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For a disability-inclusive workforce

Report[1]
Committee on Equality and Non-Discrimination
Rapporteur: Mr Adão SILVA, Portugal, Group of the European People's Party

Summary

Throughout Europe, persons with disabilities encounter multiple obstacles with regard to access to and participation in the labour market. Lack of accessibility, discrimination and negative stereotyping on their level of competences hinder their participation in the workforce. In addition, employers are too often unwilling to provide reasonable accommodation. Despite action taken in recent years in Council of Europe member States to tackle this problem, the employment rate of persons with disabilities remains unsatisfactory.

Full inclusion of persons with disabilities starts with inclusion in mainstream schools. Awareness raising on the added value of recruiting persons with disabilities is essential so as to trigger a change of mindsets in the long term. Accompanying persons with disabilities when looking for a job is also important in order to ensure that vulnerabilities are taken into account.

The Parliamentary Assembly should call for the implementation of the principles of the United Nations Convention on the Rights of Persons with Disabilities and ask for an inclusive, accessible and safe working environment for persons with disabilities which allows them to work in fair conditions and enjoy equal opportunities. Tangible progress can be achieved if strong political will for the inclusion of persons with disabilities in the workforce is translated into concrete action and sufficient financial resources are allocated to this end.

1. Reference to committee: Doc. 14358, Reference 4321 of 13 October 2017.

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A. Draft resolution[2]

1. Throughout Europe, persons with disabilities encounter multiple obstacles with regard to access and participation in the labour market. Lack of accessibility, prejudice regarding the level of competences, discrimination and the unwillingness of employers to provide reasonable accommodation hinder participation in the workforce. The Parliamentary Assembly is convinced that it is time to combat negative attitudes, practices and stereotypes, to dispel the myth according to which persons with disabilities cannot work as efficiently as others and to highlight abilities instead of disabilities.

2. Various measures have been taken in recent years in several Council of Europe member States to increase the participation of persons with disabilities in the labour market. However, many barriers remain and the employment rate of persons with disabilities both in the private and public sector is unsatisfactory.

3. The United Nations Convention on the Rights of Persons with Disabilities, ratified by 46 of the 47 Council of Europe member States, lays down the fundamental principle of inclusion of persons with disabilities in society. The holistic vision of inclusion promoted by the Convention depends on both inclusion in the mainstream education system and inclusion in the labour market. Its Article 27 recognises the right of persons with disabilities to work on an equal basis with others and the obligation to provide reasonable accommodation.

4. Promoting a disability-inclusive workforce means preventing and combating discrimination against persons with disabilities in access to employment and in the workplace. Effective implementation of anti-discrimination legislation needs to be ensured. In the spirit of the Convention on the Rights of Persons with Disabilities, failure to provide reasonable accommodation, such as the adjustment of equipment, modification of a job description, working time and organisation, as well as adaptation of the work space can be qualified as discrimination.

5. The Assembly reiterates its call to develop policies fostering the employment of persons with disabilities made in its Resolution 2039 (2015) on equality and inclusion for persons with disabilities. In addition, it fully supports the Council of Europe Disability Strategy 2017-2023, which calls on Council of Europe bodies, member States and other relevant stakeholders to seek to promote equality and non-discrimination of all persons with disabilities, in particular through an inclusive education system and the development of training, communication and employment initiatives.

6. The participation of persons with disabilities in the workforce is a condition for their full inclusion in society. The Assembly believes that tangible progress can be achieved with regard to the participation of persons with disabilities in the workforce if political will is translated into concrete action and sufficient financial resources are allocated to this end.

7. In the light of these concerns, the Assembly calls on Council of Europe member States to:

7.1. commit to making the inclusion of persons with disabilities a priority by adopting comprehensive national disability action plans, where this is not yet the case, and allocating sufficient funding for their implementation;

7.2. implement legislation on preventing and combating discrimination in access to work and in employment and adopt specific provisions on non-discrimination on the grounds of disability, if this has not yet been done;

7.3. ensure the accessibility of public transport and public buildings;

7.4. provide inclusive education and ensure access of children with disabilities to mainstream schools, with the provision of specific assistance when needed;

7.5. engage in or support awareness-raising activities on the added value and positive results of the participation of persons with disabilities in the workforce with a view to combating negative stereotyping;

7.6. provide an inclusive, accessible and safe working environment for persons with disabilities which allows them to work in fair conditions and enjoy equal opportunities, as laid down in the United Nations Convention on the Rights of Persons with Disabilities;

7.7. invest in specific programmes on access to traineeships and first jobs for persons with disabilities to enable them to gain work experience;

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2. Draft resolution adopted unanimously by the committee on 8 October 2018.

7.8. encourage the creation of specific human resource services or foundations providing coaching and implementing projects to boost the employability of persons with disabilities and accompanying them to develop their potential;

7.9. provide financial incentives for companies to make working spaces accessible and to propose training on disability-inclusive working environments for managers and potential co-workers;

7.10. protect persons with disabilities from vulnerability in the labour market by ensuring specialised support, including at the financial level, both when in employment and when looking for employment;

7.11. set up specific programme, where they do not yet exist, for the reintegration of people who develop a disability when already in employment;

7.12. step up investments in assistive technologies for persons with disabilities;

7.13. collect data on the employment of persons with disabilities disaggregated by gender, age and type of disability so as to enable the tailoring of measures to existing situations;

7.14. consider creating inclusion awards or inclusion labels for companies and administrations which are proactive with regard to the recruitment of persons with disabilities and promote a disability-inclusive working environment.

