

**Trade unions and workers  
with disabilities:  
Promoting decent work,  
combating discrimination**

**Labour Education 2004/4  
No. 137**



# Contents

|                                                                                                                   |          |
|-------------------------------------------------------------------------------------------------------------------|----------|
| <b>Editorial</b>                                                                                                  | <b>V</b> |
| <i>Employment and training opportunities for people with disabilities:<br/>The ILO's role</i> , by Barbara Murray | 1        |
| <i>Disability – the human cost of discrimination</i> ,<br>by Luc Demaret                                          | 11       |
| <i>Women with disabilities – dual discrimination</i> ,<br>by Natacha David                                        | 17       |
| <i>Unions and disability – doing MORE</i> ,<br>by Ian Graham                                                      | 23       |
| <i>France improves protection for people with disabilities</i> ,<br>by Philippe Réau                              | 29       |
| <i>Inclusive workplaces – Norway's tripartite agreement</i> ,<br>by Lene Olsen                                    | 33       |
| <i>Vocational training for disabled people in Ukraine</i> ,<br>by Samuel Grumiau                                  | 37       |



## Editorial

Although much has been done by the ILO to protect and promote the human rights of people with disabilities and to fight with them for equal opportunity and equal treatment in society and at the workplace, much more needs to be done. The International Labour Office has, since its very inception in 1919, considered that disabled people have equal rights to decent and productive work in conditions of freedom, equity, security and human dignity, and has worked to promote these rights through its international labour standards, its research and publications, and its advocacy and technical cooperation activities. Trade unions have also been strong advocates of the integration of those people with “different capacities” at the workplace and in society.

Many disabled people who can work and wish to work are unable to do so, for reasons linked to the physical and social environment, and the mistaken assumptions made about their work capacity. Both the ILO and its constituents should and could do better. And it would be wrong to take improvements achieved so far for granted. Fierce competition in global markets may have a negative impact on the performance of companies in integrating workers with disabilities. That should not be the case, and will require special efforts at the workplace. Governments’ and societies’ legitimate concerns over the sustainability of social protection systems, including long fought-for provisions to support people with disabilities, may also lead to wrong solutions for real problems. That should not be the case either. Vision, sensitivity and knowledge are required if real progress is to be made.

In fact, the fight for integration, dignity and equal treatment for the disabled will have to be waged on many fronts in the future. There will be no place for complacency. As ILO expert Barbara Murray put it in her contribution to this issue of *Labour Education* (see page 1), “Most disabled people continue to occupy marginalized positions in their societies, deprived of the rights to education, training and employment enjoyed by their non-disabled fellow-citizens and frequently living in poverty.”

Studies quoted in several articles do away with myths and false concepts that have for too long been obstacles to real integration.

- Myth 1: Disabled people are incapacitated. As Ian Graham notes (see page 23), “A blind man is not deaf. A dyslexic woman may be highly skilled” and, says the International Confederation of Free Trade Unions (ICFTU), “nobody is perfect”. In fact, as stressed by Luc Demaret (page 11) “out of the 610 million persons with disabilities, half belong to the working-age population. Many of them want a job”. In Europe alone, the number of disabled persons actively looking for a job is estimated at 3.5 million. The number of jobseekers with disabilities is increasing faster than that of jobseekers in the rest of the working population. The truth is that discrimination makes a person with disability twice less likely to find a job for reasons that have little to do with capacities.

- Myth 2: Disabled people are a burden for the social protection system. This is obviously linked to Myth 1. If only a portion of those disabled jobseekers were given employment – that is, decent work – governments will no longer have to worry and will not have to think, as some unfortunately do, about cutting legitimate entitlements to those who require special care.
- Myth 3: Adapting the workplace to people with disabilities is costly. Wrong in most cases. The message from employers who have gone through the exercise is nearly unanimous: “it takes so little in terms of costs to accommodate disabled persons”. In addition, in some countries efforts by employers are supported by the State and financial incentives are provided for adapting the workplace.
- Myth 4: Disabled workers are less productive. Wrong too. As one expert quoted in this publication reports, “workers with disabilities are generally conscientious and have higher job retention rates and lower absenteeism than other workers”.

Getting rid of myths, and facing true facts is important. One of those facts is that many workers with disabilities who have employment are facing poor conditions, lower wages and, all too often, abusive labour practices. By one estimate in Australia, salaries for male disabled persons are 17 per cent lower than that of other workers. For women, the difference can reach 24 per cent.

For Marc Blondel, Deputy Member of the ILO Governing Body, “the struggle of disabled workers is the struggle of all workers. It is not about being good or compassionate. It is a fight for dignity for all workers”.

This is reason enough for the labour movement to commit itself to the campaign for equal treatment and opportunities for disabled workers. There are others. Taking up the case of disabled workers strengthens the position of the trade union as a whole: when groups of people are allowed to be kept out of work, this weakens the bargaining power of unions to advance the interests of their members and weaken the protection afforded working people generally. Changing how work is done to accommodate people with disabilities has the potential for improving work for all, reducing hazards and risk of injury. All workers are vulnerable to discrimination and arbitrary treatment unless they stand together.

One of the advantages for workers organized into free and strong trade unions is that they are protected unless there is proof of incompetence or bad conduct. Other workers may have to prove that they are not guilty or fight assumptions of their limitations.

Similarly, conditions that are of importance for all workers in the general economy may have a disproportionately unfavourable or favourable effect on disabled workers. In a thriving, full employment economy, no sensible employer can afford to waste the skills of anybody. It can be the difference between success and failure. By contrast, when high levels of unemployment exist, normal efforts to ensure fair treatment for the disabled may seem to be extraordinary efforts given the fact that so many other workers are available.

Acting decisively to defend and promote the rights of disabled workers will definitely win trade unions new members – not only disabled

workers, but all those who see human rights and workers' rights as important values in the quest for social justice.

ILO standards are key instruments enabling trade unions to lead off the campaign. The Vocational Rehabilitation and Employment (Disabled persons) Convention, 1983 (No. 159), provides a strong basis for actions and demands. It covers four key areas: access to employment (Article 3), equal treatment (Article 4), tripartite consultation (Article 5) and training (Article 7). Seventy-eight countries have ratified the Convention. Encouragingly, 11 of these ratifications took place since 2000 and last year saw three more countries adhering to this standard.

In addition, in 2001 the ILO adopted a code of practice on managing disability in the workplace that provides guidelines for good practices. While the Convention is primarily aimed at governments to ensure a legal and policy framework for standards and activities covering disabled persons, the code of practice is designed to help employers and trade unions deal with the issue at the workplace level.

Indeed there is a wealth of instruments at international and national level to address the many problems still faced by disabled persons concerning access to employment, fair treatment and dignity at work and recognition of their contribution to society.

Through its international labour standards, promotional activities, knowledge-building and technical cooperation services, the ILO is playing an important role. The ongoing discussion of a new UN Convention on the Rights of Persons with Disabilities gives the ILO an additional opportunity to make its voice heard and ensure that decent work for disabled workers is put on the agenda.

At national level and at the workplace, trade unions should set the tone for action. Employers should be brought, through bargaining and laws, to recruit, integrate and offer decent work to disabled persons in accessible and adequate workplaces, as well as to retain those who become disabled while in employment. Governments should be asked to adopt and implement measures, in line with ILO standards, to fight discrimination and ensure equal treatment and equal opportunities for disabled workers.

This publication reports on a number of initiatives taken in that direction. More will have to be done. It is our hope that this issue of *Labour Education* will encourage those who have taken up the challenge to continue to promote the rights of disabled workers and will encourage others to join this fight.

*Jim Baker*  
*Director*  
*ILO Bureau for Workers' Activities*

---





# Employment and training opportunities for people with disabilities: The ILO's role

*How does the ILO approach to disability issues fit with the rights-based approach? How has the ILO helped to improve the training and employment of disabled persons? How does it promote equal opportunities for persons with disabilities, particularly in developing countries? And what still needs to be done?*

---

**Barbara Murray**

Manager – Equity Issues  
Skills Development Department (IFP/SKILLS)  
ILO

---

Recent decades have seen dramatic changes in the way in which disability is regarded in society. For many years, it was widely assumed that people with disabilities required charity, care and assistance, and that they were not capable of working or living independently. Some disabled people broke through the constraints of this stereotype, holding jobs at every level, playing valued roles in their communities and sometimes becoming leaders in their fields, excellent role models for everyone. Most disabled people, however, continue to occupy marginalized positions in their societies, deprived of the rights to education, training and employment enjoyed by their non-disabled fellow-citizens, and frequently living in poverty. Since the 1970s, the disadvantages faced by disabled people, their social exclusion and discrimination against them have come to be seen more and more as a human rights matter, requiring action at every level of society to dismantle the barriers which have prevented their full participation. Disability has come to be viewed in many countries as a form of social diversity, which needs to be accommodated if society is to cater to all its citizens. People with disabilities are citizens; disability is a rights issue.

This shift in thinking is reflected at international level in the human rights char-

ters, conventions and initiatives adopted since the 1980s, which explicitly refer to persons with disabilities. It is also reflected in the increasing number of special instruments adopted by organizations such as the United Nations and the Council of Europe – including the Council of Europe Coherent Policy for the Rehabilitation of Persons with Disabilities (1992) and the UN Standard Rules for the Equalization of Opportunities for Persons with Disabilities (1993). International initiatives to promote this approach include the World Programme of Action concerning Disabled Persons, introduced in 1982; the UN Decade of Disabled Persons 1983-92; regional decades in Asia and the Pacific, Africa, and the Arab States; and the European Year of Persons with Disabilities, 2003. These initiatives aim to promote full participation with equality of disabled persons in all aspects and sectors of society. Legislation and policies in countries throughout the world have been revised or replaced in line with this. The trend has given rise to the decision by the UN General Assembly to draft and adopt a Convention on the Rights of Persons with Disabilities, currently being negotiated.

How does the ILO approach to disability issues fit with the rights-based approach? How has the ILO contributed to the changes which have taken place in

laws and policies concerning the training and employment of disabled persons? What role does the ILO play in continuing to advocate equal opportunities for persons with disabilities, particularly in developing countries? These and related questions are touched on in this article, which concludes by taking note of issues remaining to be tackled to ensure that people with all types and levels of disability can take active part in society.

### Why is the ILO concerned with disability issues?

For centuries, most people with disabilities have been excluded from the mainstream of society. This has been at a great cost to society, in terms of the lost productive potential disabled people represent, the cost of disability benefits and pensions which for many form the only source of income, and the implications for their families and carers in countries where work opportunities and services are not available.<sup>1</sup> Comprising approximately a tenth of the world's population or 610 million people, with 386 million of working age,<sup>2</sup> disabled people have demonstrated that, with the right opportunities and adaptations and support, if needed, they can make a major contribution at all levels of the economy and society. Yet, in all parts of the world:

- People with disabilities are less likely to be in employment than non-disabled persons and, where they are employed, they are more likely to be in low-paid jobs with poor promotional prospects and working conditions (see also article by Luc Demaret, page 11).
- Disabled women are less likely to have a decent job than either non-disabled women or men with disabilities.
- Many people with disabilities are not registered either as employed or as unemployed, and are thus invisible in the labour market, surviving either through the support of their families or through social security payments.

The overall result of this situation is that many disabled people do not have the opportunity to earn a decent living, to contribute to the income of their families, or to make a contribution in the workplace. The potential of very many disabled persons remains untapped and unrecognized, leaving a majority of women and men with disabilities living in poverty, dependence and social exclusion.

### The ILO approach

The primary goal of the International Labour Organization is to 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. The principles of non-discrimination, equality of opportunity and equality of treatment are the main pillars of the ILO approach. Mainstreaming of services and opportunities for disabled persons advocated, where appropriate, as a means of ensuring this goal.

Social justice for all lies at the centre of the ILO mandate. This makes its concern with disabled persons inevitable. The ILO approach to promoting equality of opportunity for persons with disabilities is based on the conviction that work is a fundamental element of personal fulfilment, social integration and recognition; and work of decent quality is the most effective means of escaping the vicious circle of marginalization, poverty and social exclusion. People with disabilities are frequently trapped in this vicious circle, and positive action is needed to assist them in breaking out of it. A basic conviction underlying the ILO approach is that barriers which disabled people face in getting jobs and taking their place in society arise largely from policies, laws, regulations and practices – the way in which employment is structured and organized – and from mistaken assumptions about their working capacity, rather than from the disability itself. These barriers can and should be overcome through a variety of policy measures, regulations,

programmes, services and campaigns. The ILO supports constituents in developing solutions which suit the national context, through its international labour standards, knowledge-building, advocacy and technical cooperation activities.

## International labour standards and disability

ILO commitment to promoting opportunities for persons with disabilities through international labour standards dates back nearly a century to 1925, when a Recommendation on worker compensation called for the vocational rehabilitation of injured workers and for the promotion of institutions providing these services.<sup>3</sup>

Long before the ILO introduced its first international labour standard concerning disability in 1955, the Organization was promoting the concepts of mainstreaming, equality of opportunity and affirmative action, now considered to be indispensable components of modern disability law. Early versions of these concepts are found in a series of standards introduced in the 1940s<sup>4</sup> dealing with medical examination of young people for fitness for employment and the organization of employment services. The concept of return to work of disabled workers is found in a standard on social security introduced in 1952.<sup>5</sup>

**ILO Recommendation No. 99 concerning Vocational Rehabilitation of the Disabled,**<sup>6</sup> adopted in 1955, proved to be one of the most important instruments concerning persons with disabilities for many years. Until the adoption of Convention No. 159 and Recommendation No. 168 almost 30 years later, this international instrument served as the basis for all national legislation and practice concerning vocational guidance, vocational training and placement of disabled persons.<sup>7</sup>

This Recommendation set the scene for ILO work with governments and the social partners to promote equal opportunities for persons with disabilities, emphasizing the importance of mainstreaming of vocational training, where possible, and

no discrimination in pay for equal work. Among methods of widening employment opportunities for workers with disabilities mentioned by the Recommendation are quotas, reserved occupations, creation of cooperatives and the establishment of sheltered workshops. The Recommendation described the role of the ILO in providing technical advisory assistance, organizing international exchanges of experience, and other forms of international cooperation including the training of rehabilitation staff. The Recommendation also included special provisions for disabled children and young persons.

