Promoting the Rights of Persons with Disabilities through the Sustainable Development Goals

A RESOURCE PACKAGE

DECENT WORK AND ECONOMIC GROWTH

Policy Guidance for Inclusive Sustainable Development Goals

UNITED NATIONS
HUMAN RIGHTS
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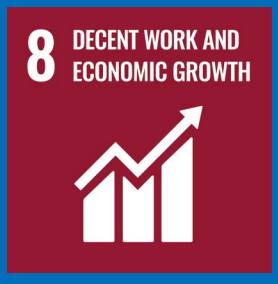
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Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all



Contents

Overview vii

I. In brief 2

1. What is the situation? 2
2. What needs to be done? 6
3. Dos and don'ts 11

II. In depth 15

1. Introduction 15
2. Connection to other tools 15
3. Why is Sustainable Development Goal 8 important for persons with disabilities? 16
4. Decent work for persons with disabilities: actions applicable across all targets of Sustainable Development Goal 8 18
   - 4.1 Governance 18
   - 4.2 Legislation 18
   - 4.3 Close consultation with, and involvement of, persons with disabilities 19
   - 4.4 Awareness-raising 19
   - 4.5 Training on inclusive workplaces 20
   - 4.6 Budget allocation 21
   - 4.7 Data collection and disaggregation 21
   - 4.8 Data protection and privacy 22
   - 4.9 Accountability and complaint mechanisms 22
5. Other key actions by target 23
   - 5.1 Full and productive employment of persons with disabilities: target 8.5 23
     - 5.1.1 Include the rights of persons with disabilities in labour laws, including the prohibition of discrimination, the provision of reasonable accommodation and the right to return to work 23

Contents

5.1.2 Adopt a national action plan/strategy to promote the employment of persons with disabilities in both the private and public sectors 24

5.1.3 Carry out awareness-raising campaigns on the labour rights of persons with disabilities 27

5.1.4 Measure and reduce the disability pay gap 28

5.2 Self-employment of persons with disabilities: targets 8.3 and 8.10 29

5.2.1 Ensure that mainstream vocational and entrepreneurship training are inclusive of persons with disabilities and that supportive targeted training is available to them 29

5.2.2 Adopt legal and regulatory measures to ensure the equal participation of persons with disabilities in business organizations and their equal access to financial services, including microfinance and credit schemes 30

5.2.3 Make business development services available to persons with disabilities 31

5.3 Protection of labour rights of persons with disabilities: targets 8.8 and 8.7 32

5.3.1 Ensure freedom of association of persons with disabilities to create and participate in trade unions 32

5.3.2 Ensure that occupational health assessments do not prevent access to employment based on impairments 33

5.3.3 Incorporate accessibility in all its dimensions as a key element of occupational health and safety 35

5.3.4 Adopt disability-inclusive strategies against forced labour, including measures to end forced begging and other forms of exploitation 36

Additional resources 37

Annex: Key concepts 38

Overview

Promoting the Rights of Persons with Disabilities through the Sustainable Development Goals: a Resource Package provides guidance on the implementation of the Sustainable Development Goals with a view to advancing the development and rights of persons with disabilities in relation to policymaking, training, awareness-raising and monitoring.

The Resource Package comprises the following:

- Policy Guidance for Inclusive Sustainable Development Goals
- Overview of Thematic Issues and Policy Recommendations
- Indicators on the Convention on the Rights of Persons with Disabilities
- Frequently asked questions on the indicators on the Convention
- Data sources guidance
- Training materials on disability-inclusive Sustainable Development Goals

The Policy Guidance for Inclusive Sustainable Development Goals begins with an introduction supporting the navigation of the Resource Package. The Foundations component should be read prior to the Goal-specific guidance and the Overview of Thematic Issues and Policy Recommendations. A set of human rights indicators for each article of the Convention on the Rights of Persons with Disabilities is offered to provide guidance on how to measure the implementation of the Convention. These indicators are also referred to in the Policy Guidance and the Overview as guidance for policy implementation. Each human rights indicator is accompanied by data sources guidance and examples thereof to inform the measure of an outcome. Lastly, the Resource Package includes training materials to build capacity in the areas covered by the Policy Guidance.