8. The Assembly calls on national parliaments to ensure the accessibility of their premises and encourages them to lead by example with regard to the employment of persons with disabilities.

9. The Assembly praises the essential role played by non-governmental organisations with regard to the promotion of the participation of persons with disabilities in the labour market and calls for these organisations to be financially supported

B. Explanatory memorandum by Mr Adão Silva, rapporteur

1. Introduction

1. Throughout Europe, persons with disabilities encounter multiple obstacles with regard to access to and participation in the labour market. Prejudice regarding their level of competences leads to a negative attitude of potential employers who are not systematically willing to adapt workplaces and job descriptions to allow for their recruitment. Fear of discrimination during the recruitment procedure or once in a specific position also keeps some persons with disabilities away from the labour market. Many workplaces are not accessible to persons with disabilities and a lack of funding is often presented as a reason for not undertaking the necessary works. Overall, conditions are not favourable for the employment of persons with disabilities. Too many persons with disabilities are indeed unemployed and do not receive any specific support to enter or return to the labour market. Promoting a disability-inclusive workforce means preventing and combating discrimination against persons with disabilities. It means taking action to make the inclusion of persons with disabilities a reality.

2. Article 27 of the United Nations Convention on the Rights of Persons with Disabilities lays down the obligation on the States Parties to recognise the right of persons with disabilities to work on an equal basis with others. This right implies an obligation to create an "enabling and conducive environment for employment, in both the public and private sectors".[3] Reasonable accommodation, defined as "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms"[4] should be provided to persons with disabilities who request it.

3. In the past 20 years, several Council of Europe member States have adopted measures to promote the active participation of persons with disabilities in the labour market and combat discrimination. However, the employment rate of persons with disabilities remains rather low and they often have lower-paid jobs. When they are employed, "[m]ore often than their peers, they are in part-time jobs or temporary positions, often with few possibilities for career development".[5]

4. Full inclusion of persons with disabilities in society starts with their inclusion in mainstream schools, providing them with tools for future active participation in the labour market. This needs political and economic commitments to become effective.

5. Full inclusion of persons with disabilities in the workforce requires action with regard to their recruitment, working conditions, salary, possible promotions and the attitude towards them. It is beneficial not only to the people employed, but to the workplace as a whole. It sends a powerful message to customers, colleagues or people served that the work culture promotes openness, tolerance and respect, and can give hope and strength to young persons with disabilities who are not yet working.

2. Aim and scope of the report

6. The motion for a resolution at the origin of the report stresses that it is essential to shift away from the disability-welfare approach, whereby persons with disabilities are not considered able to work, towards promoting a disability-inclusive labour market. It indicates that well-designed social protection programmes can enhance the productivity and employability of persons with disabilities and remove barriers in accessing employment.

7. This report aims at taking stock of the situation with a view to making recommendations on how to promote inclusion of persons with disabilities in the workforce and to encourage parliamentarians to take an active role at national level with a view to implementing the Council of Europe Disability Strategy 2017-2023.[6]

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3. Thematic study on the work and employment of persons with disabilities, Report of the Office of the High Commissioner for Human Rights, 17 December 2012, paragraph 11.
4. Article 2 of the Convention, www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html.
5. Thematic study on the work and employment of persons with disabilities, op. cit., paragraph 8.
6. Paragraph 51 of the Council of Europe Disability Strategy 2017-2023: "Council of Europe bodies, member States and other relevant stakeholders should seek to: … c) Promote equality and non-discrimination of all persons with disabilities, in particular through an inclusive education system and the development of training, communication and employment initiatives."

8. In 2015, the Parliamentary Assembly already encouraged member States to develop policies fostering the employment of persons with disabilities.[7] With this report, I see an opportunity not only to promote the employment of persons with disabilities but also to combat prejudice and raise awareness of their skills and the added value they can represent in the workforce.

9. My objective is to promote best practices for an active participation of persons with disabilities in the labour market. While it was not possible to analyse in detail the situation in each Council of Europe member State, I have selected several countries with different approaches so as to present information on "protected jobs" (sheltered employment), incentives for companies hiring, quotas, proactive private companies with regard to the recruitment of persons with disabilities and the implementation of anti-discrimination legislation.

10. I have received testimonies from persons with disabilities on the difficulties they face when looking for a job or when employed. This report was prepared respecting the motto "Nothing about us without us" and I have tried to make sure that it carries the voices of persons with disabilities who have felt rejected and unwelcome on the labour market. It also presents inspiring examples showing that having a disability-inclusive workforce can be beneficial to all.

3. Working methods

11. In order to collect information on the situation in each Council of Europe member State, I have sent a questionnaire to national human rights institutions (NHRIs) via the European Network of National Human Rights Institutions based in Brussels, with questions on the employment rate of persons with disabilities in the private and public sectors, legislation in force setting out obligations on companies and public administration with regard to the recruitment of persons with disabilities and its implementation, access to education and sanctions for discriminatory treatment of persons with disabilities on the labour market. I have received replies from the NHRIs in Albania, Belgium, Cyprus, Denmark, Georgia, Latvia, Luxembourg, the Republic of Moldova, the Netherlands, Poland and Portugal and would like to thank them for their contributions. I also received a written contribution from the non-governmental organisation Inclusion Europe.