The importance of access to educational and vocational guidance, vocational training, continuing employment information for people with disabilities is emphasised in **ILO Convention No. 142 concerning Human Resources Development** adopted in 1975. Its accompanying Recommendation No. 150<sup>8</sup> reinforces the principle of mainstreaming in vocational guidance and training, highlights the importance of educating the general public, employers and workers in relation to the employment of persons with disabilities, and calls for adjustments in the workplace, where necessary, to accommodate disabled workers.<sup>9</sup> These principles are reiterated in Recommendation No. 195 concerning Human Resources Development adopted in 2004.

ILO Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons), introduced in 1983 at the start of the UN Decade for Persons with Disabilities, calls on member States to develop a national disability policy based on the principles of equality of opportunity, equality of treatment and mainstreaming of training and employment opportunities, where possible.

A central requirement of Convention No. 159 is that the implementation of national policies be planned in consultation with the social partners, and that organizations of disabled persons should be consulted in this process. The need for community involvement in the implementation of policies is emphasized, given that most disabled people live in rural areas,

often quite remote. The importance of staff training is emphasized. Recommendation No. 168 accompanies the Convention, providing detailed guidance on its implementation.

Like Recommendation No. 99 before it, and the ILO *Code of practice on managing disability in the workplace*, introduced in 2001, Convention No. 159 understands disability as a condition of occupational disadvantage which can and should be overcome through a variety of policy measures, regulations, programmes and services.

### 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.

The Convention has now been ratified by 78 countries (July 2005). While there has been significant change in the policy and legislative environment since its adoption in 1983, the fact that it continues to be ratified – with 11 new ratifications since 2000 – reflects the growing attention being paid to disability issues and to the inclusion of disabled persons throughout the world.

The ILO *Code of practice on managing disability in the workplace* of 2001<sup>10</sup> adds to the range of standards which the ILO uses in its work to promote the employment of disabled persons. An agreed, non-binding set of rules and procedures on the topic, the code reflects the significant changes which have taken place in the understanding of disability, and in legislation, policies and services concerning disabled persons since Convention No. 159 was adopted in 1983.

The code aims to improve employment prospects for persons with disabilities, based on equality of opportunity. It also seeks to promote a safe, accessible and healthy workplace, minimize employer

costs associated with disability among employees, and maximize the contributions which workers with disabilities can make to the enterprise.

While Convention No. 159 targets national governments, the Code is aimed primarily at enterprises of all sizes, in the public and private sectors of developing countries, highly industrialized countries, and transition economies. A broad approach is taken, including recruitment, promotion, job retention and return to work as four interlinked aspects of the process of managing disability in the workplace. In this respect, the ILO concept of disability management differs from national approaches introduced earlier which focus specifically on job retention and return to work.

The multifaceted role of workers' organizations is emphasized in the code. Their support and cooperation is required if the integration of people with disabilities into the workplace is to be achieved. They should be involved in the formulation of the enterprise disability management programme, and actively encourage workers with disabilities to join their organizations as members and assume leadership roles.<sup>11</sup> They should ensure that the interests of disabled workers are represented in workplace negotiations and that positive action measures are introduced to foster the inclusion of workers with disabilities in the workplace. They have a key role to play in sensitizing and training members on disability issues. At national-level consultations and negotiations, they can exercise their influence in advocating employment and training opportunities for disabled persons. They can provide good examples in this process by being model employers of disabled persons in their own organizations.

The code also describes the respective roles of governments and employers' organizations, as well as disabled persons' organizations in facilitating the effective introduction of disability management. Underlying this approach is the recognition that a multi-sectoral approach and the involvement of social partners and civil society are required, if the full integration

of disabled persons in the workplace and wider society is to be turned from a policy aspiration into a practical reality.

In addition to ILO standards dealing specifically with disability, the ILO seeks to eliminate discrimination and promote equality of opportunity and treatment in employment and occupation through the two fundamental ILO Conventions – the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100). It also does so through the 1998 Declaration on Fundamental Principles and Rights at Work which applies to all workers and includes principles governing freedom of association, the right to collective bargaining, and the abolition of child labour and of forced labour, in addition to the non-discrimination ILO instruments.

The principle of equality of opportunity for persons with disabilities integral to these international labour standards is reflected in the labour laws of many developing countries, developed in recent years with ILO support.

### **Building the knowledge base on disability policies, laws, programmes and practices**

The ILO contributes to the knowledge base concerning people with disabilities through research, evaluation and identification of good practice in vocational rehabilitation, skills development, employment and self-employment. Information gathered in this way is disseminated through publications, the ILO web site, GLADNET,<sup>12</sup> workshops, seminars and project events. In recent years, for example, information was gathered on national approaches to job retention and return to work in selected countries. This information was widely disseminated and included on the ILO and GLADNET web sites, as well as being the topic of several international seminars. Currently, the focus is on the collection of information on effective skills development programmes for people with disabilities in selected countries

of southern Africa, and on effective strategies for skills development and access to work in community-based rehabilitation programmes in Africa, the Arab States and the Asia-Pacific region. Information is also being gathered on approaches adopted to ensure the effective implementation of legislation concerning the employment and training of disabled persons in countries of East Africa and Asia-Pacific. Examples of good practice, identified through these activities, will form the basis of guidelines to be developed for constituents. A recent survey of trade union activities relating to persons with disabilities in the Asia-Pacific region will be reflected in a video currently in preparation, illustrating how workers' organizations can make and are making a difference to the employment opportunities of disabled persons.

### **Advocating equal opportunity, equal treatment and non-discrimination**

The international labour standards relating to disability and the *Code of practice on managing disability in the workplace* form the framework of ILO policy advice to constituents and are actively promoted through meetings, seminars and training programmes, both general and disability-specific. The ILO International Training Centre in Turin regularly conducts training courses focused on disability-related issues in training and employment, reaching constituents in different parts of the world. These activities can have a fairly rapid impact. Following regional meetings concerning disability in Bangkok, Thailand and Warsaw, Poland, for example, ILO Convention No. 159 was ratified by Fiji and Poland, and discussions have taken place regarding ratification by Sri Lanka.

Support materials have been developed to promote Convention No. 159 and the code of practice. A guide to the code for workers' organizations has been developed and will soon be published and disseminated in cooperation with the ILO Bureau for Workers' Activities. Support

has been provided to the Federation of Ugandan Employers in developing a customized version of the code, in consultation with member companies. The Office collaborated with the UK Employers' Forum on Disability in producing a global edition of the EFD's publication *Unlocking potential – The new business disability case*. The business case for employing persons with disabilities is illustrated in a video 'Ability Asia' developed in the Asia-Pacific region, later customized for the Caribbean region and soon to be produced in an African version. A further video on the role of trade unions in promoting opportunities for persons with disabilities is currently in preparation. These videos are widely used in training programmes and promotional campaigns in different regions.

In Asia, the ILO provided extensive support to the development of the Biwako Millennium Framework, which sets out targets for action in the second Asian and Pacific Decade of Persons with Disabilities, including the ratification of ILO Convention No. 159, the inclusion of persons with disabilities in vocational training programmes and the compilation of reliable data on the employment and self-employment rates of persons with disabilities. In Africa and in the Arab States, technical support has been provided in the development of Action Plans for the decades for persons with disabilities declared in these regions. In collaboration with UNESCO and the UN Special Rapporteur on Disability, the ILO supported preparations for a regional meeting for Arab parliamentarians early in 2005 with a view to improving legal protection and equalization of training and employment opportunities for people with disabilities.

In addition to its activities specifically focused on persons with disabilities, the ILO seeks to ensure that disability-related requirements are taken into account in its general activities – for example, relating to vocational training, vocational guidance, small enterprise development, poverty reduction and the development of labour laws. This approach will be further strengthened in future.

## Partnership Approach

A collaborative approach has characterized ILO activities in the field of disability for many years. Beside working with its tripartite constituents, the Office works with organizations of and for people with disabilities, and other UN agencies in promoting vocational training and employment opportunities for disabled persons. In 1975, for example, reflecting its recognition of the importance of multi-sectoral collaboration among international bodies in promoting equal opportunities for persons with disabilities, the ILO called for a comprehensive campaign for vocational rehabilitation and social integration of disabled persons, in cooperation and coordination with the United Nations, its specialized agencies, and international, regional and non-governmental organizations<sup>13</sup> – a campaign which was to result in the International Year of Disabled Persons and the World Programme of Action concerning Disabled Persons, among other initiatives.<sup>14</sup> More recently, the ILO has collaborated in the World Bank initiative to establish a Global Partnership for Disability and Development (GPDD) which aims to combat the social and economic exclusion and impoverishment of people with disabilities and their families in developing countries. Partners in the GPDD work jointly and individually to accelerate the integration of disability issues and people with disabilities into their own and other mainstream social and economic development policies, programmes and budgets. This initiative provides an example of the type of partnership envisaged in Millennium Development Goal 8.

In its active participation in the process of developing a UN Convention on the Rights of Persons with Disabilities, the Office is working to ensure that the progress achieved through Convention No. 159 and other international labour standards is consolidated and that further progress is made in anchoring the human rights of persons with disabilities in international law.

## Technical cooperation services

The Office demonstrates how the principles which it advocates can be effectively implemented in practice through technical cooperation projects that seek to develop and test new approaches to vocational rehabilitation, training, employment and income generation for persons with disabilities. In the past, disability-specific projects focused on developing skills training and income generation opportunities for disabled persons, sometimes through community-based rehabilitation programmes. In several Arab States (Iraq, Jordan, Oman, Palestine, Syria and Yemen), projects have been implemented to strengthen national capacity in the fields of vocational rehabilitation and employment of disabled persons. Current projects are more varied. For example, a project on Employment of People with Disabilities – The Impact of Legislation aims to enhance the capacity of national governments in selected countries of East Africa and Asia-Pacific to implement effective legislation on the employment of people with disabilities. The project has built a knowledge base on such legislation, identified the implementation mechanisms in place, highlighted improvements that may be required, and provided technical assistance to selected national governments for implementing necessary improvements. China, Ethiopia, Kenya, Tanzania-Zanzibar, Thailand, East Timor and Uganda have already benefited from technical support under the project. Guidelines on the disability law for drafters of national or federal disability policy and labour law and other relevant legislation have been developed under the project, and will be added to the set of ILO guidelines on labour law. In addition, guidelines for constituents on statistical monitoring of the employment situation of disabled persons are in preparation under the project, taking account of work in this field undertaken by the UN Statistics Division.

In Central and Eastern Europe, the Office has worked to enhance the capacity of selected Balkan Stability Pact countries to

provide vocational rehabilitation, training and employment-related services to persons with disabilities – through support to the vocational training and labour market integration of persons with mental health disabilities in Romania, and through the organization of training for vocational rehabilitation experts from Bulgaria, Moldova and Romania. In Cambodia, the ILO project Alleviating Poverty through Peer Training (APPT) has demonstrated the effectiveness of the Success-Case Replication methodology, involving informal and village-based apprenticeships, to enable people with disabilities to improve their livelihoods. Successful entrepreneurs train others to replicate their businesses by imparting practical skills in both the technical and business aspects of setting up a micro business. After training, the project provides small grants, loans and business development services to project beneficiaries so that their dreams for a better life become reality.

A further example is the project Developing Entrepreneurship among Women with Disabilities which is testing a strategy by which women with disabilities can optimize their income-earning potential and escape from poverty. This project, managed by disabled women themselves, involves promoting economic empowerment among women with disabilities and women with disabled dependants, by providing training in micro-enterprise skills, arranging access to vocational skills training and credit and supporting the women to start a business activity or develop an existing one. Following the testing of this strategy in two regions of Ethiopia, preparations are now under way to replicate it in other regions of the country and other countries of Africa, in close collaboration with an ILO project dealing with strengthening women's entrepreneurs' associations. This mainstream project is now committed to including women entrepreneurs with disabilities in its activities to strengthen women entrepreneurs' associations in East and southern Africa.

The inclusion of people with disabilities in ILO technical cooperation projects

is not new. The ILO Employment Generation Programme (EGP) in Cambodia in the 1990s, explicitly targeted disabled persons along with non-disabled persons in its labour-based infrastructure development and vocational training activities. The current project on Skills Development for the Reconstruction and Recovery of Kosovo does the same. ILO projects in countries emerging from armed conflict place a major focus on the reintegration of disabled soldiers and civilians. These examples illustrate how a disability component can be included in projects with little difficulty, particularly if this is planned at the design stage.

### **ILO tackling disabling environments – a leading role**

Through its international labour standards, promotional activities, knowledge-building and technical cooperation services, the ILO has played a significant international role in the field of disability, reflecting the growing recognition of the rights and abilities of persons with disabilities. The concepts of reasonable accommodation and affirmative action, now seen as key elements of modern disability laws, have been promoted by the ILO through its international labour standards for many years. The concept of return to work of disabled workers has also featured strongly. The ILO standards concerning disability, combined with other ILO instruments concerning discrimination, strengthen the trend towards bringing people with disabilities in from the margins of society and enabling them to participate as fully as possible.

