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Equitable Training and Employment Opportunities

for Disabled Persons

- ILO Position Paper -

In 1992, the ILO contributed actively to the formulation of a new UN instrument called "Standard Rules on the Equalization of Opportunities". The term "Equalization of Opportunities" was introduced into the international debate by the UN World Programme of Action. It reflects the increased concern of UN member States, but particularly that of disabled persons organizations around the world, that not only programmes and services for disabled persons need to be improved, but that disabled people have a right to equal treatment. This means, in particular that they need fair opportunities to participate in the social and economic life of their societies and that society has an obligation to remove the many barriers which are still in the way to full participation and equality.

This new emphasis on equal rights and equal treatment is also the main element of ILO Convention 159 and consequently ILO has a particular role to play in developing concepts and policies which would give effect to achieving equity in training and employment. This position paper sums up what ILO considers as suitable standards to guide the formulation of national policy and to give effect to the provisions of ILO Convention 159.

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The road to equalizing training and employment opportunities for disabled people is long. In some countries much has been done and important milestones have been passed on this road. In others, however, not even a start has been made to formulate such goals and to set targets for its achievement. Because of the divergence of the systems, the difference of the economic and social conditions, it is difficult to formulate global standards and a global policy on equalization of employment opportunities, or better, on employment equity.

We think, therefore, that each country should have its own national discussion on these issues and develop its own specific solutions. We believe, however, that in the light of the above-mentioned international instruments, one can agree on certain broad standard rules which should guide this debate.

First of all we consider it important that each country should have formulated a policy statement on the equalization of training and employment opportunities which contains among others a definition of the broad objectives of such policy.

The ILO suggests that the following could be valid objectives and considers that they are in harmony with the pertinent international conventions and other normative instruments, namely:

- To establish as a social policy the target that the rate of unemployment amongst disabled persons should be no higher than the respective rate of the general workforce.

- To establish as a social policy objective the presence of disabled persons at all levels of the workforce equal to their representation in the general population.

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- To create conditions that enlarge the range of employment options for disabled persons so as to provide them with real possibilities of occupational choice.

- To create conditions whereby neither the employer nor the severely disabled worker suffer undue financial disadvantages from an employment contract.

- To develop policies that encourage alternative work arrangements that reasonably accommodate the needs of disabled workers.

- To develop policies that foster the vocational training of disabled persons in order to enhance their participation in the public, private and informal sectors of the economy.

- To establish consultative mechanisms that ensure the appropriate participation of representative organizations of disabled persons in the development of employment policies.

This policy statement should likewise contain agreement on standards to be observed by the concerned parties in the realization of these objectives. We consider the following standards to be important:

As a first measure there should be a firm and explicit commitment to enact legislation that promotes a policy of equitable employment levels of disabled workers in the public and private sectors of the open labour market. Features of the policy could include, as appropriate:

- methods by which the potential candidate pool of disabled workers and the disabled worker population of organizations can be reliably ascertained;

- targeting or reserving a percentage of positions at entry and higher levels for disabled workers;

- incentives to create, in consultation with employer, labour and disabled groups, affirmative action plans in organizations of certain sizes by which the target employment levels of disabled workers will be attained;
- the introduction of a disability levy for all employers (private and public) with exemptions made for those who fulfil a specified employment quota of disabled persons;
- financial or tax incentives to those organizations that attain targeted employment levels of disabled workers;
- granting of special incentives to organizations to train and employ persons with multiple or severe disabilities.

A second element of a forward leading employment standard should be that the national authorities, in close collaboration with employers' organizations, workers' organizations, organizations representing disabled persons and women's

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groups promote policies that encourage the employment of disabled women. Specific initiatives should include policies that encourage the employment on an equitable basis of disabled women who are heads of families, including flexible working hours and part-time arrangements.

As a third element of an equitable employment standard we propose that countries promote and implement policies and programmes for disabled persons in order that their entitlements, status and working conditions are equitable to the general workforce. Such positive measures should include:

- equitable provision of employment benefits such as unemployment insurance, pension membership, health insurance, and union membership;
- equitable application of employment standard legislation covering areas such as wages, hours of work, holiday and sick leave, eventually with the necessary modifications that recognise the special needs of disabled workers;
- the application of these standard working conditions to sheltered employment and to protected work environments within the mainstream workplace;
- the promotion of the use of positive recruitment procedures and employment support programmes by organizations that are interested in enhancing the employment prospects of disabled persons.
- the promotion of measures to ensure that lay-offs, including those caused by technological change, changes of products or similar causes occur on a basis that

do not discriminate unproportionally against disabled employees. Such measures should include the right to take part in retraining and/or redeployment into a suitable job in the same or different organization;

- the promotion of equitable advancement and transfer/re-deployment opportunities for disabled employees.

Another important aspect of this standard should be a commitment to develop, in close cooperation with employers' and workers' organizations as well as groups representing the disabled community, policies that promote reasonable and equitable work arrangements for disabled workers. Such measures should include:

- the use of vocational assessment techniques that permit to match disabled candidates with job-related requirements;

- the listing of essential job requirements as a basis for determining the suitability of disabled job seekers for a job;

- incentives, including fiscal measures, to encourage the accommodation of work stations by the provision of physical aids, attendants, alternative technologies and adjustments to the working environment that facilitate the employment of disabled persons;

- the use of incentives to encourage the provision of work instruments, machine adaptations, documentation and tools in formats that are usable to and equitably accommodate the needs of disabled persons;

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- the promotion of alternative work arrangements and hours by methods such as part-time work, tele-work, flexible hours and job sharing;

- the evaluation of the performance and productivity of disabled employees on a basis that is an equitable comparison to non-disabled persons;

- guidelines for collective agreements that define and regulate employers' and workers' responsibilities towards disabled workers and workers at risk of becoming disabled as a result of occupational factors.

In order to meet the prerequisites for a successful employment strategy the policy statement should finally include standards which guarantee that measures are enacted that promote equitable vocational, pre-employment and on-the-job training for disabled persons in all sectors of the economy, including:

- the development of training strategies and programmes that realistically correspond to labour market demands and income-generating self-employment opportunities and which are based on an anticipation of likely skills needs;
- the implementation of policies that (a) give disabled persons the choice between mainstream pre-employment training or training in vocational rehabilitation centres while (b) promoting efforts to make mainstream vocational training, institutions and programmes accessible to disabled people;
- the development of directives concerning the integration of disabled persons in all areas and at all levels of skill training. The widespread practice of referring disabled persons in search of training opportunities to welfare agencies and charitable organizations providing substandard training should be discouraged;
- the development of legal standards concerning training modules, course contents, trade tests and certification in as far as they deviate from standards applied in the general vocational training system to accommodate the needs of disabled trainees.
- the development of policies in member States with largely rural or urban sector informal employment that facilitate the inclusion of disabled persons in informal sector training and employment strategies, including access to credits, business advice and other employment support programmes.
- the development of special pre-service and in-service programmes for the training of vocational instructors in disability-related matters, as well as training modules, materials and guidelines with the aim of facilitating the equal status of disabled persons to mainstream training.
- the promotion of policies that accord the right of disabled employees to take part in upgrading courses, training programmes on new technologies and training under paid educational leave on an equitable basis.

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