12. I held a bilateral meeting during the January 2018 part-session with the former Council of Europe Commissioner for Human Rights who made the protection of the rights of persons with disabilities a priority of his mandate.

13. The Sub-Committee on Disability and Multiple and Intersectional Discrimination held two hearings in the framework of the preparation of this report. The first, held on 24 April 2018, examined best practices for the inclusion of persons with disabilities in the labour market, with the participation of: Ms Edurne Alvarez De Mon, Human Resources Senior Consultant, Foundation Once (Spain); Ms Agnès Gerber-Haupert, Director General of Action et Compétence (France); and Mr David Kennaugh, small business owner (France). The second, held on 26 June 2018, dealt with combating discrimination in access to employment with the participation of: Ms Kimberly McIntosh, Policy Officer at the Runnymede Trust (United Kingdom); Mr James Crowe, President of the European Association of Service Providers for Persons with Disabilities (EASPD, United Kingdom); and Ms Aletta Gräfin von Hardenberg, Director of the German Diversity Charter Initiative from Germany (via video conference). This second hearing contributed not only to the preparation of this report but also to the report by Mr Damien Thiéry (Belgium, ALDE) on "Discrimination in access to employment".[8]

14. I collected more information on the situation in Denmark during my fact-finding visit to the country on 10 and 11 September 2018. I would like to thank the Danish Parliament for the excellent support provided during the visit and all the people who gave their insights into the situation in Denmark. I was particularly impressed when I visited the building called "Disability house" hosting more than 30 organisations providing support to persons with disabilities in Taastrup. It is considered one of the most inclusive buildings in the world as every square meter can be considered accessible. This building shows that ensuring full accessibility is a reachable goal. In my view, it should be used to inspire new constructions, ensuring that the working environment is disability friendly.

7. Resolution 2039 (2015) on equality and inclusion for people with disabilities.
8. Doc. 14666.

4. Obstacles for persons with disabilities on the labour market

4.1. Negative stereotyping

15. As already mentioned, one of the main challenges faced by persons with disabilities on the labour market is the stigma around their level of competences. Often, a person with disabilities is seen as less able than another person to perform the same tasks, without any objective reason. According to Eric Molinié, Secretary General of Daskia (a subsidiary of the company Electricité de France), "stereotypes are the main obstacle to the integration of persons with disabilities". Hiring a person with disabilities "means learning to consider a person in all their dimensions. The presence of a person with disabilities obliges a team to be better organised. This situation creates solidarities".[9]

16. A research project is currently being carried out at the University of Strasbourg to measure the level of bias against persons with disabilities. As an example, participants in one of the experiments received photographs showing the same group of people sitting at a table, but taken from different angles. In one photograph, only the faces of the people sitting at the table are visible. In a second photograph, taken from a wider angle, it can be seen that one of the people sitting at the table is in a wheelchair. Participants replied that the person in the wheelchair seemed less competent than the others, without having any other information. They were surprised to find out this person had the highest level of responsibilities.

17. Negative stereotyping against persons with disabilities has an impact on the attitude of potential employers and future colleagues, therefore affecting the participation of persons with disabilities in the labour market. The way society looks at persons with disabilities needs to change. This will only happen if more persons with disabilities hold positions of high responsibility in public administrations, private businesses, media, academia and politics. Hiring persons with disabilities "gives the individuals independence and empowers them in their everyday life, but also raises awareness in others (colleagues and/or customers) of their capabilities".[10] Awareness should be raised about the fact that persons with disabilities represent an added value in the workplace and have a lot to contribute.

18. There are also stereotypes with regard to the kind of jobs persons with disabilities can have. While all jobs might not be accessible, many of them, provided arrangements are made, can be held by persons with disabilities. Persons with disabilities are too often thought able to work in only some specific fields. Stereotypes with regard to the abilities of persons with disabilities need to be overcome.

19. David Kennaugh, a small business owner living in France who suffers from a genetic disease that has caused considerable impairment to his vision since the age of 16, shared his personal experience in the workplace with the Sub-Committee on Disability, Multiple and Intersectional Discrimination on 24 April 2018: "It is time to move beyond stereotypes. Years ago, a visually impaired person was steered towards being a telephone operator or physiotherapist. Today, new technologies provide access to many professions, enable rapid information transfer and facilitate inclusion of persons with disabilities in the work environment. Unfortunately, attitudes are not changing". The priority is to make potential employers and co-workers go beyond their apprehensions and accept persons with disabilities in the workplace. It may require effort and investment but can be beneficial for the enterprise or administration as a whole.

4.2. Lack of accessibility and inclusive work cultures

20. Another major challenge is promoting inclusion of persons with disabilities within the work culture and inclusive working methods. It is indeed up to the employers to adapt to persons with disabilities, to propose arrangements, and not only up to the persons with disabilities to try to fit in and assimilate. There can be no full inclusion if assimilation is expected from persons with disabilities. Disability needs to be acknowledged and recognised in order to understand fully what can be done to facilitate the work of persons with disabilities. Efforts must be made to adapt workplaces to the needs of persons with disabilities, rather than offering specific or sheltered jobs.