I. In brief

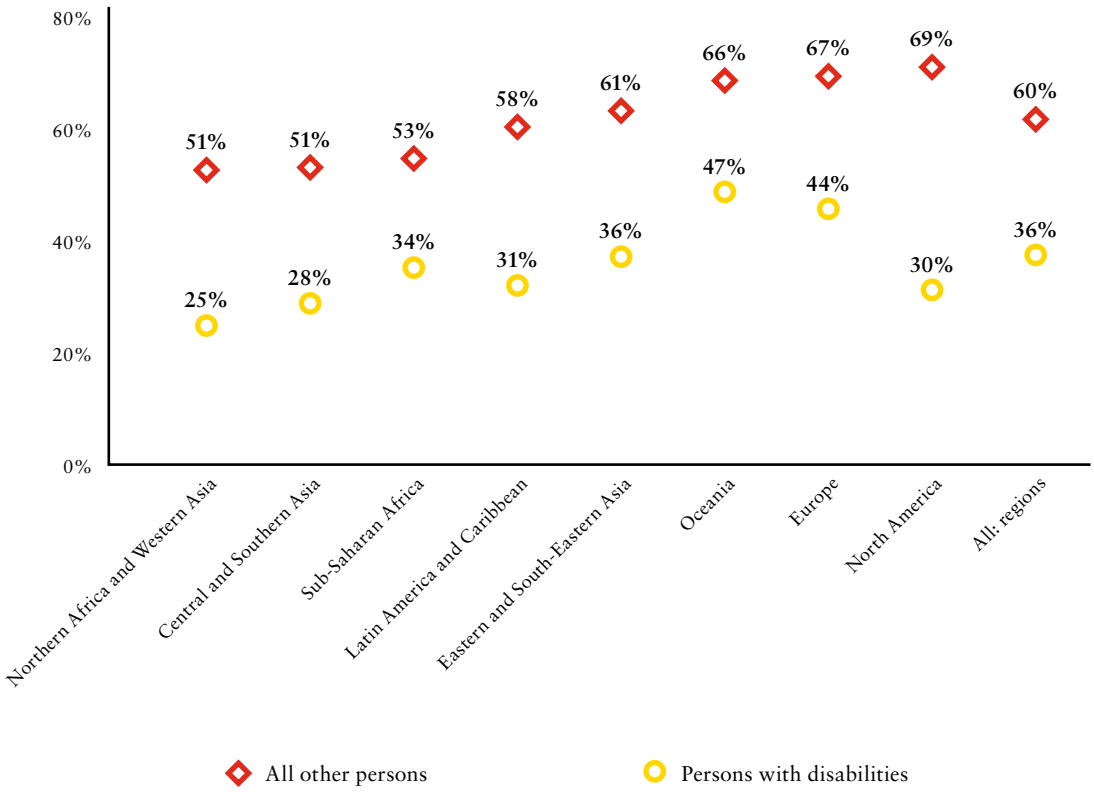
I. In brief

1. What is the situation?

Persons with disabilities have lower rates of employment than other persons. The available data from the *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities* (United Nations publication, 2019) show that, on average, 36 per cent of persons with disabilities are employed compared with 60 per cent of other persons, as shown in figure I.

FIGURE I

Employment to population ratios for persons aged 15 years and over by disability status in eight regions, 2006-2016

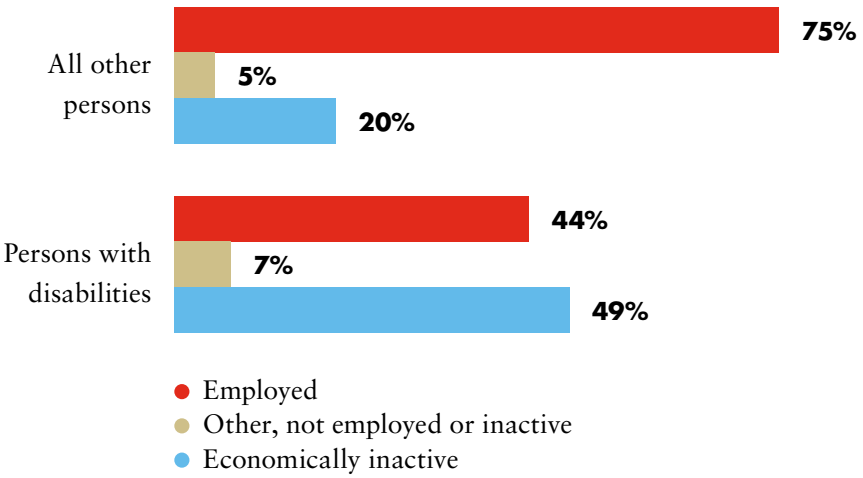


Source: Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, Eurostat, International Labour Organization, Department of Economic and Social Affairs (on the basis of data from the Integrated Public Use Microdata Series, International, and SINTEF), as cited in *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities* (United Nations publication, 2019), p. 153.