As societies move forward and people with disabilities increasingly take their place alongside non-disabled persons in all aspects of life, it is important to ensure that the changes which are introduced take into account the diverse needs of people with different types and levels of disability. In relation to skills development, for example, while the move to mainstreaming is welcomed, it is important to ensure

that this process is adequately planned and resourced, through induction training for vocational centre managers and instructors, and that, where people with disabilities are not in a position to avail themselves of these opportunities, they are given access to skills training which is up to standard and prepares them adequately for labour market opportunities and the world of work. It is also important to ensure that the specialist knowledge, built up over many years in special centres, is tapped and applied to the benefit of disabled persons in the new approaches. The same consideration applies to vocational guidance and employment services. While many workers with disabilities will be able to find employment in the open labour market, with adaptations and supports if required, it is important to recognize that some will not be able to do so and that alternative forms of employment are needed on a transitional basis. These alternatives should be useful and remunerative, meet labour standards and provide opportunities for vocational advancement and transfer to open employment when possible.

Given its prominent international role and accumulated experience in the field of disability over many years, the ILO is well placed to participate in current debates and to support constituents in developing and implementing new approaches which lead to a real improvement in the quality of life of all persons with disabilities.

### **Notes**

<sup>1</sup> The global cost of having so many disabled people out of work has been estimated at between US\$1.37 trillion and US\$1.94 trillion (Robert L. Metts (2000), *Disability Issues, Trends and Recommendations for the World Bank*, World Bank, Washington).

<sup>2</sup> Based on the World Health Organization's estimate that 10 per cent of the world's population have a disability and United Nations World Population Prospects, 1998 Revision, UN, New York, 1999.

<sup>3</sup> Recommendation (No. 22) concerning the minimum scale of workmen's compensation, 1925.

<sup>4</sup> Recommendation (No. 71) on employment services; Medical Examination of Young Persons (Industry) Convention (No. 77), 1946; Medical Examination of Young Persons (Non-Industrial Occupations)



Convention (No. 78), 1946; Medical Examination of Young Persons Recommendation (No. 79), 1946; Employment Service Convention (No. 88), 1948; Employment Service Recommendation (No. 83), 1948.

<sup>5</sup> Social Security (Minimum Standards) Convention (No. 102), 1952, Article 35.

<sup>6</sup> Vocational Rehabilitation (Disabled) Recommendation (No. 99), 1955.

<sup>7</sup> ILO, *Vocational rehabilitation and employment of disabled persons*, 1998.

<sup>8</sup> Human Resources Development Recommendation (No. 150), 1975.

<sup>9</sup> Human Resources Development Convention (No. 142), 1975.

<sup>10</sup> ILO *Code of practice – Managing disability in the workplace*, 2001.

<sup>11</sup> ILO, *Integrating workers with disabilities in trade unions*, 1998.

<sup>12</sup> GLADNET – the Global Applied Disability Information and Research Network on Training and Employment – is a global community of researchers and policy-makers. See [www.gladnet.org](http://www.gladnet.org)

<sup>13</sup> Resolution concerning Vocational Rehabilitation and Social Reintegration of Disabled or Handicapped Persons, adopted 24 June 1975.

<sup>14</sup> O'Reilly, A. 2003. *The right to decent work of persons with disabilities*. IFP/SKILLS Working Paper No. 14, ILO, Geneva.

---



## Disability – the human cost of discrimination

*Even though attitudes are gradually changing, progress on integrating workers with disabilities and respecting their rights could soon come to a standstill. The problem is the fierce competition between companies in the age of globalization, as well as some governments' drive to cut social spending and boost labour market participation.*

---

Luc Demaret  
Editor-in-Chief  
*Labour Education*  
ILO

---

“We want to be recognized for our skills. We don’t want to spend all our lives on a quota.” That urgent call came from workers with disabilities taking part in a 2001 survey<sup>1</sup> by the French Democratic Labour Confederation (CFDT). It still sums up the feelings of millions of “differently abled”<sup>2</sup> workers worldwide. Of the 610 million people with disabilities on this planet, more than half are of working age and most of them very much want to work. According to the EU’s Commissioner for Employment, Social Affairs and Equal Opportunities, Vladimir Špidla,<sup>3</sup> some 3.5 million people with disabilities in Europe are currently seeking jobs. On average, the employment rate for people with disabilities is less than 40 per cent in the 25-member EU, as against almost 65 per cent for other workers. And behind that average are some even worse national situations. The Netherlands, by no means the dunce in this respect, nonetheless has disabled employment rates that are just 51 per cent of those for other workers. In France, according to figures published in 2004, the number of people with disabilities seeking work increased by 6.4 per cent, whereas over the same period (December 2002 to December 2003) the total number of jobseekers went up by only 5 per cent. Across all categories, the number of jobseekers with

disabilities in France is almost 300,000, according to the country’s General Labour Confederation (CGT). Across the Atlantic, things are scarcely better in the United States, even though its Americans with Disabilities Act (adopted in 1990) is seen as putting it at the forefront of legislation on employment access and related public infrastructure. A survey published in November 2003 makes this very plain: “substantial differences exist as regards both employment prospects and income levels, despite years of implementing the Americans with Disabilities Act”. If that is the situation in the industrialized countries, the fate of disabled workers in the developing countries is all too easy to imagine. There are 400 million of them. And the World Bank agrees that they are among the “poorest of the poor”.

“Disabled people want what we all want: the chance to get educated, find rewarding work, lead worthwhile lives, and be valued members of their community and in the world at large.” So wrote James Wolfensohn, then President of the World Bank, and Amartya Sen, the 1998 Nobel Prize winner for economics, in an article<sup>4</sup> for the International Day of Disabled Persons in 2004. Such desires “need not be just idle dreams”, they insisted.

## Still a long way to go

But there is still a long way to go. Samira, 24 years old and visually impaired, can testify to that. She is a qualified secretary, but her quest for a job turned into an assault course. "During our training, they lulled us into a false sense of security with their promises of jobs," she told France's *Le Monde* in November 2004.<sup>5</sup> "It's bad enough being blind, without having the wool pulled over your eyes." Her last try was the public enterprise France Telecom, where her interviewers told her to take a look at their web site. Not a site for sore eyes, and certainly not one for the visually impaired! In the United States, the leader of a working group on the Americans with Disabilities Act noted as recently as January 2005 that 76 per cent of people with disabilities who wish to work and are of working age are either unemployed or underemployed.

In Mongolia, meanwhile, of all the visually impaired people who have undergone special training, only 20 per cent will find a job. And in most cases, that job will not match their skills level.

Wherever you go, these millions of people, with their different skills, tell the same tale. They face the same obstacles. And those obstacles are many and varied: inaccessible, inadaptable buildings, workplaces, jobs and transport; inappropriate recruitment structures; a lack of resources; and so on. As Mia De Vits, then President of the Belgian General Labour Federation (FGTB) and a deputy member of the ILO Governing Body, put it in June 2003, "the biggest obstacle to be overcome [by people with disabilities] is no doubt the negative and, above all, disabling attitude that society adopts towards them".<sup>6</sup>

## Employers holding back

Despite a whole battery of national legislation, many employers still avoid recruiting people with disabilities. According to a British trade union study carried out in connection with a parliamentary commission, employers show various types of ap-

prehension about such hiring: uncertainty about disabled workers' skills and needs, uncertainty about the cost of any adjustments needed to the workplace, fear of disabled workers' impact on company performance, the assumption that customers and fellow-workers would take a negative view of disabled employees, and the feeling that the costs involved would be too high and would harm the enterprise.<sup>7</sup> Such prejudices, reinforced these days by the fear of losing or never gaining the holy grail of competitiveness, are often at the root of discrimination against differently abled jobseekers. That discrimination may be intentional, unintentional or unconscious. It can show through in different ways and at different times: during recruitment, in career paths (working conditions, training, promotion, transfer) and in case of restructuring. Whatever the reasons given and whatever form it takes, this is quite simply discrimination, and it breaches the rights of the person concerned.

## Ignorance

Like most discrimination, it is based on ignorance. Most experts agree that employing workers with disabilities "does not handicap" firms. On the contrary, "workers with disabilities are generally conscientious and have higher job retention rates and lower absenteeism than other workers," says Colleen Harrod, General Manager of JobMatch, the Australian state employment agency for people with disabilities. In France, Myriam Guéry takes the same view. She is the chief supervisor at a textile plant, Tecomac, which is determined to take on the competition from Asian, East European and African firms. And Tecomac has exceeded the 6 per cent hiring quota for workers with disabilities, required of French companies with more than 20 employees (see the article by Philippe Réau on page 29). People with disabilities are "the most highly motivated workers, and they are very efficient," Guéry told Agence France Presse on 18 March 2005. The same goes for the United States,

where Rebecca McIlhenny heads a service agency for people with disabilities. She is quite categorical: the employers' fears are "unfounded". In fact, she says all the indicators (absenteeism rates, loyalty, productivity) support non-discrimination. Costly adjustments also turn out to be a myth. SeaWorld Orlando, Florida's famous theme park, has a policy of recruiting differently abled people. Sharon Schackne, SeaWorld's Human Resources Director, insists that the extra costs have been minimal. As in many firms, adapting the workplace did not pose any particular financial problems. In fact, says John Kerr from the reservations service of hotel chain Marriott, "it takes so little in terms of costs to accommodate the disabled". Especially as, in many countries, the State is prepared to reduce those costs through tax cuts or grants.

### Stubborn myths

In short, as Christopher Newell and Gerard Goggin emphasize in a recent book on the situation of people with disabilities in Australia, "The stubbornly embedded myths of the person with disability as a burden, a costly, unproductive and passive welfare recipient or consumer need to be challenged."<sup>8</sup>

But attitudes are slow to change. And for many people with disabilities, the problems do not stop once they have an employment contract. All too often, discrimination in the workplace is, it seems, the price to be paid by differently abled people who want to get and keep a job. The findings of the *American Journal of Psychiatry* in September 2000 doubtless still hold true: one in four workers with disabilities suffers economic and social discrimination, and people with psychological problems such as nervous depression or shyness are at even higher risk of discrimination.<sup>9</sup> The author notes that mental disabilities "are more difficult to define", so "employers may be less willing to make the accommodations they would make for individuals with general medical conditions". This is borne out by a more recent study from

Britain's Trades Union Congress (TUC).<sup>10</sup> It emphasizes that psychological problems linked to stress are an important concern for trade unions as regards discrimination, particularly as quite a few employers still find it difficult to accept that mental illnesses are covered by Britain's Disability Discrimination Act of 1995. A public servant quoted in the report went back to work after receiving treatment for psychological problems. He noticed that his colleagues' attitude towards him had not changed, but he did complain about the behaviour of his superiors, who imposed a whole series of unjustified restrictions on his work.

"There are a number of ways in which disabled employees can find themselves receiving worse pay and conditions than non-disabled colleagues," the TUC points out. To start with, many of them have to agree to enter the factory or the office by the back door – the one marked "low pay". And their careers will generally progress more slowly than those of their colleagues. This applies particularly to the growing number of jobs in which pay rises are governed by evaluation systems. The British civil servant quoted in the TUC report says that his disability was rated as an "inefficiency" in his evaluation. Another notes that his real pay declined because he was unable to attain the targets achieved by other colleagues. The bonuses to which millions of workers can lay claim are more often than not denied to those who are judged not by their efforts but by their results. All other things being equal, it is clear that wage discrimination remains a harsh reality for differently abled people. In March 2005, the Australian Human Rights and Equal Opportunity Commission estimated that, among males, pay for workers with disabilities was 17 per cent lower than for other workers. Among women, the gap was 24 per cent.<sup>11</sup>

The training that enables some people to improve their career prospects is denied to disabled people, sometimes because the employers feel that, by taking on somebody with a disability, they have already done more than their duty, and sometimes also because workers with disabilities doubt

their own capacities or, as the TUC puts it, are led to have such doubts.

The TUC also points out that harassment and bullying are often part of the environment faced by disabled people at work. It therefore calls for anti-harassment clauses in the legislation outlawing discrimination against people with disabilities, in line with a European framework directive.<sup>12</sup>

What with low pay, discrimination, harassment and all the rest, disabled people's lot at work is not an enviable one. Together with migrant workers, young people and women, they are part of what are known as the "vulnerable groups". And wherever people are vulnerable, exploitation lurks. In September 2004, the owners of a hotel in Arizona were ordered to pay US\$50,000 in compensation to five disabled workers whom they unjustly dismissed, after exploiting them. In February 2004, a report published by George Miller, a Democratic member of the US House of Representatives, noted that retailing giant Wal-Mart was facing a barrage of litigation for alleged discrimination against workers with disabilities. One of these cases concerned a young pharmacy assistant, Patrick Brady, who had been hired for the pharmacy section of a big store belonging to the group but had only worked a few days there before being transferred to collecting trolleys in the car park. Patrick Brady suffers from shaking palsy, which does not prevent him from doing his job. The jury decided in his favour, and Wal-Mart was ordered to pay US\$7 million in damages.

Fortunately, there are also many reports showing that employers have become less reluctant to keep on workers disabled by work-related accidents or illnesses, but there is still a long way to go before non-discrimination in employment is guaranteed. Valorie Reid is a case in point. At the age of 37, this single mother of two was hired by an office equipment firm. She was soon moved into the sales department, where she heard that the quality of her work had put her in line for a pay rise. That was in 1996. Sadly, a few days after this news, she discovered a lump in her breast. It was diagnosed as a

malignant tumour. After the operation, her doctor signed her off work for nine months, so that she could go into chemotherapy. While she was still hovering between life and death, she found out that her employer had fired her. She finally won her reinstatement, but then decided to change employers anyway. "It was a very big firm, but they didn't know about the provisions in the Americans with Disabilities Act that consider cancer patients as disabled people," Valorie recalls. She is now 46.