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9. Interview given to *Le Monde*, 14 March 2018. Mr Eric Molinié was the former Chairperson of the Haute Autorité de lutte contre les discriminations et pour l'égalité. He is tetraplegic. www.lemonde.fr/emploi/article/2018/03/12/emploi-et-handicap-les-stereotypes-sont-le-principal-frein-a-l-integration-des-personnes-handicapees_5269617_1698637.html.

10. Final report on the seminar on awareness raising for persons with disabilities organised by the Danish Chairmanship of the Council of Europe, Copenhagen, 13-14 December 2017, https://rm.coe.int/final-report-copenhagen-seminar/1680785d78.

21. Lack of accessibility of workplaces can also be a barrier to the participation of persons with disabilities in the labour market. I here refer to physical accessibility (ensuring wheelchair access) but also accessibility in terms of working structures. For example, hiring a person with psycho-social disabilities might not require physical arrangements in a building, but a reflection on work structures and a discussion on ways to accompany the newly recruited person.[11]

22. As already mentioned, I was impressed during my visit to the "Disability house" in Taastrup. Everything was designed so as to be inclusive. All indications and signs were in braille, meeting rooms had chairs of different shapes so as to accommodate people with different kinds of disabilities. The lights were adapted for people with visual impairments and there was a rest room allowing a person to lie down for a few minutes if necessary. Desks could be adapted to different heights. Particular attention was paid to the choice of different colours of the walls, allowing a better orientation. Promoting inclusion in the labour market means taking different needs into account.

4.3. Inclusion of persons with disabilities is not a political priority

23. In general, persons with disabilities have a higher unemployment rate. Getting out of unemployment can be even more difficult for them. The lack of priority given to programmes supporting persons with disabilities is also a challenge. Supported contracts are often among the first programmes to be cut in times of budgetary restrictions. The payment of benefits to persons with disabilities is delayed in times of crisis, which increases the risk of poverty. I regret that too often persons with disabilities are not considered a priority by the authorities. Too often as well, they are not consulted in the design of these programmes.

4.4. Inclusive education is not yet a reality

24. As stressed by the former Council of Europe Commissioner for Human Rights, Niels Muižnieks, inclusive education is key for the inclusion of persons with disabilities in the labour market. Education in mainstream schools allows persons with disabilities to obtain a diploma and life and social skills which are essential for their inclusion in the workforce.[12]

25. The United Nations Convention on the Rights of Persons with Disabilities highlights that access to inclusive education, including vocational training, must be guaranteed and adapted to all. "In order for persons with disabilities to increase their employability, there needs to be a robust teaching and support system in schools to help them develop confidence, life and social skills."[13] Inclusive education is the most powerful tool to prevent and combat prejudice against persons with disabilities. The more children with disabilities are included in mainstream schools, the more their place in society will be acknowledged.

26. In addition, there are not yet solid bridges to professional life. It is more difficult for a person with disabilities to find a first internship or job than for others. Supporting internship programmes and programmes for access to employment is essential. Although Germany's work culture is often presented as inclusive, the German Institute for Human Rights deplores the fact that much of the training intended specifically for persons with disabilities is unsuited to the requirements of the labour market.[14]

4.5. Discrimination against persons with disabilities

27. Discrimination against persons with disabilities when looking for a job or when already employed is still a reality. However, State Parties to the United Nations Convention on the Rights of Persons with Disabilities "have an obligation to prohibit discrimination on the basis of disability and must ensure that persons with disabilities are protected from discrimination".[15] In the meaning of the Convention, "[p]rotection from discrimination covers all forms of employment: in the open labour market as well as in sheltered or supported

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11. Autisme: pourquoi l'accès à l'emploi reste (très) compliqué [Autism: why access to employment remains (very) limited], Europe 1, 6 April 2018, www.europe1.fr/economie/autisme-pourquoi-lacces-a-lemploi-reste-tres-complique-3620051.
12. Bilateral meeting held on 24 January 2018 in Strasbourg.
13. Valerija Buzan, European Association of Service Providers for Persons with Disabilities, Seminar on awareness raising for persons with disabilities organised by the Danish Chairmanship of the Council of Europe, Session on breaking down prejudice in employment for persons with disabilities, Copenhagen, 13-14 December 2017, https://rm.coe.int/final-report-copenhagen-seminar/1680785d78.
14. Inclusive labour market instead of separate structures, German Institute for Human Rights, www.institut-fuer-menschenrechte.de/en/national-crpd-monitoring-mechanism/state-report-audit/views-of-the-national-crpd-monitoring-mechanism/sheltered-workshops/.
15. Thematic study on the work and employment of persons with disabilities, op. cit.

employment schemes".[16] In the European Union, Directive 2000/78 EC establishes a general framework for equal treatment in employment and occupation and protects persons with disabilities from discrimination on the labour market.