Data from the Organization for Economic Cooperation and Development (OECD) also highlight that 49 per cent of persons with disabilities are economically inactive, compared with 20 per cent of other persons, as shown in figure II. Women with disabilities are more excluded from employment than men.

FIGURE II

Percentage of economically inactive persons with disabilities compared to other persons in Organization for Economic Cooperation and Development countries (late 2000s)



Source: Organization for Economic Cooperation and Development, *Sickness, Disability and Work: Breaking the Barriers – a Synthesis of Findings across OECD Countries* (Paris, 2010).

There are limited data on the disability pay gap, but data on three countries indicate that there is a gap between persons with disabilities and other persons. In one case – Chile – this gap is 16 per cent, as shown in figure III.

FIGURE III

Wage gap between persons with disabilities and others in three countries



Source: National Statistical Institute of Spain, W. Erickson, C. Lee and S. von Schrader, and Ministry of Social Development of Chile (2014), as cited in *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities* (United Nations publication, 2019), p. 159.

Some persons with disabilities, particularly persons with intellectual disabilities, may face barriers in entering the open labour market owing to denied or restricted legal capacity, which in some countries is referred to as "working capacity". As a result, they may not be permitted to sign a work contract, or they may be categorically rejected as a result of discriminatory medical assessments that determine they are not fit for a job, based solely on the existence of their disability.

Given their exclusion from employment, self-employment remains key for persons with disabilities when it comes to earning an income. Data on 19 countries indicate that, on average, persons with disabilities are 9 per cent more represented than persons without disabilities among the self-employed, with higher rates for a number of low-income countries (*Disability and Development Report*).

Persons with disabilities tend to be excluded from education and vocational training, leading to their having fewer skills to perform specific tasks or to develop businesses. (For more information, see part II, section 5.4 on target 4.4 in the Policy Guidance on Sustainable Development Goal 4.)

Many barriers prevent persons with disabilities from gaining access to the financial services required to develop a business, including microfinance programmes. Restrictions on legal capacity may also prevent some persons with disabilities from opening bank accounts or from having access to credit. For example, persons with intellectual disabilities or others under guardianship may be required to have their guardian sign contracts or authorize their transactions, in contradiction with the recognition of legal capacity.

Legal provisions, including on legal capacity, may also restrict freedom of association and prevent persons with disabilities from establishing or participating in trade unions. These would allow persons with disabilities to defend, advocate for and mainstream their rights and interests.

Persons with disabilities who are unemployed or out of work may need to rely on social protection schemes, where available, or to depend entirely on relatives to provide basic requirements. These sources of protection may not be adequate to cover disability-related extra costs (see the Policy Guidance on Sustainable Development Goal 1) and persons with disabilities may be pushed towards begging or situations of forced labour and exploitation, such as modern slavery and trafficking in persons. Data on how these practices affect persons with disabilities are scarce.

Persons with disabilities who seek or gain employment experience many barriers throughout the employment cycle. Common examples range from disability discrimination in recruitment to forced early retirement. Table 1 highlights those barriers and provides links to sections of the present guidance that address them.

TABLE 1

Common barriers relating to the employment cycle and sections in the guidance that address them

Common barriers	Actions in the present guidance
Throughout the employment cycle	
Lack of reasonable accommodation.	Section 5.1.1: Prohibit discrimination and ensure the provision of reasonable accommodation
Recruitment	
Lack of accessibility of recruitment systems and processes (e.g. communications, online platforms, application forms, interviews).	