## Good intentions

Good intentions sometimes mask very bad practice. In 2002, a former manager of France's National Institute of Statistics and Economic Research (INSEE) caused more than a few ripples with his book *Lenquête interdite. Handicapés: le scandale humain et financier (The forbidden enquiry: Disability – the human and financial scandal)*.<sup>13</sup> Pascal Gobry alleged that in more than a thousand French factories – the Aid Through Work centres (CAT) subsidized by the State – almost 100,000 disabled people are put to work without any monitoring by the labour inspectorate. These disabled workers are, he believes, exploited, as they are paid € 55 a month for 39 hours of work per week. "These Aid Through Work centres," he told the press, "they're legally prohibited from going into business. But they do, and nobody gives a damn." Some say that he was exaggerating, but sheltered workshops certainly do not always get a good press. Despite their very creditable aims, some rotten apples do not scruple to profit by the vulnerability of disabled workers. In the United States in September 2004, the parents of disabled workers in a sheltered workshop in Tulsa, Oklahoma, denounced the exploitation of their children. They were underpaid or not paid at all and the working conditions had become dangerous. These workers were supposed to be learning horticulture, but they could be ordered to work in glasshouses at blistering temperatures and they were subject to violence by their supervisors. "We want to

restore this institution, not destroy it. We believe in its aims,” stated the parents who lodged the complaint. The debate on the relevance of “sheltered workshops” to the integration of disabled people is far from over, but the supporters and the critics of these establishments all agree that vigilant labour inspection is vital. This vigilance must increase – particularly in view of a development recently reported by a French newspaper: “Competition is taking market share away from the sheltered workshops and the Aid Through Work centres ... The high-quality but lower-cost labour of people with restricted capacities is no longer much of an advantage in a competitive market.” A CAT manager agrees: “We are in markets with smaller and smaller margins. Our clients are being squeezed to death. So they are squeezing their subcontractors, including us ... These days, we face competition from emerging suppliers like China. Like everybody else, we’re feeling the effects of globalization.”<sup>14</sup>

So disabled workers, too, could fall victim to the race for high employment rates. In a drive to cut social costs, many governments are out to put a maximum number of people to work for as long as possible, without worrying about the quality of the jobs or the workers’ age. Later retirement is part of this vogue. So is encouraging disabled people into work. In February 2005, the Australian Government announced that it would be toughening the qualifications for a disability pension. Up to now, a worker who was unable to work at least 30 hours per week was entitled to this benefit. The new rules would disqualify anyone who can work at least 15 hours a week. Backed by the Australian Chamber of Commerce and Industry (ACCI), this policy could unleash a real witch hunt. “There are people with disabilities who cannot work,” declared an ACCI leader, “but there are also people with minor disabilities who could work.” Same story in the United Kingdom where, also this February, the Labour Government announced a five-year plan which aims to put back to work one million of the 2.65 million people who currently live on social benefits granted on account of their

disabilities. “We know perfectly well that, during the 1980s, many people were put on disability benefits because unemployment was high and this was a way of concealing the real level of unemployment,” said Prime Minister Tony Blair. “Those who play by the rules will be assisted. Those who don’t will have to start doing so.” Back in 2003, the Dutch Government also approved a plan which was targeted at partially disabled people, and which the unions condemned as anti-social.

## Contradiction

There is a clear contradiction here. Disabled workers themselves say they want to find a job, and they complain about the discriminatory hiring practices that have been shown up in so many studies. But how are governments going to get them back into work? Will it not simply be a case of narrowing access to social benefits and pushing disabled people towards poverty? That seems all too likely.

Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons), 1983, tackles a number of the concerns expressed here about the discrimination still so often faced by differently abled workers. Now ratified by 78 countries, this instrument provides the basis for a disability policy focusing on employment (Article 3), equality (Article 4), tripartite consultation (Article 5) and training (Article 7). But as we have seen, much remains to be done before these principles become a reality everywhere. That said, good practice is slowly emerging. This reflects a gradual shift of attitude which should be welcomed and encouraged.

## Positive change

Bob Warner heads Remploy, the United Kingdom’s largest provider of jobs for disabled people. “We are,” he says, “finding a growing pull from employers driven by labour shortages and social responsibility.”

On 1 March 2005, France's national electricity and gas distributors EDF and GDF signed a new agreement on the occupational inclusion of workers with disabilities. This stipulates that, of all recruits in 2005, at least 4 per cent should be disabled workers. It also provides 50,000 hours of training for disabled people outside EDF and GDF, so as to facilitate their inclusion; support for sheltered sector firms by placing orders with them; and a € 350,000 grant to improve the everyday lives of disabled people. This agreement was signed by all the French trade union organizations.

More and more, unions worldwide are bringing disabled workers' rights and concerns into the bargaining mainstream (see Ian Graham's article on page 23). That struggle is still far from won. Marc Blondel, Worker Member of the ILO Governing Body and former General Secretary of the French labour confederation CGT-Force, sums it all up: "Disabled workers' struggle is every worker's struggle. This is not about pity or doing good. It's about fighting for the dignity of all workers."

## Notes

<sup>1</sup> CFDT. *Négocié pour l'emploi des personnes handicapées dans les PME/TPE*, CFDT Productions, Paris, October 2001.

<sup>2</sup> This new expression was suggested by Education International, the global union federation representing teachers and other education workers. The idea is to reflect "the overturning of certain attitudinal barriers concerning disability".

<sup>3</sup> From a statement by Mr. Špidla to mark the European Day of Disabled People, 2 December 2004.

<sup>4</sup> "Helping disabled people out of the shadows", 3 December 2004. This article appeared in a number of Asian publications, including *The Jakarta Post*. See [www.thejakartapost.com/yesterdaydetail.asp?fileid=20041203.E02](http://www.thejakartapost.com/yesterdaydetail.asp?fileid=20041203.E02)

<sup>5</sup> "On nous permet de survivre, pas de vivre. C'est un combat permanent", *Le Monde*, 12 November 2004.

<sup>6</sup> Address by Mia De Vits during a seminar on "Conciliating Work and Disability", Brussels, 25 June 2003.

<sup>7</sup> Submission by the National Association of Schoolmasters and Union of Women Teachers (NASUWT) to the Select Committee on Work and Pensions, United Kingdom Parliament, 15 January 2003.

<sup>8</sup> Goggin, G., Newell, C. *Disability in Australia: Exposing a social apartheid*, UNSW PRESS, Sydney, October 2004.

<sup>9</sup> Druss, B. "Understanding disability in mental and general medical conditions", *American Journal of Psychiatry*, Arlington, VA, No. 157, September 2000.

<sup>10</sup> TUC. *The experience of disabled trade unionists in the workplace*, report published on 17 June 2003.

<sup>11</sup> Figures quoted on 4 March 2005 by the Australian Broadcasting Corporation (ABC).

<sup>12</sup> European directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation. This gives Member States up to 6 years, if necessary, to implement its provisions concerning discrimination on grounds of age or disability.

<sup>13</sup> Gobry, P. *L'enquête interdite. Handicapés : le scandale humain et financier*, Editions Le Cherche Midi, Paris, 2002.

<sup>14</sup> "La mondialisation accentue le handicap", an article published in the daily *Ouest France* on 3 December 2004.



## Women with disabilities – dual discrimination

*Discriminated against twice over on account both of their gender and of their disability, disabled women used not to feature on the agendas of the major international meetings and structures that could have helped them to gain their rights. Things are beginning to change. But by no means fast enough.*

---

**Natacha David**

Journalist

International Confederation  
of Free Trade Unions (ICFTU)

---

**D**iscrimination affects both men and women with disabilities, but handicapped women are also penalized on account of their gender, which exposes them to poverty and unemployment, violence and rejection by their families and communities. This is why women and girls with disabilities are often among the most vulnerable and marginalized groups in our societies.

The dual, or even multiple, discrimination suffered by these women is often ignored or overlooked because people with disabilities are sometimes treated as if they were genderless. Another reason why this problem has such a low profile is that information on its scale and impact remains patchy.

Nonetheless, little by little, women with handicaps are making themselves heard at the United Nations and are taking their rightful place within the global women's movement. But it is still taking a long time for them to gain recognition of the additional challenge that they face due to their handicap.

At the first World Conference on Women, held in Mexico City in 1975, the problem was completely ignored. In 1980, when the second worldwide conference dedicated to women took place in Copenhagen, governments were asked to pay particular attention to the needs of

elderly women, women living alone, and handicapped women. In 1985 in Nairobi, the Third World Conference on Women finally recognized that women with disabilities are a group that deserves particular interest, even though they were only able to participate informally in the conference. It described women with physical or mental disabilities as "vulnerable". In 1992, a first UN report on human rights and people with disabilities<sup>1</sup> looked at the issues of sexual violence and the eugenic population control question: "Various NGOs have emphasized that forced sterilization is employed more often on disabled women than on disabled men. Often, the women are sterilized solely for eugenic reasons or simply because they have been raped. Cases are known where sterilization is a condition for obtaining a place in an institution."

In 1993, a UN declaration on the elimination of violence against women noted with concern that "some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence". Two years later in

Beijing, the Platform for Action adopted by the Fourth World Conference on Women urged governments to “ensure that women with disabilities have access to information and services in the field of violence against women”.<sup>2</sup>

The 1995 Beijing conference marks a historic turning point in the fight to integrate women with disabilities into the women’s movement as a whole. In Beijing, disabled women at last gained visibility and were able to lobby effectively for their concerns to be incorporated into the final declaration and action programme. The Beijing Platform of Action does recognize the specific health needs of disabled women and girls, as well as the importance of involving women with disabilities in development and poverty reduction projects. It calls for action to reduce violence against disabled women, to tackle employment discrimination against them and to ensure that they have full access to education and training, with particular attention to the additional discrimination suffered by girls with disabilities.

In 1997, the European Disability Forum adopted the Manifesto by Disabled Women in Europe. This states that “violence against disabled girls and women is a major problem and statistics show that disabled girls and women are more likely to be victims of violence because of their vulnerability”.

Reviewing progress on implementation of the policies adopted in Nairobi and Beijing, delegates to the special session of the UN General Assembly in June 2000 again emphasized the additional obstacles to gender equality faced by women with disabilities and reiterated the need for action at all levels to take particular account of these problems.

Above and beyond the political approach to these issues, account must be taken of the cultural attitudes within which such discrimination is firmly rooted. Men and women alike suffer from negative stereotyping of disabled people in general. One example is the idea that disability is a sort of punishment for a misdeed by the individuals concerned or

their close relatives. But for various reasons, such discrimination is accentuated in the case of women as it is grafted on to the “inferiority” and traditional role limitations that society assigns to them. For instance, women are traditionally to the fore in care for disabled people within their families and communities. They bear the main community burden of disability. But when they in turn become disabled, who will look after them?

Physical appearance is still all too often an exclusion factor for women in the labour market and indeed in society as a whole. Disabled women who do not correspond to the traditional canons of seductiveness regarded as synonymous with femininity are not seen as “real women” by society and are relegated to the status of “non-persons”, to be pushed into the background or even openly rejected. For example, blind girls in Africa and Asia have such low status that their chances of marriage are virtually nil. So they are stripped of their traditional role as wives and mothers.

Greater female vulnerability to violence is another factor aggravating the problems faced by disabled women and girls. This is true both upstream from the violence, which is a major cause of disability in women, and downstream from it, as handicapped women are at greater risk of violence.

Fear of reprisals, lack of economic resources, emotional dependence, concerns about the children or the impossibility of gaining redress, due particularly to shortcomings in police or judicial structures, mean that violence against women is often hushed up. Yet it is more and more widely recognized as having a major impact on women’s reproductive health, as well as their general physical and mental well-being. Worldwide, the UN estimates that more than 135 million girls and women have undergone genital mutilation. A further 2 million per year could face the same fate. Forced marriage, prostitution and the various forms of sexual violence imposed on women and girls put them at risk of contracting disabling illnesses, whether AIDS or other sexually transmitted diseases.

Violence against women reaches endemic proportions during conflicts, when mass rape is often used as a weapon of war. In Rwanda, between 250,000 and 500,000 women – about 20 per cent of the female population – were raped during the 1994 genocide, according to figures from the Red Cross.

In some villages in Kosovo, 30-50 per cent of the women of child-bearing age were raped. In October 2004, Amnesty International alerted world opinion to the humanitarian and public health crisis caused by mass rapes in the Democratic Republic of Congo. The massive incidence of extreme sexual violence in this region (rape and sexual torture) has already produced highly disabling physical and psychological trauma for tens of thousands of women, adolescent girls and very young children. In a press release on 27 October 2004, Amnesty International noted that the health system in the Democratic Republic of Congo was unable to offer them any treatment at all, because of the stigmatization attached to rape and the fact that they had often been rejected by their immediate circle or abandoned by their husbands. As Amnesty pointed out, even though these women are usually deprived of any economic resources, they have to take on the responsibility for their own subsistence and that of their children.

Upstream from the disability, violence is also an additional discriminatory factor. Disabled women's risk of falling victim to violence appears to increase in line with the degree of disability and the resulting dependence. In Canada, studies have shown that the rate of physical and sexual abuse is about double that suffered by non-disabled women. While subject to all the forms of violence that may be suffered by non-disabled people, such as physical injury, sexual assault, emotional trauma or financial abuse, disabled people also undergo particular types of violence, such as the removal or destruction of equipment designed to compensate for their disability, manipulation of medical treatment and a refusal to provide them with essential

personal assistance. Abuse by personal assistance service providers, whether professional or voluntary and whether family or non-family, is a phenomenon suffered by disabled people alone. In a study by the University of Oregon, 15 per cent of disabled women said they had suffered physical or sexual abuse by assistance providers. A lack of preventive information, plus disabled women's low self-esteem and their negative attitude to their own bodies, plays an important role here. Last but not least, some popular fallacies can have disastrous consequences in terms of violence – for example, the belief in some parts of Africa that sexual relations with disabled people can cure AIDS.