28. According to Didier Marcyan, regional representative of AGEFIPH (Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées – Fund Management Organisation for the Professional Integration of Persons with Disabilities, France), persons with disabilities face tremendous difficulties when seeking their first job as well as a clear "vulnerability" in all phases of professional transition. Attention should be paid to risks of interrupting their periods of employment and compensatory measures. First access and return to the labour market need to be accompanied. Once employed, follow-up is needed so as to ensure that the person stays in employment. Vulnerability also encompasses adaptation times, which might not always fit within a tight calendar of economic efficiency. Before a person with a disability can be effective, he or she has to learn to work differently. A balance should be found between reasonable time of adaptation and expectations with regard to immediate efficiency. A high flexibility to hire and fire anyone, including persons with disabilities, might not provide the safe and fair working environment needed for persons with disabilities.

29. Specific attention should be paid to the situation of women with disabilities, who "are particularly disadvantaged in the labour market due to the fact that they frequently experience multiple discrimination based on their gender and their disability status".[17] "The challenges faced by women with disabilities, related to the difficulty of securing employment, extra disability-related costs and lack of control over their own property or money due to laws on legal capacity, often make them doubly disadvantaged in working life. In the few countries that have employment data available, disaggregated by disability, gender and type of work, women are consistently under-represented in all categories of employment, with their representation being drastically lower in management positions."[18]

30. People with psycho-social disabilities who are deprived of their legal capacity cannot sign a work contract or have access to the salary they have earned. Guardianship systems prevent them from managing their working lives and can make them more subject to discrimination. People with psycho-social disabilities are more often in a situation of unemployment than people with other kinds of disabilities according to information provided by Inclusion Europe. This was confirmed by the LEV organisation in Denmark.

5. Participation of persons with disabilities in the labour market

31. Statistical data on the participation of persons with disabilities in the workforce is not systematically collected at the national level and persons with disabilities are not always included in unemployment statistics, which can give a biased view of the situation. In my view, national unemployment statistics should also include persons with disabilities, who need to be treated as fully fledged citizens.

32. I have received information from several national human rights institutions with regard to the situation at the national level that I can partially relay in this report. In Denmark, 56% of persons with disabilities are employed, with a difference between women (53%) and men (59%). In Georgia, 55 persons with disabilities are employed in the public sector out of a total of 46 000 civil servants. 3 535 persons with disabilities are employed in the private sector.

33. In Luxembourg, according to the latest official statistics, there are more than 3 900 workers with disabilities aged between 17 and 64. In the Netherlands, 13.7% of persons with disabilities are unemployed, while the global unemployment rate is 5.5% of the population. In France, according to official figures, 513 505 persons with disabilities are unemployed. 79% of companies with more than 20 employees employ workers with disabilities in France. In Belgium, 41% of people with a disability are employed.

34. In Portugal, the employment rate of persons with disabilities is 62.6% in the age group 25-34 years and 68,3% in the age group 35-44 years. 16 170 persons with disabilities are currently working in the public sector. In 2016, there were 10 789 workers with disabilities employed in the private sector. In Portugal, 24.4% of persons with disabilities who work in the public sector are working at the Ministry of Education. In Spain, only one in five persons with disabilities is working. In the Republic of Moldova, persons with disabilities represent less than 1% of the people in employment. In Poland, 416 000 persons with disabilities are

16. Ibid., paragraph 22.
17. Inclusion of persons with disabilities in national employment policies, Guidance note, International Labour Organization (ILO), September 2015, www.ilo.org/global/topics/disability-and-work/WCMS_407646/lang--en/index.htm.
18. Thematic study on the work and employment of persons with disabilities, op. cit.

employed and their overall employment rate is 27.7%. Anka Slonjšak, Croatian Defender of the rights of persons with disabilities, reported that of the 250 000 people who are of working age in Croatia, 17 000 persons with disabilities were employed in 2017.[19]

35. In the absence of comparable disaggregated data on the employment of persons with disabilities, it is difficult to state that people with a specific kind of disability suffer more from unemployment than others. Mencap (United Kingdom) reports that 6% of adults with a learning disability are in paid work, while 47% of people aged 16 to 64 with any kind of disability are in paid work.[20] Data collection in this field needs to be further encouraged so as to have a realistic picture of specific needs depending on the type of disability.

6. Measures to improve the participation of persons with disabilities in the labour market

6.1. Investing in inclusive education and innovation

36. Participation of persons with disabilities can be improved through the adoption of a set of divers and concrete measures. As already stressed, there can be no tangible increase in the access of persons with disabilities to the workforce if there is no high and long-term investment in education. During our hearing in Strasbourg on 24 April 2018, David Kennaugh highlighted that the best education – whether specialised or inclusive – was the one that best prepared people for future employment. In his view, specialised schools could teach people how to be more effective in managing their disability and how to cope with the environment. The Job and Development Centre for deaf and hard of hearing people at Castberggård in Denmark provides training and specific preparation for the labour market for deaf people. It also accompanies companies willing to hire deaf and hard-of-hearing people by providing counselling, notably on equipment which might be needed.

37. I would nevertheless advocate for inclusive mainstream schools whenever it is possible, with specialised assistance for children with disabilities. Exclusion from mainstream schools can have an impact on future participation in the labour market.

38. According to Dominique Lerch, former Director of the French National Higher Institute for training and research for the education of young persons with disabilities, "[t]here can be no inclusion in the workforce if there is no inclusive education".[21] I welcome the fact that the majority of children with disabilities go to mainstream schools notably in Iceland, Italy, Norway, Portugal, Sweden and Spain.