Negative stereotypes and prejudice leading to direct discrimination (e.g. during an interview, based on disability bias held by recruiters).	Section 4.4: Awareness-raising Section 4.5: Ensure training on inclusive workplaces Section 5.1.1: Include disability rights in labour law
Pre-employment occupational health assessments excluding persons based on their impairment.	Section 5.3.2: Occupational health assessments should not prevent access to employment based on impairment
Labour rights in employment	
Inaccessibility of workplaces, including occupational safety and health regulations, limits inclusion and increases risks to personal safety.	Section 5.3.3: Incorporate accessibility as a key element of occupational health and safety
Restrictions on creating and/or participating in trade unions (e.g. due to deprivation of legal capacity based on impairment).	Section 5.3.1: Ensure freedom of association of persons with disabilities
Training and promotion	
Trainings may not be inclusive and negative stereotypes held by managers may persist, limiting professional development and promotion.	Section 5.2.1: Ensure inclusive vocational and entrepreneurship training Section 5.1.2: Adopt a strategy to promote employment of persons with disabilities
Retention and return to work	
Occupational health criteria may restrict the return to work of employees with disabilities, including those who recently acquired an impairment.	Section 5.1.1: Include disability rights in labour law Section 5.3.2: Occupational health assessments should not prevent access to employment based on impairment
Retirement	
Persons with disabilities, in particular those who recently acquired an impairment, are often forced into early retirement based on their impairment.	Section 4.2: Legislation Section 5.1.1: Include disability rights in labour law

2. What needs to be done?

Addressing the barriers to the inclusion of persons with disabilities in employment is essential for achieving Sustainable Development Goal 8 and such targets as 8.1 ("sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries") and 8.5, as demonstrated in figure IV.

FIGURE IV

Process for achieving targets 8.1 and 8.5



FIGURE V

Steps to achieve inclusion in employment

Inclusive employment

- ✓ **Value persons with disabilities** as active agents of development who contribute to the economy
- ✓ **Ensure access to decent work**, including self-employment
- ✓ **Adopt policies to promote employment** in the open market, including affirmative actions
- ✓ **Prohibit discrimination based on disability**, ensure the provision of reasonable accommodation and end segregated and forced work
- ✓ **Ensure equal pay for equal work**

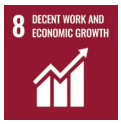
FIGURE VI

Main areas of intervention to achieve Sustainable Development Goal 8



Decent work for persons with disabilities: actions applicable across all targets of Sustainable Development Goal 8

Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

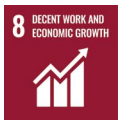


To achieve the targets of Goal 8, actions in the following areas should be taken:

1. Governance: The ministry of labour should provide for a favourable environment for inclusive employment by facilitating dialogue between stakeholders, providing guidance to employers and service providers and monitoring compliance;
2. Legislation: The law should provide the basis for the removal of barriers and discrimination and regulate the access to employment and labour rights of persons with disabilities on an equal basis with others;
3. Close consultation with, and involvement of, persons with disabilities: Ministries of labour should ensure a systematic and diverse representation of persons with disabilities in the design, implementation and monitoring of policies to promote their employment;
4. Awareness-raising: Ministries of labour and employer federations/associations and trade unions should undertake a range of awareness-raising measures targeting senior management, recruitment professionals and agencies among public and private business corporations, as well as among banking and financial services, to tackle stereotypes and prejudice against persons with disabilities in employment;
5. Training on inclusive workplaces: Ministries of labour, in collaboration with representative organizations of persons with disabilities, should offer training on concrete strategies towards inclusion in employment. It should be offered to public officials responsible for employment policy, senior managers, employment services and human resources professionals, from both the public and the private sectors;
6. Budget allocation: Ministries should allocate public resources to contribute to the employment of persons with disabilities, using markers to track expenditures;
7. Data collection and disaggregation: Ministries of labour and other authorities should ensure that data on employment are collected and disaggregated by disability;
8. Data protection and privacy: Governments should ensure that employment policies and data protection policies refer to privacy, including for data management, to protect persons with disabilities;
9. Accountability and complaint mechanisms: Ministries of labour should establish internal complaint mechanisms to enable persons with disabilities to bring complaints before the administrative authorities and obtain effective remedies.