Poverty is another additional discrimination factor for disabled women, both upstream and downstream from their handicap. As the Canadian Labour Congress (CLC) puts it in a special manual,<sup>3</sup> "There is a strong circular link between poverty and disability. People with disabilities are among the poorest and most vulnerable of society. Without adequate community supports and programmes, including income and education, families with disabled members of any age often face considerable financial burdens. And poverty puts children and adults at risk for disability – for basic reasons such as lack of adequate food, clothing, shelter, health care and workplace safety."

In developing countries, poverty, shortages of health care and medicines – particularly in the context of the HIV/AIDS epidemic – and wars have all pushed up the number of people with disabilities. As part of its activities in Bangladesh, Handicap International is running a project to improve geographical, economic and social access to obstetric services during and before childbirth. The aim is to reduce premature births and disabilities among women and their children.

In many developing countries, the extended family generally looked after assistance to disabled people. But deteriorating socio-economic conditions and the narrowing of the family unit have been gradually eroding this mutual assistance

and have led to mass begging, an occupation often severely condemned by African societies. At the same time, the creation of community aid structures has remained completely inadequate. In this context of pauperization, women with disabilities are usually deprived of basic reproductive health care. All too often, this means a further worsening of their health situation.

The link between poverty and low levels of education also reinforces the exclusion of disabled people, and particularly disabled women as they are often among the poorest and least educated. According to MIUSA (Mobility International USA), only one per cent of disabled women in the southern hemisphere are literate.

Disabled women also face dual discrimination in the labour market. The Canadian Labour Congress reports that less than 40 per cent of women with a disability are in work, compared with 44.9 per cent of disabled men. And the wage gap between disabled women and disabled men is 39.4 per cent. The CLC points out that disabled people in general have difficulty in gaining access to the labour market, but women with disabilities have almost twice as little chance of finding a job as do disabled men.

Those disabled women who are in work often experience unequal recruitment and promotion criteria, unequal access to training and retraining, unequal access to credit and other production resources, unequal remuneration for equal work and occupational segregation. And they rarely take part in economic decision-making. "A general trend worldwide is that women with disabilities are less likely to be referred to vocational training, have a harder time gaining access to rehabilitation programmes, are less likely to obtain equality in training, and if they are successfully rehabilitated, it is more likely to lead to part-time jobs or worse - unemployment." So says Arthur O'Reilly in *The right to decent work of persons with disabilities*.<sup>4</sup> And he concludes that both the general public and rehabilitation counsellors still tend to think that "women with disabilities are passive, dependent, and

not capable of or interested in taking up an occupation leading to employment".

Studies have shown that, even in the rich countries, programmes for disabled people, such as additional minimum revenue entitlements, invalidity insurance, work accident compensation or occupational rehabilitation programmes, put women at a disadvantage due to the nature of their participation in the labour market. Not only are women assigned fewer benefits than men; the benefits that they do receive are worth less.

Too often, there is a tendency to introduce special programmes for disabled people without taking account of the fact that women with disabilities are a vulnerable group who need particular support. And in the absence of a gender dimension within the legal frameworks, discrimination against disabled women can easily go unnoticed.

To combat discrimination against disabled women in training and employment, the ILO has issued various directives, conventions, declarations and resolutions. The most recent ILO declaration on women workers, adopted in 1991, reaffirms the Organization's concern at the situation of women workers, including women with disabilities. Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons), 1983, ratified by 78 countries, stipulates that equality of opportunity and treatment for disabled men and women workers shall be respected.

On the ground, the ILO is conducting various technical cooperation projects to develop entrepreneurship among women with disabilities. The experience gained from one of these projects in Ethiopia showed that, to help these women generate income and thus lift themselves out of poverty, priority must be given to tackling the problems of illiteracy, inadequate remuneration from the activities chosen and difficult access to credit.

Judith Heumann does not regard her disability as a tragedy. "What is a tragedy is when disabled people are not welcomed into the economic mainstream of a community and not given the chance to work

for their hopes and their dreams.” She gets around in a wheelchair, after contracting polio during childhood. Since 2002, she has held the newly created World Bank post of Adviser, Disability and Development in the Human Development Network.

The World Bank is in no doubt that helping to improve the social and job prospects of marginalized populations of disabled people in poor countries is key to reducing poverty and spurring development.

Women, including women with disabilities, play a central role in society and in their countries’ social and economic development. If, thanks to decent work, they are able to lift themselves and their families out of poverty, their communities and their countries will be strengthened.

## Notes

<sup>1</sup> *Les droits de l’homme et l’invalidité*, a study by UN Special Rapporteur Leandro Despouy, 1993, published by the United Nations, sales number F.92.XIV.4. This study is known as the “Despouy Report”.

<sup>2</sup> See the Platform for Action adopted by the Fourth World Conference on Women, Beijing, 4-15 September 1995. [www.un.org/womenwatch/daw/beijing/platform/index.html](http://www.un.org/womenwatch/daw/beijing/platform/index.html)

<sup>3</sup> *The MORE we get together – Disability rights and collective bargaining manual*, Canadian Labour Congress. [www.clc-ctc.ca/web/rights/disabled/pdf/manual.pdf](http://www.clc-ctc.ca/web/rights/disabled/pdf/manual.pdf)

<sup>4</sup> O’Reilly, A. 2003. *The right to decent work of persons with disabilities*, IFP/SKILLS Working Paper No. 14, ILO, Geneva. [www.ilo.org/public/english/employment/skills/disability/download/rightwork.pdf](http://www.ilo.org/public/english/employment/skills/disability/download/rightwork.pdf)



# Unions and disability – doing MORE

*How can organized labour support workers with disabilities?  
By doing what unions do best, and then a bit more.*

---

Ian Graham  
Journalist

---

“**M**ORE” is what the Canadian Labour Congress calls its current campaign for disability rights. It stands for **M**obilize, **O**rganize, **R**epresent, **E**ducate. That, of course, is a good summary of trade union action in general. So the CLC is making an important point. Fair treatment for workers with disabilities is not an isolated issue. It is part of the unions’ core campaign for social justice.

Nobody would pretend that disability tops the trade union agenda. Awareness has, however, grown since the 1990s, when the ILO called the unions’ achievements in this field “lacklustre”.

People with disabilities are in a minority, but it is a big one. About one-tenth of the world’s people have some form of disability. Most are either in work or are, with varying degrees of success, battling against prejudice in the search for a job. They represent a vast field for union organizing, and a potential source of union strength.

## Dismantling the barriers

A trade union approach to the issue has to begin with a statement of what should be obvious: workers with a disability are not incapacitated. A blind man is not deaf. A dyslexic woman may be highly skilled. “Nobody is perfect,” the International Confederation of Free Trade Unions reminds us. “Everybody can identify some shortcoming which makes particular tasks

more difficult, or limits his or her achievements.” For the ICFTU, the upshot is clear: “In recent years, the trade union movement has sought to dismantle the barriers that have been erected in the past between people with disabilities – whether visible or invisible – and other workers.”<sup>1</sup>

So at its most recent World Congress (Miyazaki, Japan, 5-10 December 2004), the ICFTU committed itself to “achieve the full integration of people with disabilities into society and the workplace including through education, vocational training and rehabilitation, fighting all types of discrimination, adaptation of the workplace and of the living environment, and cooperation with governmental agencies and employers.”<sup>2</sup>

Consultation is vital, emphasizes the European Agency for Safety and Health at Work. “If employers, or worker safety representatives, take steps without consulting disabled workers themselves, they may miss important information and disabled workers may have different, but relevant experiences to take into account.” Similarly, “disabled people and worker representatives should be involved in the process of ensuring ‘reasonable accommodation’ for disabled workers such as planning work, work environments, emergency procedures, etc. and the purchase and use of any special equipment”.<sup>3</sup> Good advice – although, as we shall see, the word “reasonable” can be a stumbling block in workplace negotiations on this issue.

## How to do MORE

The Disability Rights Working Group of the Canadian Labour Congress launched its MORE campaign (Mobilize, Organize, Represent, Educate) in December 2001. Two years later, it made an interim assessment of Canadian unions' action. This gives some useful pointers for unions everywhere. Here, slightly adapted for an international readership, is the working group's checklist:

### Mobilize

- Hosting National Access Conferences for members with disabilities to provide a forum for disability rights activists to strategize and mobilize around workplace and community issues.
- Mounting a public policy and legislative agenda call for a universal disability programme, the restructuring of tax credits for the disabled, access to publicly backed support services and independent living resource centres.
- Developing a series of education modules on disability rights and a "Train the Trainer" guide for the modules.
- Producing and distributing an information flyer about workers with disabilities to all union locals.
- Establishing and supporting working groups and committees for members with disabilities.
- Ensuring that members with disabilities are involved in the identification and prioritization of issues for collective bargaining through their assured representation on bargaining conferences/committees/teams.

### Organize

- Appointing active members to the CLC's Disability Rights Working Group.
- As part of organizing drives, stressing to potential members the role of unions in promoting equality, human rights and social change.
- Covering costs to ensure that union-mandated activities like strike votes, ratification votes, membership referenda, conventions, etc. are accessible, including sign language interpretation and the promotion of disabled workers in union education programmes – local union branches are encouraged to do the same.
- Ensuring that members with disabilities are involved, by implementing innovative strategies including video conferencing, providing alternate formats as requested and accessible meeting spaces.
- Networking with organizations representing people with disabilities and injured workers.

## Part of a wider fight

Certainly, adjusting the workplace is an important task, and it fits well with the general trade union and ergonomic principle that jobs should be adapted to people, rather than people to jobs. But the union role in tackling disability discrimination goes beyond that. It is, or should be, part of the fight for a better society – even when other forms of discrimination seem to be of more pressing concern.

South Africa is a good case in point. Both before and after the end of apartheid, the labour confederation COSATU cited disabled people as one of the groups subject

to discrimination. Subsequently, in the country's post-apartheid constitution and its laws against employment discrimination, people of disability were specifically mentioned as one of the groups at risk. And from 1998 onwards, when South African workers chipped in to set up the Labour Job Creation Trust, assistance for people with disabilities became one of its project criteria.

When it comes to disability rights, developing economies face a double challenge. For a number of reasons ranging from poor workplace safety to underfunded prenatal and postnatal medical care, they have a particularly high proportion of people with disabilities. At the



## Represent

- Increasing access to events and activities by developing and implementing an equality screen and an accessibility checklist, and providing members with sign language interpretation, alternate media including large font print material and Braille on request.
- Hosting conferences on collective agreement language including return to work clauses (i.e. the right to return to work after a disabling accident or illness) and the duty to accommodate (the employer's legal duty to make provision for the needs of workers with disabilities).
- Surveying all participants prior to any event, so as to identify accommodation and support needs.
- Supporting member unions in obtaining legal rulings and other decisions that set precedents for disability rights.
- Developing policies that advance the participation of members with disabilities, including an alternate media policy, disability rights as a union issue and accessibility to activities and facilities.

## Educate

- Developing a "duty to accommodate kit" that addresses various aspects of the duty to accommodate.
- Increasing awareness within the trade union movement by developing an educational module on "The Role of Unions in Promoting a Disability Rights Agenda" and focusing on specific disability rights issues at an equality leadership school.
- Publishing and providing wide distribution of a booklet entitled "Disability Rights in the Workplace: Understanding Duty to Accommodate" as a resource for union members.
- Working to integrate a disability rights perspective throughout all workshops and reviewing all education programmes with an equity lens.
- Developing educational materials on the duty to accommodate, tailored to meet the information needs of the general membership and all levels and bodies of the union.

same time, the resources that they can devote to helping them are very limited. The restrictive budgetary approaches imposed on many developing countries in recent years have further worsened this situation. In consequence, most disabled workers in these countries are in the informal economy. They have no legally recognized employer and no social security rights. Thus, the growing emphasis placed by unions in these countries on organizing the informal economy is very much in the interests of people with disabilities. Either through general aid for informal economy organizing and job creation, or through targeted help for schemes involving dis-

abled workers, international trade union assistance can contribute to securing decent work for people with disabilities in developing countries.

