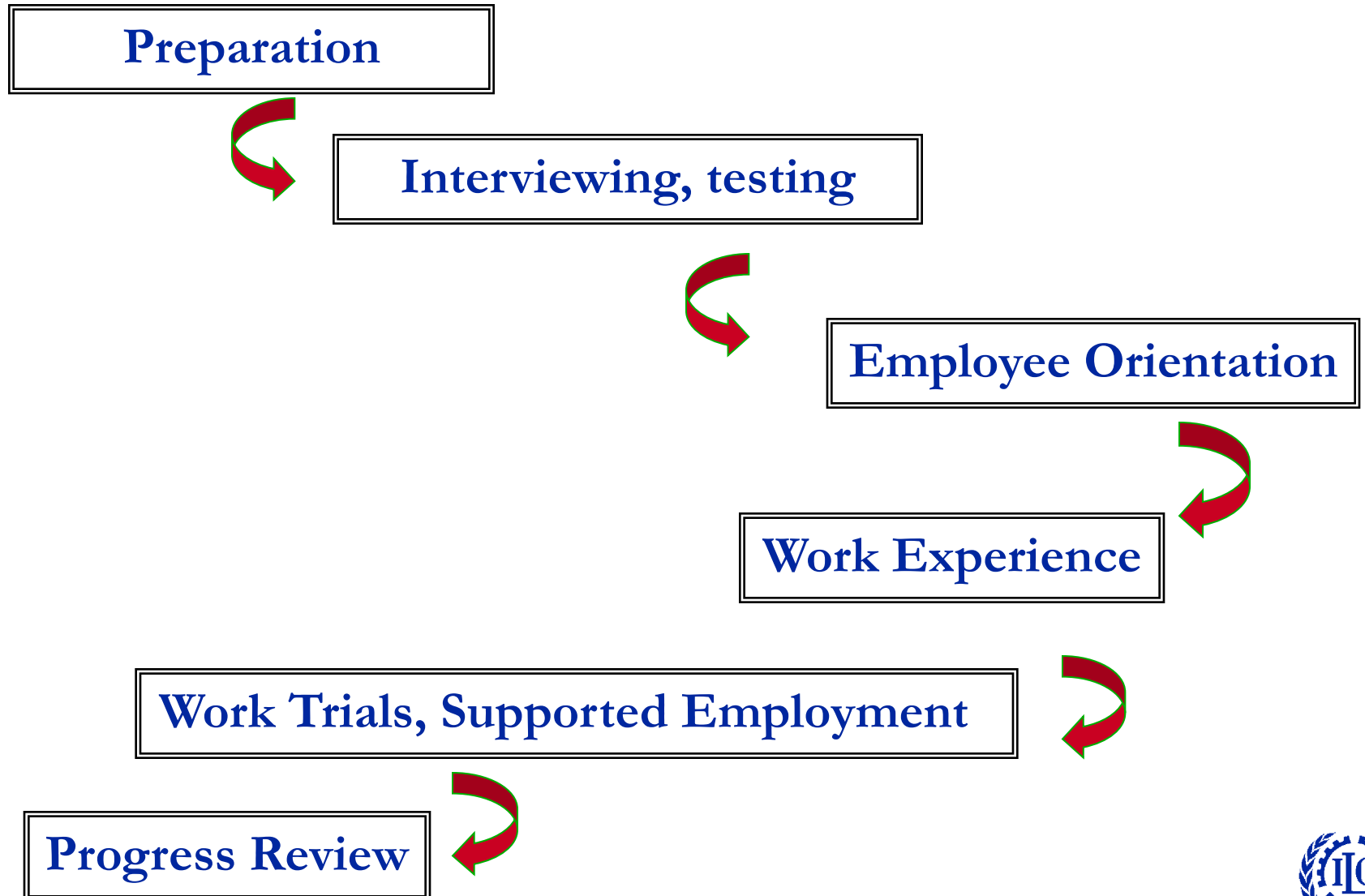


Communication, awareness raising



Evaluating Effectiveness

- **Recruitment**



- **Promotion**

Career Development



Employer-sponsored training



External vocational training



Review and appraisal

- **Job Retention/Return to Work**

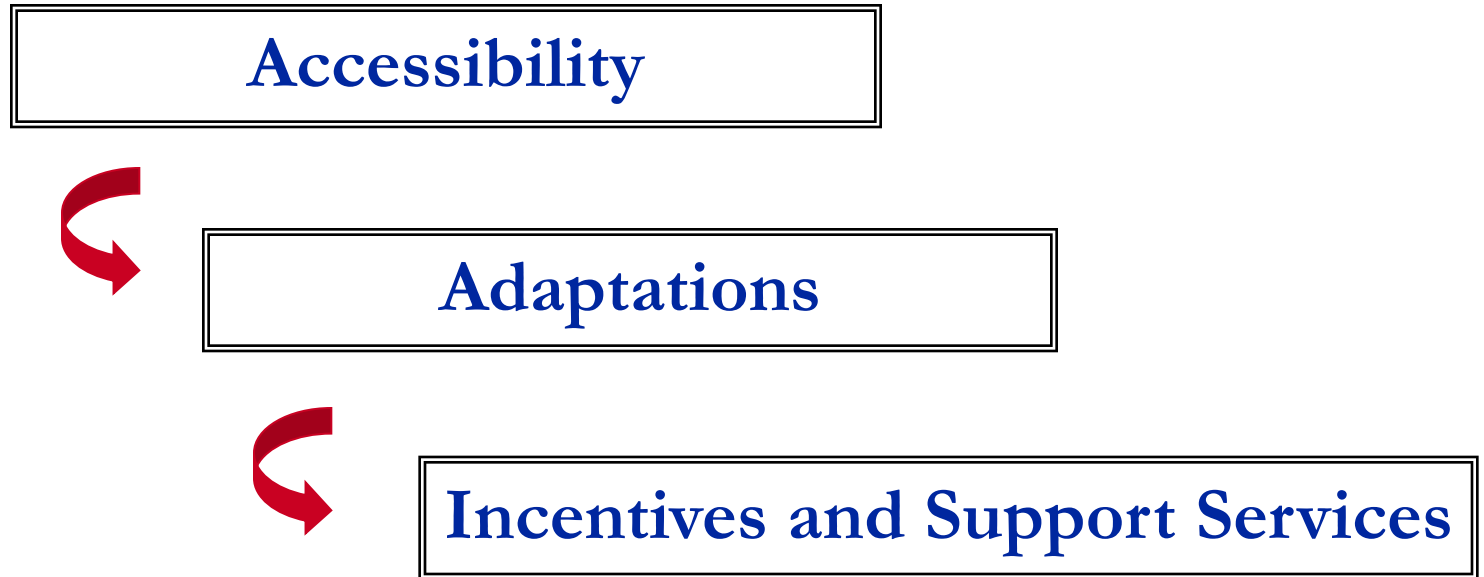
Policy measures



Assessment and Rehabilitation



- **Adjustments**



- **Confidentiality of Information**

Underlying Principles and Convictions

- Principles

- Equality of opportunity, equality of treatment, non-discrimination
- Mainstreaming

- Convictions

- Obstacles faced by disabled persons arise largely from societal barriers
- People with disabilities represent great potential, yet to be fully unlocked

Code of Practice and other ILO standards on disability

➔ Framework for ILO's programme to promote decent work for women and men with disabilities.



General ILS

- All ILS apply to persons with disabilities
- Some standards are of particular relevance
 - Discrimination in Employment and Occupation (C. No. 111)
 - Employment Promotion (C. No. 122)
 - Job Creation in Medium and Small Enterprises (R. No. 189)
 - Promotion of Cooperatives (C. 193)
 - Human Resources Development (C.No.142 , R. No 195)
 - Employment Services(C. No. 88 and No. 181)

ILS: Making a practical difference

- Ratification
- Monitoring and reporting
- Promotion through research, publications, databases on good practice
- Advocacy – meetings, social dialogue, involvement of governments, social partners, organisations of/for disabled persons
- Technical Cooperation projects
- Partnerships