> Related indicators on the Convention on the Rights of Persons with Disabilities: 27.1–27.4, 27.11, 27.15–27.18 and 31.2

Full and productive employment of persons with disabilities



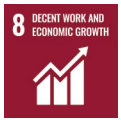
Target 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value

To achieve this target, the following actions should be taken:

1. Include the rights of persons with disabilities in labour laws, including the prohibition of discrimination, the provision of reasonable accommodation and the right to return to work;
2. Adopt a national action plan/strategy to promote the employment of persons with disabilities in both the private and the public sectors;
3. Carry out awareness-raising campaigns on the labour rights of persons with disabilities;
4. Measure and reduce the disability pay gap.

> Related indicators on the Convention: 5.7, 5.11, 5.12, 13.14, 27.1, 27.4, 27.13, 27.16 and 27.25

Self-employment of persons with disabilities



Target 8.3: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services

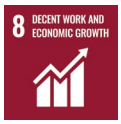
Target 8.10: Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

To achieve these targets, the following actions should be taken:

1. Ensure that mainstream vocational and entrepreneurship training are inclusive of persons with disabilities and that supportive targeted training is available to them;
2. Adopt legal and regulatory measures to ensure the equal participation of persons with disabilities in business organizations and their equal access to financial services, including microfinance and credit schemes;
3. Make business development services available to persons with disabilities.

> Related indicators on the Convention: 9.3, 9.4, 12.1, 12.2, 12.15, 19.12, 19.13, 19.26, 24.5, 24.20, 24.27, 27.1, 27.4, 27.12, 27.15, 27.19, 28.3–28.5 and 28.14

Protection of the labour rights of persons with disabilities



Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

To achieve these targets, the following actions should be taken:

1. Ensure freedom of association of persons with disabilities to create and participate in trade unions;
2. Ensure that occupational health assessments do not prevent access to employment based on impairments;
3. Incorporate accessibility in all its dimensions as a key element of occupational health and safety;
4. Adopt disability-inclusive strategies against forced labour, including measures to end forced begging and other forms of exploitation.

> Related indicators on the Convention: 16.1, 16.3, 16.13, 27.1, 27.2, 27.5, 27.7, 29.9, 29.11 and 29.23

3. Dos and don'ts

TABLE 2

Ensuring the consideration of persons with disabilities in the implementation of Sustainable Development Goal 8

Law, policy and programmes	
Do	**Don't**
Include the rights of persons with disabilities in mainstream labour legislation, such as labour codes.	Limit the provisions on disability rights to a disability-specific law. This would undermine the visibility of persons with disabilities across sector-specific legislation, including employment law.
Develop and share guidance on and good practice in reasonable accommodation among employers, trade unions and persons with disabilities.	Refer to reasonable accommodation only in general clauses in legislation. Instead, explain it further in detailed regulations and guidance.
Ensure that employment laws and policies guarantee the right of workers to remain in their post after acquiring an impairment. They should include provisions for reasonable accommodation, relocation to another post or the adjustment of work responsibilities, to remain in employment, if needed.	Promote early retirement and/or receiving a pension based on acquiring an impairment, unless all measures to retain the person in the workforce are exhausted.
Access to professional and technical readaptation programmes should be ensured to support this.	
Adopt or revise specific measures to promote the employment of persons with disabilities in the private and public sectors. This could include employment targets, quotas, and fiscal, financial and public procurement incentives, among others.	Establish reserved employment that: 1. Prevents career advancement; 2. Restricts the number of hours that a person with disability can work; 3. Mandates absolute protection against the dismissal of persons with disabilities. These measures make persons with disabilities less likely to seek employment and employers less likely to hire persons with disabilities.
Provide training, support and guidance to ensure that specific measures effectively promote the employment of persons with disabilities and dissuade employers from opting for penalties.	