### **Laws: Getting them passed and getting them enforced**

Legislation is often a focal point for union action on disability rights. In the United States, trade unions played a major part in the lobbying for the Americans with Disabilities Act (ADA), passed in 1990. This landmark law prohibits discrimination against people with disabilities in

employment and public services, public and private transportation, public accommodation and telecoms services. It covers private employers with 15 or more employees, employment agencies and all levels of government. Employers are required to make reasonable accommodations to enable an otherwise qualified person with a disability to do his or her job. According to the ICFTU, the ADA “is still a benchmark for anyone campaigning for the rights of disabled people. Ensuring that similarly progressive legislation is enacted in other countries should be a priority for trade unions worldwide”.<sup>4</sup>

Of course, this may entail a critical approach to legislative proposals. In 2003, while welcoming Spain’s new Law on Equal Opportunities and Non-Discrimination against Persons with Disabilities, the UGT labour federation criticized the draft legislation as being less than concrete on a number of points, such as the lack of specific financing, the long lead times for some provisions (up to 17 years for the adaptation of some buildings) and the lack of sanctions for offences against the law. It also called for monitoring and follow-up to be reinforced. French trade unions have taken a similarly welcoming but critical line on the disability rights legislation adopted in February 2005. In particular, they have raised questions about the financial resources available for the measures (see also article by Philippe Réau, page 29).<sup>5</sup>

The real impact of any legislation needs to be assessed from time to time – and nowhere more so than in the field of discrimination. Rooted as they are in the workplace, unions are well placed to help with this monitoring and to argue the case for reform. The United Kingdom’s Disability Discrimination Act of 1995 is an interesting example. At the first disability conference held by the British Trades Union Congress (TUC) in 2001, delegates cited many examples of continued discrimination against workers with disabilities, despite the law. So the TUC asked its affiliates to provide detailed information supporting these claims. On this basis, it issued a report<sup>6</sup> at a time when a public

commission was looking into the case for further legislation. The union report noted that “where employers operate appraisal systems with a connection to pay levels, performance-related pay, and bonus schemes, there is considerable potential for discrimination if the systems used by the employer fail to take account of the need for the system to compensate for an individual’s particular impairment”. Unions’ practical experience in the workplace also highlighted the vagueness of the British law’s requirement that employers undertake “reasonable adjustments” to make it possible for a disabled worker to do the job. “Not surprisingly, for unions, this area of the law has provided many of the cases that representatives and officers have had to take up ...” All in all, the TUC found that flaws in the legislation “stand in the way of using the law to combat discrimination in the workplace” and that “even where the law clearly applies to the situation, it has not necessarily prevented discrimination by employers”. Even more worryingly, as the TUC was quick to point out, its examples were all drawn from unionized workplaces. “Where workers do not have representation, it is all too likely that their situation will be even worse ...”

### Informing the public

Sometimes, the publication of a few hard facts can help to boost disabled workers’ case. In 2003, the CLC<sup>7</sup> marked the International Day for Persons with Disabilities with some telling figures from Statistics Canada:

- Only 41.5 per cent of working-age adult Canadians with disabilities had jobs.
- The average household income of working-age disabled Canadians was 28 per cent lower than that of the non-disabled population.
- More than 55 per cent of adults with disabilities in Canada were living below the officially defined “low income cut-off” line, as compared with 19 per cent of adults without disabilities.

## MORE in the workplace

Workplace-level union reps have a vital role to play in promoting disability rights. In 2003, France's CFDT labour confederation commissioned sociologist Jean-Luc Blaise to evaluate its work for people with disabilities. His detailed report<sup>1</sup> includes four pointers for workplace-level action. Here, we have adapted them slightly for an international readership:

- Awareness-building among the workers is needed before launching any initiative in this field. Works council members or shop stewards will find it worthwhile to produce a leaflet or to distribute documents that inform the workforce about the employability of people with disabilities. First of all, the barriers of indifference or of fear towards disabled workers have to be broken down. Many people within the workforce know nothing about disabled people and have strong prejudices.
- Elected reps should use the social audit provided [in some countries] by the employer to the works council. This will enable a "snapshot" to be taken of the firm's hiring record.
- When looking at any plan for new recruitment by the firm, union leaders should ensure that people with handicaps are not forgotten. For example, in an agreement providing for shorter hours and increased hiring, why not include a quota for disabled workers?
- The workplace health and safety committee has an important role to play in ensuring appropriate adjustments to work stations and job design, as well as the full accessibility of all workplace facilities. If a disabled worker suffers a workplace accident, the aim should be to maintain the worker's employment within the enterprise. Naturally, people with handicaps are fully entitled to play an active part in the union and should be invited to present themselves for election to the works council, the safety and health committee and other specialized committees (on training, leisure activities, etc.)

<sup>1</sup> *Personnes handicapées – où en est la CFDT dans la prise en charge du dossier?*, Jean-Luc Blaise, Bierville, March 2003. [www.cfdt.fr/actualite/emploi/handicapes/dossier\\_personnes\\_handicapees\\_04\\_02.htm](http://www.cfdt.fr/actualite/emploi/handicapes/dossier_personnes_handicapees_04_02.htm)

And that was in a country with one of the world's most progressive attitudes to disability in the workplace – thanks, amongst other things, to union campaigning.

The Spanish media, meanwhile, recently got another helping of figures from the UGT's Madrid regional office: only 0.14 per cent of the 1,263,847 employment contracts signed in Greater Madrid during the first seven months of 2004 were with workers who had any degree of disability. Yet there are some 350,000 people with disabilities living in the region, and their unemployment rate is around 30 per cent.<sup>8</sup>

### Informing disabled workers

If public information on this issue is vital, keeping workers with disabilities up to date on their rights is no less so. In Germany, the ver.di and IG Metall unions teamed up with national labour federation the DGB to publish "15 tips" for disabled

workers.<sup>9</sup> Tip No. 1 is: "It's worth knowing your rights in the workplace." The rest of the advice explains just what those rights are – mainly in the context of new German legislation on disability rights which came into force in 2001. The new law, for which the unions lobbied, obliges employers to take a range of specific measures to ensure that workers with disabilities can do their job. So the union booklet advises these workers "not to accept being put at a disadvantage", and it stresses an important aspect of the new law – workers with disabilities do not have to prove that they are being discriminated against. It is up to the employer to prove that they are not. Similarly, the German unions tell disabled workers that the current legislation gives them an individual entitlement, vis-à-vis the employer, to a job that corresponds to their abilities and skills. And they have a preferential entitlement to in-house training. But the unions are also quick to point out the limitations on disabled

workers' rights: "The assertion, made by some employers, that workers with serious disabilities cannot be dismissed, is a fairy tale. The fact of the matter is that people with serious disabilities have increased protection against dismissal. And quite right too!" But the protection is far from absolute. Hence the unions' hard-headed warning: "It's better to demand improvements than to wait for the employer to give you your notice."

Naturally, the union booklet also emphasizes that workers with disabilities should involve their representatives: disabled people's reps, works councillors and shop stewards. In this respect, disability law is like any other social legislation. Ursula Engelen-Kefer in her introduction to the 15 tips: "New law does not enforce itself. The new rights must be asserted by the people for whom they were created. The unions are putting forward proposals for this and they support each and every one of their members. They are ensuring that all of their reps ... work together with disabled people to turn the new rights into a new reality – the reality of true equality and true participation for people with disabilities."

## Collective bargaining

Last but not least, collective bargaining is another important way in which unions can assist workers with disabilities. Clauses relating to their needs are to be found in collective agreements at various levels in Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Sweden and the United Kingdom.<sup>10</sup>

The frequency and scope of these provisions vary from country to country, but their central aim is always to ensure that workers with disabilities can play their full part in the workplace, the union and society at large.

## Notes

<sup>1</sup> *A lame excuse – a fight for the rights of workers with disabilities*, ICFTU, Brussels, 2000. [www.icftu.org/www/english/Congress2000/disability.pdf](http://www.icftu.org/www/english/Congress2000/disability.pdf)

<sup>2</sup> *Final resolution – fighting discrimination and achieving equality*, 18th ICFTU World Congress, Miyazaki, 5-10 December 2004. <http://congress.icftu.org/displaydocument.asp?Index=991220323&Language=EN>

<sup>3</sup> *Ensuring the health and safety of workers with disabilities*, European Agency for Safety and Health at Work, Fact Sheet 53, Bilbao, December 2004. ISSN 1681-2123. [http://agency.osha.eu.int/publications/factsheets/53/en/FACTS\\_53\\_EN.PDF](http://agency.osha.eu.int/publications/factsheets/53/en/FACTS_53_EN.PDF) This leaflet also includes useful checklists.

<sup>4</sup> Locmant, C. *Integrating people with disabilities*, ICFTU OnLine, Brussels, 1 December 2000.

<sup>5</sup> See, for example, *Des avancées indéniables mais des financements discutables*, CFDT press release, 9 February 2005. [www.cfdt.fr/actualite/emploi/handicapes/handicapes\\_0010.htm](http://www.cfdt.fr/actualite/emploi/handicapes/handicapes_0010.htm)

<sup>6</sup> *The experience of disabled trade unionists in the workplace*, TUC, London. [www.tuc.org.uk/equality/tuc-6754-f0.cfm](http://www.tuc.org.uk/equality/tuc-6754-f0.cfm)

<sup>7</sup> CLC news conference, 3 December 2003. [www.action.web.ca/home/clcdisab/en\\_readingroom.shtml?x=50512](http://www.action.web.ca/home/clcdisab/en_readingroom.shtml?x=50512)

<sup>8</sup> *Madrid: Sólo uno de cada 1.000 contratos afecta a un trabajador discapacitado*, press release, UGT Madrid, 2 September 2004. [www.ugt.es/actualidad/septiembre2004/madrid02092004.html](http://www.ugt.es/actualidad/septiembre2004/madrid02092004.html)

<sup>9</sup> *15 Tipps für behinderte Arbeitnehmerinnen und Arbeitnehmer*, ver.di/IG Metall/DGB, Berlin, 2002. [www.dgb.de/themen/themen\\_a\\_z/abisz\\_doks/t/tipps\\_behinderte.pdf](http://www.dgb.de/themen/themen_a_z/abisz_doks/t/tipps_behinderte.pdf) Other German unions have also published this guide in their own formats.

<sup>10</sup> For details of agreements in Europe, see *Workers with disabilities: Law, bargaining and the social partners*, a 2001 online report by the European Industrial Relations Observatory, which also gives an overview of European and national legislation. [www.eiro.euroworld.com/2001/02/study/tn0102201s.html](http://www.eiro.euroworld.com/2001/02/study/tn0102201s.html) Detailed coverage of Canadian bargaining in this field, including contract language and bargaining checklists, can be found in *The MORE we get together – Disability rights and collective bargaining manual*, Canadian Labour Congress. [www.clc-ctc.ca/web/rights/disabled/pdf/manual.pdf](http://www.clc-ctc.ca/web/rights/disabled/pdf/manual.pdf)

<sup>11</sup> *Personnes handicapées – où en est la CFDT dans la prise en charge du dossier?*, Jean-Luc Blaise, Bierville, March 2003. [www.cfdt.fr/actualite/emploi/handicapes/dossier\\_personnes\\_handicapees\\_04\\_02.htm](http://www.cfdt.fr/actualite/emploi/handicapes/dossier_personnes_handicapees_04_02.htm)

# France improves protection for people with disabilities

*Adopted in February 2005, a law "on equal rights and opportunities, participation and citizenship for people with disabilities" is having a positive impact on disability rights in France.*

---

Philippe Réau

Journalist

Confédération française démocratique du travail (CFDT)  
(French Democratic Labour Confederation)

---

Seldom has draft legislation gone through so many changes. The parliamentary muddle surrounding this Bill lasted for more than two years. The law reforming France's 30-year-old system for the integration of people with disabilities was finally adopted at the beginning of February 2005, after much toing and froing between the Government and its parliamentary majority. The replacement of the Secretary of State also complicated the debate in both chambers, as they sought to straighten out a badly drafted piece of legislation. But the political will was certainly there. Disability issues are one of the three "big projects" to which President Jacques Chirac has given priority, the other two being the fight against cancer and the promotion of road safety. Moreover, sustained pressure from the unions, associations and civil society in general helped to shape a law which should, ultimately, improve the lot of France's 5.5 million people with disabilities. But some 80 enabling regulations still have to be published if this new French social orientation is to become a reality by 1 January 2006.

Rejected by the parliamentary opposition (the Socialist Party, the Republicans, the Greens and the Communist Party), the new law on "equal rights and opportunities, participation and citizenship for people with disabilities" was finally voted through by the right-wing majority

(the UMP and UDF). What the unions and the opposition parties object to most is the gap between the political will to discriminate positively – in order to promote integration – and the financial resources made available, which are seen as insufficient, inadequate and badly distributed. The finance will come mainly from a new solidarity fund, set up by legislation in 2004, which will also help to promote the autonomy of elderly dependants. Most of the money will come from the abolition of one public holiday, via a 0.3 per cent wage levy, which employers will pay into the fund. Opponents of this measure, including all the trade union organizations, see it as a source of inequality since only wage-earners will have to contribute, whereas the logic of integration would require that all incomes should be concerned by a national solidarity scheme of this kind.

## "Real progress"

On the other hand, the overall integration structures now established "represent real progress" according to organizations such as the CFDT (French Democratic Labour Confederation). "Even if it falls somewhat short of expectations, this law nevertheless provides many concrete responses," adds the FNATH, the national federation representing accident victims and workers

with disabilities. The new legislation overhauls a law dating from 1975, which laid the foundations for disability assistance in France. The underlying principle is full civic and social integration for all, whatever the nature or degree of their disability. Generally, the new law moves disability assistance structures on from a philosophy of tolerance and aid to one of equal treatment, while reaffirming the principle of non-discrimination. In this respect, the most important gains from a trade union point of view are the measures in favour of occupational integration. In particular, the law belatedly brings France into line with the November 2000 European directive on equality of treatment in employment and at work. That right to non-discrimination is reaffirmed by the charter of fundamental rights built into the European Union's draft constitutional treaty. Thus, the employer's duty to take "appropriate measures" (reasonable adaptations) is incorporated into the non-discrimination chapter of the French Labour Code and the general statutes governing the public service. This means that employers are obliged to adjust people's working hours in order to take account of their disability, and this right also applies to an accompanying person. A refusal to take these "appropriate measures" may be considered an act of discrimination. Another trade union gain is the duty placed upon the social partners to negotiate the integration of workers with disabilities into the workplace, and the maintenance of their presence there. These points are to be incorporated in collective agreements. The negotiations are to be held annually at the workplace level and every three years at the sectoral level.