39. The public sector and private companies should be encouraged to hire trainees with disabilities so as to allow them to get experience and increase their chances of finding a job on the labour market. Internships provide a first experience of adapting to a professional environment, which can be crucial. Vocational training and life-long learning need to be further developed as well.

40. Investing in innovation in parallel with inclusive education can boost the access of persons with disabilities to the labour market. In France, in 2010, AGEFIPH supported the creation of an HGV driving simulator equipped with an automated gearbox. This innovation has enabled more than 120 people with motor disabilities to obtain an HGV driving licence and gain access to employment. In view of this success, the French administrative authorities amended the legal conditions for obtaining an HGV licence, which had previously been very strict.[22] This example shows that support for technological developments can lead to more inclusion on the labour market.

6.2. Reserved, protected or sheltered jobs

41. Reserved, protected or sheltered jobs are a positive measure to promote the employment of persons with disabilities. While their effects can be beneficial, offering such jobs should not delay investments towards a more inclusive labour market, which is essential for full inclusion in society.

42. Quotas for persons with disabilities can be considered a first measure to increase their employment rate. In Albania, an employer is required to hire a person with disabilities for every 25 employees. Failure to do so leads to a monthly financial penalty equal to the minimum wage, which is paid to the National Employment Fund. This money is then used to create jobs for persons with disabilities. In Cyprus, 10% of jobs in the public

19. Croatie: les handicapés encore et toujours délaissés, Zvonimir Saric, *Le Courrier des Balkans*, 23 November 2017.
20. www.mencap.org.uk/learning-disability-explained/research-and-statistics/employment.
21. Inclusion: explorer, aller plus loin [Inclusion: explore, go further], publication by AGEFIPH, 2018.
22. Example presented by Didier Marcyan, AGEFIPH, at the hearing on 24 April 2018.

sector are reserved for persons with disabilities. In France, an enterprise/administration with more than 20 employees must hire a number of persons with disabilities representing 6% of its workforce (in the public sector the real rate is currently 5.2% while in the private sector it is 3.4%).[23] Should this quota not be reached, the employer pays a financial contribution to AGEFIPH, which promotes the integration of persons with disabilities in the labour market.

43. In Luxembourg, public administrations have the obligation to recruit a number of persons with disabilities corresponding to 5% of the total number of people employed full time. There are no obligations for private businesses with less than 25 employees. A company with more than 25 employees should recruit at least one person with disabilities full time. A company with more than 50 employees should allocate at least 2% of its posts to persons with disabilities. A company with more than 300 employees is asked to reserve at least 4% of its jobs to persons with disabilities. Employers who do not respect these quotas have to pay a tax of 50% of the social minimum wage for each worker with disabilities they did not employ, which is a strong incitement to hire persons with disabilities.

44. In the Republic of Moldova, the labour code exempts persons with disabilities from having a probationary period when they start a job. Companies or administrations with more than 20 employees should hire 5% of persons with disabilities. In Poland, employers with 25 employees or more are required to have at least 6% of persons with disabilities in their staff. A payment has to be made to the State Fund for Rehabilitation of Persons with Disabilities in case of non-compliance. In Spain, the law requires companies with more than 50 employees to recruit at least 2% of workers with disabilities. In the public sector, a new law dating from March 2018 obliges companies to comply with this quota in order to be awarded public contracts.

45. Mr James Crowe, President of the European Association of Service Providers for Persons with Disabilities (EASPD) finds quotas controversial since they can easily be circumvented through the payment of annual fines. In his view, quotas introduce a concept of charity for persons with disabilities instead of recognising their value on the labour market. He also expresses concerns with regard to some persons with disabilities staying in sheltered settings while they could work in the open labour market. Supported employment in the open labour market with job coaches who would gradually pull out, should be further encouraged.

46. Reserving jobs can also mean using a priority criterion for persons with disabilities. Disability can be qualified as a priority criterion during recruitment processes, meaning that a candidate with disabilities will have priority over another candidate if they have similar qualifications.

6.3. From an incentive-based employment policy to an inclusive employment policy

47. Tax benefits and support for an adaptation of the workplace are the most common incentives for private companies to recruit persons with disabilities. While incentives can be useful for a given time, priority should be given to moving from an incentive based employment policy to an inclusive employment policy. To this end, positive measures taken by private companies could have an important impact.

48. Working on this report has allowed me to discover some good practices which I would like to promote. In the United Kingdom, the Access to Work programme arranges funding for employers to adapt workspaces and improve accessibility to places of employment for persons with disabilities. In 2017, an award was granted by the EASPD to Carrefour Spain, which employs 860 staff members with disabilities. They were assisted in their duties by other staff and mainly worked in stacking shelves. The enterprise, “Discovering Hands”, based in Germany, Colombia and Austria, also received an award from the EAPSD in 2017 for employing 31 blind and visually impaired women, who provided an innovative medical diagnosis service. They use only their sense of touch to diagnose cancer in patients at a very early stage.[24]

49. In Denmark, public authorities are convinced of the importance of inclusion of persons with disabilities in the mainstream labour market. Within each of the 98 municipalities, specific services take care of the professional integration of persons with disabilities and help them find jobs corresponding to their skills. They also manage subsidy programmes for companies hiring workers with disabilities to adapt their workspace or to hire an assistant who would help carrying out daily tasks. For example, a deaf employee is accompanied by two sign language interpreters in the municipality of Taastrup. An assistant will help a blind employee to perform certain tasks which cannot be carried out alone. It is possible to hire an assistant for up to 20 hours per week, although it is often for fewer hours. With regard to access to public employment, persons with disabilities can be given priority and guaranteed to be invited to an interview.