### **Better workplace integration**

The trade union organizations and the associations secured a reform of the system for integrating people with disabilities into the private sector, which in France is based on a binding legislative structure dating from 1987 – the only one of its kind in Europe. But its effective-

ness has not been overwhelming. The number of unemployed and jobseekers among French workers with disabilities is proportionately three times higher than in the able-bodied population, i.e. 27.6 per cent as against a national average of 9.5 per cent (see below). The system is based on the obligation, for private sector enterprises with more than 20 employees, to ensure that at least 6 per cent of the workers on their payroll are people with disabilities. Enterprises that do not comply with this requirement are required to pay a contribution to the Association for the Management of the Fund for the Occupational Integration of Persons with Disabilities (Agefiph). This is a paritary employer-union body which channels the funds into specific training but also into innovation, research and expertise on workplace adjustment and adaptation. Agefiph also campaigns for action by business to promote the employment of people with disabilities and helps finance dedicated job placement structures. These are grouped in a network (Cap emploi) and work in cooperation with the main National Employment Agency.

The 2005 law should plug some gaps in the system by strengthening the obligations on employers but also by bringing in incentives. In point of fact, only 46 per cent of enterprises fulfil their hiring obligations, and the current overall employment rate for workers with disabilities is just under 4.1 per cent. The new law beefs up the financial penalties, raising them from 500 times the legal minimum hourly wage to 1,500 times for enterprises that have failed to employ any workers with disabilities for more than three years. On the other hand, firms that have invested in integration measures (for instance, sign language interpreters or social assistants) will be able to deduct these costs from their Agefiph levy.

## Same obligations for the public sector

One of the innovations in the new law is the creation of a public sector fund similar to Agefiph. The public service, which up to now had a duty to hire, but no corresponding financial obligations, does not have a much better record than the private sector. Within the State and local authority services, just 4.3 per cent of the workforce have disabilities. Trade unions regret the slow pace of change envisaged for the public service, where the new integration structures will be phased in over 10 years.

The law also reforms the so-called “sheltered” private sector, which used to consist of the “sheltered workshops”, the “Aid Through Work centres” (CAT) and the jobs provided by a homeworking centre. Only the CAT have been retained, and these will continue to be medico-social institutions. General labour law will not apply there, but the people with disabilities will enjoy new rights such as leave entitlements, access to training and a minimum remuneration pegged to the legal minimum wage. CAT workers’ evolution towards normal employment will be encouraged. For instance, it will be possible for a CAT worker to be seconded to a firm for a trial period, and then to move back to the CAT if he or she is not taken on permanently. Meanwhile, the sheltered workshops are being moved out of the “sheltered” sector and will become “adapted enterprises”. They will be subject to the normal Labour Code, thus fulfilling a trade union demand. They have, however, retained one characteristic that marks them off from ordinary workplaces. They will be the subject of an agreement with the State, which will pay a per capita grant for each employee with a disability. As regards pay, all references to profitability will be omitted and wages will have to at least equal the legal minimum. However, the trade union organizations do have one reservation about this regular workplace status. They see a risk that the new set-up could finance low-cost production by employers who might be tempted to develop enterprises of this kind.

## Other measures in the law

One of the major innovations in the law is a “compensatory benefit” aimed at improving living conditions for those concerned. It will help to alleviate the consequences of a disability through technical assistance (adaptation of a dwelling, purchase of a wheelchair, etc.) or human assistance (a home help), in line with the person’s own plans and ambitions. This will be in addition to the assistance currently available, and 160,000 people should be eligible for the new benefit. The unions and the associations had to fight hard to get proposals for means-testing and age criteria dropped, so that this benefit will be truly “universal”.

In the last stages of the legislative process, another long-standing demand of the associations was partially met. A Resource Guarantee for People with Disabilities (GRPH) is to be introduced. It will provide € 140 per month to people who are unable to work. This is over and above the Adult Disability Allowance (AAH). So the two together will amount to € 728, which is 80 per cent of the legal minimum wage. This does not entirely satisfy the associations, which had sought the equivalent of the net minimum wage (about € 910 for a 35-hour week). The unions welcome the increased resources, but warn that this guarantee should not run counter to employment by inciting people to regard themselves as unable to work. As the CFDT emphasizes, “Work is the most vital factor in social integration.” In this respect, the wording of the future regulations will be decisive.

The unions also welcome the introduction of a € 100 autonomy benefit for the disabled jobless and a pension top-up for those workers with disabilities who are entitled to retire on a full pension before they turn 60. However, there are still some doubts about the financing of this last measure.

Meanwhile, the new package puts an end to the segmentation of tasks between the three local government services which were, up to now, charged with distributing benefits to people with disabilities. These

agencies have now been merged into one single "disability house" per *département* (roughly the French equivalent of a county). Each "house" will be a one-stop shop for information and administrative formalities, which should therefore become simpler.

Several measures were hotly debated. Here, the law lays down principles but is sometimes rather hazy about their implementation. For instance, schools will have a duty to accept children and adolescents with disabilities. In principle, the law provides a right to enrol in the nearest regular school, but also permits enrolment in a specialized establishment if necessary. The issue of accessibility, a public-planning black spot in France, brought intense pressure from lawmakers trying to delay the large-scale investments needed. Finally, under heavy fire from the associations, the Government grasped the nettle and set a ten-year deadline for full accessibility of public transport, dwellings and public spaces. Where this is impossible, as in the case of some types of transport, substitutes must be provided. Here too, the wording of the regulations will determine the true scope of these legal requirements.

Finally, public service television is required to make its programmes accessible for deaf people within five years. And a very old demand of the deaf people's associations has finally been met with the recognition of sign language as a full language in its own right.

These important developments in disability rights – which, as mentioned, have in part been made necessary by European legislation on non-discrimination at work – should enable French society to take a qualitative leap forward. They give citizens with disabilities new opportunities to break out of their isolation by moving beyond the structures of exclusion within which the French system often confined them. But this will not happen without national solidarity – in other words, the solidarity of all the French. The more their mindsets evolve on this issue, the more they will be inclined to show that

solidarity. A change of outlook is particularly needed within firms, which have a clear social responsibility to promote integration. Only five companies in the CAC 40 (the top 40 stocks on the Paris Bourse) currently comply with the quota of 6 per cent of employees with disabilities ... So there is still a long way to go.

## Disability and employment in France

Almost 5.5 million French people between the ages of 20 and 59 believe they have a disability, but less than half of these are recognized as disabled. At the end of 2003, the active disabled population was 888,000, of whom 643,000 had a job and 245,000 were seeking employment. At 45 per cent, compared with 70 per cent for the population as a whole, the activity rate for people with disabilities remains particularly low. Of those with jobs, 500,000 are employees in regular workplaces (150,000 in the public service and 350,000 in the private sector), 120,000 work in sheltered environments and 23,000 are self-employed. Among the jobseekers, 27 per cent are over 50 years old (as against 15 per cent for the population as a whole), 45 per cent are skilled or unskilled blue-collar workers (23 per cent for the French labour force as a whole) and 41 per cent have been unemployed for more than a year (30 per cent for the population as a whole).

In 2003, only 46 per cent of enterprises met the obligation that 6 per cent of their employees should be people with disabilities. Of the 54 per cent of firms that pay compensation to the Agefiph, half employ no workers with disabilities. On the positive side, 87 per cent of employers who hired a worker with a disability say they were glad to have done so. The corresponding figure for firms with more than 250 employees is 97 per cent. Employees with disabilities also have the approval of their fellow workers, three-quarters of whom see their presence as a positive factor in their workplace.



# Inclusive workplaces – Norway’s tripartite agreement

*Getting more people with reduced functional capacities into work is one of the main aims of the tripartite “IA agreement” (inclusive working life agreement) signed in October 2001 by the Norwegian Government and the social partners.*

---

Lene Olsen

Bureau for Workers’ Activities  
ILO

---

A world of work which creates equal opportunities and provides room for all is an aim to which Norway has been strongly committed ever since the early post-war period. However, due to a much tougher labour market and new employment relationships, differences have been increasing in recent years. This is particularly true for people with a reduced functional capacity (employees who are restricted in their choice of occupation, employees undergoing vocational rehabilitation, and persons receiving disability benefit who have been reactivated).<sup>1</sup> These workers often have more difficulty in finding a job and face much higher risks of becoming unemployed.

The Norwegian Confederation of Trade Unions (LO), Norway’s largest workers’ organization, has made “Work for all” the number one aim of its Programme of Action for 2001-2004, and one of the target groups is the disabled. The action programme states: “Vulnerable groups must be given priority. This particularly concerns older workers, the disabled, exposed groups of single parents, immigrants and those with few or outdated skills. The framework conditions for employing occupationally handicapped people must be improved.”<sup>2</sup> However, the involvement and work of the trade unions alone are not sufficient to create a labour market which also makes room for those whose performance is not always 100 per cent, those with temporary or permanent functional impairments, those who are

disabled or those who are at the end of their working career – i.e. older workers. The participation of all the partners in society is needed. It has been a traditional feature of Norwegian industrial relations that tripartite consultations are held on social and economic policy concerns. In order to achieve a more “inclusive working life”, the Norwegian Government and the social partners signed a statement of intent, the “IA agreement”, on 3 October 2001. The agreement is for a trial period of four years, running until 31 December 2005.

## Background to the agreement

In mid-2001, increasing sickness absence and a growing number of disability benefit recipients raised concern among the majority of political parties and employers about the current sick pay scheme and the resultant costs for the National Insurance Scheme (Folketrygden). These issues were put on the political agenda, and the Labour Party (Det norske Arbeiderparti, DnA), which was in office at the time, signed the IA agreement with the social partners. The agreement’s three main objectives are:

- To reduce the sickness absence rate by 20 per cent over the period 2001-05,
- To make more jobs available for disabled employees, and
- To increase the average actual retirement age.

The parties undertook to strive for these objectives, and in return the Government gave a commitment that it would not change the present sick pay scheme. In particular, it would not decrease payments to workers or increase the employers' share of the financial burden.<sup>3</sup>

### How does the agreement work?

The actual workplace is the main focus of the IA agreement. It is by encouraging dialogue between workers and employers that preventive solutions can be found for the problem of sickness absence. At the same time, ways can be discussed of integrating more people with reduced functional ability into the workplace. It is therefore the company itself that decides to sign the cooperation agreement with the authorities (the National Office for Social Insurance), thus becoming a so-called "IA company". The first paragraph of this agreement states its purpose: "... The Tripartite Agreement presupposes that employer and employees have agreed to work in partnership to achieve the objective of a more inclusive workplace. It is the intention of this agreement that the management and employees in the enterprise shall work to promote a better work environment. Efforts to achieve a more inclusive workplace are part of the enterprise's systematic health, safety and environment programme (internal control)."<sup>4</sup> By mid-November 2004, 1,087,706 employees were employed by IA companies, i.e. 57 per cent of the entire workforce. This represents 7,340 workplaces all over Norway.<sup>5</sup>

Different tools are provided by the authorities in order to support the partners in achieving the three different objectives of the agreement. The Government supports the companies and the workers through various schemes, either financially or by providing support services – for instance, in the case of adjustments within the workplace. The National Insurance Administration, the Public Employment Service and the Directorate of Labour Administration are involved in the agreement as the ad-

ministrators of the state schemes. To boost the employment of workers with disabilities, the Government has undertaken to bring in – and/or to substantially increase – the wage subsidies for companies recruiting/employing such workers.

The Institute for Applied Social Science (Fafo)<sup>6</sup> has been putting together several reports on different aspects of the IA agreement project. One of these<sup>7</sup> states that Fafo sees the agreement as one of the most important reforms in Norwegian working life and public administration for many decades. The agreement changes the relationship between welfare and work. It focuses on the workers and employers and its aim is that problems emerging in working life should be resolved within the workplace. Social security schemes are now to support the solutions identified within the workplace, rather than responding to the problems. The emphasis is on preventing problems, instead of tackling a problem which has already occurred. The nature of the social security schemes is therefore changing. Rather than carrying out repairs, they are now participating in wealth creation within society.

### Evaluation and new efforts

The parties to the agreement meet twice a year to discuss various elements within it. A more wide-ranging evaluation was made in the autumn of 2003, when the agreement had been in force for two years.<sup>8</sup> Despite the meagre results achieved up to that point, both the social partners and the Government supported the continuation of the agreement. In fact, sickness absence had continued to increase and there was a decline in the labour force participation rate of people with disabilities. It is important to bear in mind that the initiative was developed at a time of economic recession and high unemployment in Norway. It is well known that vulnerable groups such as people with disabilities experience greater difficulties during such periods. This might be one of the reasons why employment was not increasing within this

group. The social partners also argued that it was too early to assess the effects of the agreement. They agreed that new measures should be introduced in order to take full advantage of the opportunities generated by the accord.<sup>9</sup>

In response, LO Norway and its employer counterpart the Confederation of Norwegian Business and Industry (NHO) launched a campaign in August 2004 called “Ny Giv” (new effort). During the autumn of 2004, nine regional conferences were held across the country in order to exchange information and experiences about the agreement. Regional networks are being established to support companies with forums for the exchange of views and experiences. The networks also provide the companies with better access to different tools, such as courses, information and materials. A website has been set up to support this drive.<sup>10</sup> In her speech at the launch of the campaign on 17 August 2004, Ms. Gerd Liv Valla, the President of LO Norway, welcomed the continuation of the agreement and stressed that those companies which take the agreement seriously do see results. Financially, LO Norway and NHO have contributed no less than 3 million Norwegian crowns (approximately € 375,000 or US\$450,000) to the “Ny Giv” campaign.

Other actors concerned by the agreement have also made extra efforts to raise awareness. In June 2004, Norway’s National Insurance Administration invested for the first time in a poster campaign to change some common attitudes about disabled persons’ skills and working capacity. One of the slogans was “Some people thought he would cripple the company”.<sup>11</sup> Five different posters focusing on disabled persons’ skills were displayed in buses all over the country. The National Insurance Administration has also published a brochure entitled *Et inkluderende arbeidsliv. Gode eksempler. Redusert funksjonsevne og aktiv i arbeidslivet* (An inclusive working life. Good examples. Reduced functional capacity and active participation in working life). This gives several good examples of how

people with reduced functional capacity have been integrated within different workplaces.

One of the examples shows how a visually impaired person was hired by Aetat in Oslo (one of the Norwegian public employment services) and how the employer provided technical aids and took ergonomic measures to facilitate this person’s integration into the workplace.

Mr. Birger Kjelbye says that Aetat has been acting in a very positive way and adds that he has not encountered any barriers within the workplace. “Each to his own. The individuals concerned are the best placed to discuss their own needs. Unfortunately, there is a tendency to focus only on limitations. It is important to focus on solutions, and to take a positive attitude.”<sup>12</sup>

### Positive results emerging

All the speakers at the launch of the “Ny Giv” campaign stressed the need for patience before seeing positive results of the agreement. Mr. Olav Støylen, President of the Norwegian Union of Chemical Industry Workers (NKIF), cited the “three Ts” rule: Things Take Time. It was therefore very satisfying to see that new figures from Statistics Norway (Statistisk Sentralbyrå, SSB) published in August 2004 showed the emergence of positive results from the IA agreement. In 2004, the employment figures for people with disabilities were up by 36,000 since 2003, from 184,000 to 220,000. The increase was greatest for those aged under 40. The employment growth was equally strong for women and for men.

In the late summer of 2004, the Government published a work plan to recruit people with disabilities into the state sector over a two-year period. The objective was that 5 per cent of all new recruitments in that period should be of persons with disabilities. This shows that the partners are taking the agreement seriously. The Labour Minister, Mr. Dagfinn Høybråten, has also challenged business and local government to establish their own targets.

## Conclusion

The commitment of all the parties has been a precondition for the establishment and the implementation of the IA agreement. Without the dedication of all the partners, no positive results would have emerged. This is particularly true for the workers and the employers since the main aspect of the agreement is the efforts carried out at the workplace. The Inclusive Working Life (IA) Agreement is regarded as one of the most important tools for developing and improving the working environment at the workplace,<sup>13</sup> as it ensures a place in working life for as many people as possible. Hence, it leads to a fairer distribution of work within the Norwegian labour force. This is important, as exclusion is often seen as a source of social and cultural problems, and reducing this exclusion is to the benefit of society as a whole.

In addition to facilitating the provision of technical assistance and ergonomic measures, a change in attitude has been needed in order to include persons with disabilities in the workplace. It has been necessary to stop focusing on limitations but rather see people's potentials and opportunities. As Mr. Cato Zahl Pedersen, a former athlete and member of the 1994 expedition "Armless to the South Pole", said at the "Ny Giv" campaign launch in August 2004, we should not talk about disabled people – but people who are "abled differently"!

## Notes

<sup>1</sup> Ministry of Social Affairs. Summary of White paper no. 40 (2002-2003), *Dismantling of Disabling Barriers. Strategies, objectives and political measures aimed at persons with a reduced functionality*, Oslo, p. 43. <http://odin.dep.no/filarkiv/220598/SLE-engelsk-stmeld40-2002-2003.pdf>

<sup>2</sup> LO Norway. *Programme of action 2001-2004*, Oslo, pp. 9-10. [www.lo.no/lobasen/FileServer/programmeofaction-crop.pdf?documentID=536](http://www.lo.no/lobasen/FileServer/programmeofaction-crop.pdf?documentID=536)

<sup>3</sup> Today workers receive 100 per cent of their salary in compensation for the first day of sickness absence. The employer covers the first 16 days. After

that, the National Insurance Scheme is responsible for covering the sickness absence. In a budget proposal for 2005, the Government proposes to change parts of the present sick pay scheme – to reduce the number of days covered by employers to 14, but to increase their participation in salary compensation, by co-financing 10 per cent of the compensation during the whole sickness absence period. The Government says that the lack of results from the IA agreement is the main reason for this proposal. The employers' and the workers' organizations have asked the Government to withdraw the proposal, claiming that they breach the agreement. Both the employers' and the workers' organizations are shocked that the Norwegian Government does not consider a written agreement binding during its period in force, and are very concerned that the Government is putting its cooperation with the social partners at stake in this way. They hope that Parliament will reject the proposal. (Source for the information about the budget proposal: "Regjeringen bryter IA avtalen", in *LO Aktuell*, No. 18, 2004, p. 15.)

<sup>4</sup> National Insurance Administration. *Cooperation agreement on a more inclusive workplace*. [www.trygdeetaten.no/generelt/Pub/samarbeidsavtale\\_eng.pdf](http://www.trygdeetaten.no/generelt/Pub/samarbeidsavtale_eng.pdf)

<sup>5</sup> National Insurance Administration. [www.trygdeetaten.no/arbeidsliv/pdf/ia\\_avtaler.pdf](http://www.trygdeetaten.no/arbeidsliv/pdf/ia_avtaler.pdf)

<sup>6</sup> Fafo. [www.fafo.no](http://www.fafo.no)

<sup>7</sup> Eivind Falkum. *Inkluderende organisasjonsformer, Noen refleksjoner om organisering av Inkluderende arbeidsliv*, Fafo-notat 2003:18 (Oslo, 2003).

<sup>8</sup> *Companies sign up to agreement on "inclusive working life"*, EIRO, 2003. [www.eiro.eurofound.eu.int/2003/01/feature/no0301104f.html](http://www.eiro.eurofound.eu.int/2003/01/feature/no0301104f.html)

<sup>9</sup> *"Inclusive working life" agreement prolonged despite failure to achieve objectives*, EIRO, 2003. [www.eiro.eurofound.eu.int/print/2003/11/feature/no0311104f.html](http://www.eiro.eurofound.eu.int/print/2003/11/feature/no0311104f.html)

<sup>10</sup> [www.fellestiltak.no/nygiv/?PHPSESSID=0ea2915a896fee404ecc3d90ca6d7efb](http://www.fellestiltak.no/nygiv/?PHPSESSID=0ea2915a896fee404ecc3d90ca6d7efb)

<sup>11</sup> [www.trygdeetaten.no/default.asp?strTema=arbeidsliv&path=inkluderende&path\\_sub=funksjonshemmede\\_mri\\_mrarbeid\\_mr\(english\)](http://www.trygdeetaten.no/default.asp?strTema=arbeidsliv&path=inkluderende&path_sub=funksjonshemmede_mri_mrarbeid_mr(english))

<sup>12</sup> National Insurance Administration. *Et inkluderende arbeidsliv. Gode eksempler. Redusert funksjonsevne og aktiv i arbeidslivet* [An inclusive working life. Good examples. Reduced functional capacity and active participation in working life], 2003, p. 19.

<sup>13</sup> Summary of White paper no. 40 (2002-2003), *Dismantling of Disabling Barriers. Strategies, objectives and political measures aimed at persons with a reduced functional ability*. <http://odin.dep.no/filarkiv/220598/SLE-engelsk-stmeld40-2002-2003.pdf>

NB: All web pages referred to were accessed in November 2004.

# Vocational training for disabled people in Ukraine

*Integrating people with disabilities into working life requires active cooperation between the public authorities and the social partners. In Ukraine, an ultramodern training centre was set up with ILO assistance in 2002. The first results of this venture prove that disabilities are not an insurmountable barrier to finding a job.*

---

Samuel Grumiau  
Journalist

---

Veterans of the war in Afghanistan, victims of the Chernobyl nuclear disaster, casualties of the many mining accidents in the Donbass region ... according to official statistics, almost 2.7 million people in Ukraine have a disability. Until a few years ago, vocational training that matched these workers' needs was in short supply. So they remained dependent on their families, who already found it difficult to make ends meet.

But things started looking up in 2002 when the Ukrainian Vocational Training Centre for People with Disabilities opened in Lutizh, in the Vishgorod region 40 kilometres from the capital, Kiev. Built in a woodland setting, the centre can accommodate up to 150 physically disabled people. The training covers 12 occupations, ranging from typing, secretarial services, social work and bee-keeping to IT and mechanics. Lasting between two months (crafts) and five and a half months (IT), the courses are completely free of charge to the disabled people. Their board, lodging and medical care are covered by the centre, which maintains high standards: very clean, comfortable rooms, ultra-modern medical equipment, and all kinds of special facilities to make life easier for the participants (disabled toilets, ramps in all the corridors, covered walkways to facilitate movement between the buildings, even in winter, and so on.). The centre also boasts a swimming pool with a special lift to ensure access for all.

The Ukrainian Government funded most of the adaptations to the centre, and it also pays its current running costs. The ILO made a substantial contribution by equipping two IT classrooms and buying three specially equipped minibuses to transport the disabled people, as well as a car. Another important source of funding is an ILO-UNDP (United Nations Development Programme) project financed by the Swiss Government. This project has developed modular occupational training programmes. Some Ukrainian trade unions also decided to partner the centre. Among them is a locomotive drivers' union which helped to equip the mechanics workshop.

## Communicating positive experiences

Another way in which the ILO helped to set up the centre was by financing various feasibility studies and several trips by the project's promoters to Linz, in Austria, where there is a very efficient, long-established occupational re-education centre. About 20 of the Lutizh trainers were themselves trained in Linz, thanks in part to support from the ILO and the Austrian Government. They are now spreading their know-how to less modern centres throughout Ukraine. "There are several dozen of these centres right across the country," says Dr. Mycola Avranmenko, the director of the Lutizh centre, "but their working methods and practices are

not standardized, as they are run by different types of organization (NGOs, regional governments, etc.).”

So Lutizh is gradually becoming a reference point for Ukrainian health professionals specializing in care for people with disabilities. “One of the centre’s functions is to advise on occupational training for workers of this type,” explains Vasyl Kostrytsya, the ILO’s national contact point in Ukraine. He put a lot of work into creating the centre. “It trains other specialists from the regional and local vocational training centres for people with disabilities. These centres are less well equipped than the Lutizh one. It is neither indispensable nor possible to replicate such investments in all four corners of Ukraine, but they can draw on this expertise.”

One priority of the Lutizh centre is to help disabled people to find employment after training. “We work with the government job placement services, but also directly with the employers,” the centre’s director notes. “For instance, if a former miner has had a limb amputated and we provide him with IT training, we may contact his ex-employer and negotiate to find him an appropriate job. But in general, job placement for our trainees is primarily the task of the regional employment services.”

### Disabled employment rising fast

Between 60 and 65 per cent of the Lutizh trainees have subsequently found employment. “This has helped to raise the number of disabled Ukrainian workers in employment from 290,000 in 2001 to 368,000 today,” Vasyl Kostrytsya calculates. “This encouraging trend is attributable to all of the country’s occupational training centres, but also to increased efforts by some job placement agencies and to a rise in the number of disabled people setting up their own businesses.” The public authorities are also doing their bit. For instance, they have established a prize for the employer who is most active in bringing disabled people into work.

The Lutizh centre does not want disabled workers to be handed everything on a plate. They are helped on their way, but they also have to make an effort themselves if their integration is to succeed. There is a need to change the mentality inherited from the former Soviet Union, where the State gave money and nothing else. “Some of them might be tempted to play on the Ukrainian people’s feelings of compassion and might expect the State to do everything for them,” Dr. Avramenko warns. “But we tell them the exact opposite: by providing this training, the State is giving them a chance. It’s up to them to take it. We don’t want them to see themselves as beggars, but as contributors to society.” For those who want to take their training further, the centre has established contacts with further education institutes that can receive them. So a whole network of relationships has been built to ensure a better future for people with disabilities in Ukraine. “This is an excellent example of cooperation between the ILO, UNDP, government, the social partners and NGOs specializing in assistance to people with disabilities,” Vasyl Kostrytsya emphasizes.

Almost 200 workers keep the Lutizh centre running smoothly – teachers, therapists, caretakers, cooks, and so on. “Most of them are very enthusiastic and are strongly motivated by this work,” notes Dr. Avramenko. “Some of them even come in during their weekends. That’s how involved they are in our training.” One of the problems facing the centre is that it is outside Kiev, where most of the scientific institutions are based, and cannot be reached by public transport. So it is not easy to attract specialists from the capital. The minibuses and car bought by the ILO make it possible to overcome this difficulty by laying on transport for these highly qualified staffers. The vehicles also transport the trainees to Kiev, amongst other things for medical check-ups, and take them to the railway stations or the airport if they come from far away.

Given the number of people with disabilities in Ukraine, those fortunate enough to secure a place in Lutizh have

to be selected. The choice is mainly down to the various regional administrations, which take account of such factors as transport possibilities, the type of disability and the candidate's chances of finding employment after any given course of training. As in other similar centres elsewhere in Ukraine, the great majority of the Lutizh trainees are aged below 40. "We would also like to train older people with disabilities," the centre's director says. "But they often lack the motivation, particularly as they get close to pensionable age. The younger ones are more ambitious about improving their standard of living and becoming financially independent."

There is also plenty of "extracurricular" life at the centre. Apart from sporting activities, it organizes various cultural activities at the weekend: singing, theatre, guest artists, musical evenings and visits to Kiev.

By the way, some of the centre's walls are covered in posters publicizing the ILO's core standards and its programme for the elimination of child labour, IPEC. Courses on HIV in the workplace are given to the centre's staff and trainees.

In future, Dr. Avramenko would like to equip the centre to provide vocational training to blind people. To do so, he will need to raise funds for teaching materials in Braille and specially adapted computers. "Another of my dreams is to develop complete sports installations for people with disabilities. We already have a pool and a fitness room and we are surrounded by forest. I would now like to find funding for ball game fields and tennis courts." The Ukrainian athletes who won no less than 24 gold medals at the 2004 Athens Paralympics could inspire others to follow suit.