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23. “Emploi des handicapés: de nouvelles obligations pour les entreprises”, *Le Monde*, 5 June 2018.
24. Ten best practices on employment strategies for persons with disabilities, EASPD, 2017.

50. Flex jobs are another example of good practice in Denmark. These are jobs within companies, for which the employer will only pay for the work done by the employee with disabilities, and the municipality will give a compensatory allowance to the company. For example, if a person with a disability is hired for 30 hours but does 10 hours of actual work, the company will pay 10 hours of work and the municipality the rest (20 hours). Flex jobs are sometimes criticised because of the high level of bureaucracy and the time needed for the municipality to give its agreement to recognise a job as a flex job. I wish to stress that there are no quotas for the employment of persons with disabilities in Denmark but there are strong measures to accompany them on the labour market.

51. I would also like to mention the "Entity Inclusive Brand", which rewards companies for adopting inclusive policies for persons with disabilities in Portugal. Eleven companies were rewarded for the first time in November 2017. There can also be awards within a large company, such as the Disability Initiatives Trophies awarded every two years in the L'Oréal group, rewarding branches for their actions for the inclusion of persons with disabilities.[25]

52. In France, AGEFIPH finances projects promoting professional integration and runs networks of professionals. It supports both persons with disabilities and employers in adapting workplaces. In Spain, the Inserta association accompanies job seekers with disabilities. It interviews them to define expectations and qualifications and to determine how they match the needs of the labour market. It provides training on writing curricula vitae and cover letters, coaching and vocational training. Recruitment processes should be more disability-friendly. To this end, educating professionals about disability so as to overcome prejudice is essential.[26]

53. Accompanying persons with disabilities to develop their potential is a crucial way forward. The Spanish Foundation ONCE offers training to persons with disabilities tailored to the demands of the job market. It also has a specific programme to empower entrepreneurs with disabilities, with a 100-hour online course on digital marketing, financial management, viability plans and applications for grants.[27] Self-employment can provide more flexibility for persons with disabilities as well as "a sense of self-empowerment because entrepreneurship can provide a person with the opportunity to take control of their disability and labour market participation, and be socially and economically active".[28]

54. The adoption of diversity charters by companies can also have a positive impact, provided that the commitments are implemented by the signatories. The German Diversity Charter initiative, signed by more than 3 000 companies covers six grounds of discrimination: origin, sexual orientation, gender and gender identity, religion, age and disability.[29] It was initiated by private companies and provides a platform to share best practices to promote diversity in the workplace. Signatories commit to actions for increasing diversity.

55. When mentioning incentives, we can also discuss social benefits for persons with disabilities. According to James Crowe, discontinuing such benefits when a person has found employment can undermine the motivation to find a job. Social benefits might be difficult to obtain should the employment stop.[30]

6.4. Sanctions for non-compliance and discrimination

56. In order to trigger concrete change, sanctions should be applied for non-compliance with quotas set by law for the employment of persons with disabilities. They often exist but are not systematically applied. I regret that even if there are cases when foreseen sanctions are applied for non-compliance, some enterprises prefer paying a fine rather than recruiting persons with disabilities. This can make us question the efficiency of financial sanctions. Rather than imposing a disability-inclusive workplace with quotas, a change of vision of society where each person is able to find a place should be promoted.

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25. L'Oréal "Disability Initiatives Trophies" 2016, www.businessanddisability.org/index.php/en/news-and-events/featured-initiatives/464-l-oreal-disability-initiatives-trophies-2016.
26. Ms Gerber Haupert, Director General of the association Action et Compétence (France), hearing on 24 April 2018.
27. EPR members' good practices compendium, European Platform for Rehabilitation, Employment, www.epr.eu/622-epr-employement-web/.
28. Policy brief for entrepreneurship for people with disabilities, Entrepreneurial activities in Europe, European Commission and the Organisation for Economic Co-operation and Development (OECD), 2014.
29. Ms Aletta Gräfin von Hardenberg, Director of the German Diversity Charter initiative, presented it to the members of the Sub-Committee on Disability and Multiple and Intersectional Discrimination on 26 June 2018.
30. EASPD Employment Declaration, 4 December 2014.

57. The principle of reasonable accommodation should also be further promoted. In the spirit of the United Nations Convention on the Rights of Persons with Disabilities, not providing reasonable accommodation in a place of work to enable a person with disabilities to carry out daily tasks can be qualified as discrimination. Sanctions should therefore be applied for lack of reasonable accommodation. In Denmark, a worker who becomes disabled may be awarded six to nine months salary in compensation for the loss of a job due to the lack of accommodation of a work space.

6.5. Persons with disabilities are an added value in a workplace

58. Edurne Alvarez De Mon, senior human resources adviser at the ONCE Foundation and its Inserta association (Spain), highlighted during our hearing in April the added value that persons with disabilities can bring to the workplace. In her view, opening the labour market to persons with disabilities can be profitable to companies and help them reach out to new customers and can contribute to improving the services to customers with disabilities. According to the ILO, from an economic point of view, it can also contribute to productivity due to low levels of absenteeism and low levels of turnover.[31]

59. In Spain, Inserta has invested in awareness raising on the capacities of persons with disabilities with campaigns such as “Never Give Up”, which featured young persons with disabilities who had found a job, even in the context of the economic crisis. Recruiting persons with disabilities means hiring special talents. As stressed by Ms Alvarez De Mon, the focus should no longer be on disabilities but on the abilities of candidates.

60. “The experience of disability, in particular, often means people develop resilience, problem solving, empathy and creativity”, according to Liz Sayce, Chief Executive of Disability Rights UK.[32]

61. Being in employment is also beneficial to persons with disabilities. According to Anni Soresen from the organisation LEV in Denmark, it can improve quality of life with an increase in the level of income, have a positive impact on health, provide motivation and boost self-esteem and self-confidence.[33]

62. An overall change in mindsets is needed regarding the abilities of persons with disabilities and their inclusion in the labour market. During my fact-finding visit to Denmark, several interlocutors insisted on the need to make persons with disabilities aware of their abilities and to communicate on the added value represented by greater diversity in the workplace. Campaigns, including by the Glad Foundation, have been conducted to communicate the experience of teams that have integrated persons with disabilities and had a positive experience.

7. Conclusions

63. There are still many barriers to the full inclusion of persons with disabilities in the workforce. Despite efforts made in past years in several Council of Europe member States, the level of employment of persons with disabilities both in the private and public sector remains unsatisfactory. More needs to be done both in the private and the public sectors to make inclusion of persons with disabilities in the workforce a reality.

64. Awareness raising on the added value of the participation of persons with disabilities in the workforce is essential for a change of mindsets. In a world where quick results are expected, adapting a workplace for a colleague with disabilities is all too often considered a loss of time and efficiency. The inclusion of persons with disabilities in the workforce is not only a question of political will but also of the readiness of private companies to welcome diversity in their entities and recognise it as an added value. It is high time to dispel the myth according to which persons with disabilities cannot work as efficiently as others and to highlight abilities instead of disabilities.

65. In order to ensure inclusion in the workforce, specialised support needs to be provided to employers, co-workers and potential employees. Adapting a workplace does not only mean making physical rearrangements. Reasonable accommodation can include the adjustment of equipment, modification of a job description, working time and organisation, as well as adaptation of the work space.[34] Co-workers also need

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31. Business as unusual: making workplaces inclusive of people with disabilities, ILO, October 2014.
32. Disabilities in the workplace: are we failing our disabled workforce?, Holly O’Mahony, *The Guardian*, 17 April 2017.
33. Seminar on awareness raising for persons with disabilities, organised by the Danish Chairmanship of the Council of Europe, Session on breaking down prejudice in employment for persons with disabilities, Copenhagen, 13-14 December 2017, https://rm.coe.int/final-report-copenhagen-seminar/1680785d78.
34. Thematic study on the work and employment of persons with disabilities, op. cit.

support to prepare for the arrival of a disabled person and to adopt a positive attitude. We need to realise that a change of culture for a disability-friendly working environment can take some time to materialise. I would like to highlight that managers and chief executive officers play a key role in changing the organisational culture.

66. Persons with disabilities are vulnerable when trying to access the labour market. They are also vulnerable when they are employed. While sheltered employment is not a sustainable solution, it can provide an opportunity to gain experience before entering the open labour market. Guaranteeing a sufficient level of income to ensure financial stability is essential. Accompanying persons with disabilities on the labour market is necessary. Specific human resource services or foundations providing coaching and implementing projects to boost the employability of persons with disabilities have proved their efficiency and could serve as an inspiration. Specific programmes also need to be set up for reintegration of people who develop a disability when already in employment.

67. Businesses and administrations welcoming persons with disabilities need to be valorised and promoted. The creation of inclusion awards or inclusion labels could therefore be considered.

68. The Assembly should call for the implementation of the principles of the United Nations Convention on the Rights of Persons with Disabilities and request an inclusive, accessible and safe working environment for persons with disabilities which allows them to work in fair conditions and enjoy equal opportunities. As a precondition for improving their living conditions and access to work, we should specifically urge public authorities to take concrete action to ensure that all public buildings and means of transport are accessible to persons with disabilities.

69. Assistive technologies can be a game changer with regard to the participation of persons with disabilities in the workforce. Supporting research to develop new assistive technologies is essential to continue progressing towards full inclusion.

70. I also believe that the Assembly should ask the Council of Europe member States to disaggregate the data collected on the employment of persons with disabilities by gender, age and type of disability so as to enable the tailoring of measures to existing situations.

71. The participation of persons with disabilities in the workforce is a condition for their full inclusion in society. There is, however, no simple or single action or solution to increase their employment rate. Actions at multiple levels are required to encourage the participation of persons with disabilities – with a diversity of disabilities – in the workforce, to ensure equal access and treatment and to change the attitude of employers. Comprehensive inclusion plans with priority given to inclusive education and access to employment, in the spirit of the United Nations Convention on the Rights of Persons with Disabilities, are a step in the right direction. They have however to be accompanied by sufficient financial investments in order to have a tangible impact.