Design protocols, under national legislation, that ensure that recruitment processes consider whether candidates are suitable for the core functions of the job if provided with reasonable accommodation when required.	Establish recruitment requirements that go beyond the core functions of the job or processes that disregard the provision of reasonable accommodation.
Adopt measures to prevent discrimination against persons with disabilities in access to employment or affordable, low-interest loans and microcredit to start their own businesses. Measures should also ensure the recognition of the legal capacity of persons with disabilities and include awareness-raising to combat negative stereotypes about persons with disabilities being incapable, unproductive, unable to succeed in economic activities or pay back loans.	Limit the access of persons with disabilities to employment or general credit lines based on stereotypes or legal capacity status.
Adopt measures and carry out monitoring to ensure that persons with disabilities receive equal pay for equal work, in line with legal regulations and market standards applicable to all other workers in the same category.	Allow salaries for persons with disabilities to be below minimum wage or market standards, or allow employers not to pay persons with disabilities for their work.
Ensure a social protection system that enables persons with disabilities to access support and that covers their disability-related extra costs.	Create social protection systems that prevent persons with disabilities from working as many hours as they are capable of, for fear of losing their benefits.
Practice and implementation	
Do	**Don't**
Ensure that information about candidates and employees that is collected and held to ensure support and reasonable accommodation is managed confidentially and not used for other purposes.	Disclose disability-related information beyond what may be required for the provision of support and reasonable accommodation.
Promote employment for all persons with disabilities in the open labour market.	Create segregated employment settings for persons with disabilities, regardless of their impairment (such as sheltered employment/ workshops and protected employment).
Promote on-the-job training inclusive of, and accessible to, persons with disabilities.	Create capacity-building schemes for persons with disabilities that are disconnected from economic reality and do not facilitate access to employment.

Participation	
Do	**Don't**
Include persons with all types of disabilities in the national development plan as agents of change. They are active members of the workforce and contribute to increasing productivity and economic growth.	Assume that persons with disabilities cannot contribute to development and are only passive recipients of social aid.
Research, data collection and disaggregation	
Do	**Don't**
Integrate the "Functional difficulties and barriers to employment" module of the International Labour Organization (see ILOSTAT, "Labour force survey (LFS) resources") into labour force surveys in order to disaggregate data by disability and to broaden data collection on inclusion in the labour force. Ideally, data collection would use such sources as the Washington Group Short Set on Functioning, as well as additional questions to gather further information on psychosocial disabilities and on barriers, accommodations and attitudes.	Overlook the importance of collecting data on the employment and economic activities of persons with disabilities through labour force surveys and other instruments, or limit data collection to disability-specific surveys.
Accountability	
Do	**Don't**
Monitor the implementation of disability-inclusive labour policies through complaint mechanisms, including those under the ministry of labour and the national human rights institution.	Limit the possibility of bringing complaints about non-inclusive labour policies and practices to the judiciary, including on disability-based discrimination.

II. In depth

II. In depth

1. Introduction

This section provides detailed guidance for policymakers on the actions needed for a disability-inclusive implementation of Sustainable Development Goal 8.

Part II, section 2 shows the connection between the Policy Guidance on Sustainable Development Goal 8 and other resources, including the human rights indicators on the Convention on the Rights of Persons with Disabilities and other related tools.

Part II, section 3 provides an overview of the situation of inequality and discrimination faced by persons with disabilities in access to work and employment, demonstrating why Goal 8 is key to their development.

Part II, sections 4 and 5 provide guidance on policy measures and actions that should be adopted for an inclusive implementation of Goal 8. Section 4 addresses the structural measures that are required to ensure equal opportunities for persons with disabilities in access to decent work. Section 5 provides key considerations and guidance on other actions specific to each target of Goal 8. First, target 8.5 is addressed in the context of the full and productive employment of persons with disabilities, with a focus on formal employment, while targets 8.6 and 8.b are considered specifically in relation to young people with disabilities. Second, targets 8.3 and 8.10 are related to self-employment and the capacity to initiate business and autonomous economic activity, which is sometimes the only option for persons with disabilities to earn a living. Lastly, under targets 8.8 and 8.7, key issues relating to labour rights for persons with disabilities are addressed, with a focus on safety and security and freedom of association and from exploitation.

Targets 8.1, 8.2, 8.4 and 8.a are not considered in this guidance, as they are not population-based and they refer to macroeconomic issues, productivity, resource efficiency and aid for trade – thus beyond the scope of this guidance. Target 8.9 addresses sustainable tourism as a job-creating industry and is addressed in the Overview of Thematic Issues and Policy Recommendations on Tourism.

2. Connection to other tools

- Indicators on article 27 (work and employment) of the Convention on the Rights of Persons with Disabilities
- Other related articles of the Convention and the indicators thereon: 1–4, 5, 6, 8, 9, 12, 13, 19, 24, 26, 28 and 31
- Data sources guidance on article 27 and other related articles of the Convention
- Training materials for Sustainable Development Goal 8
- Video for Goal 8

3. Why is Sustainable Development Goal 8 important for persons with disabilities?

Barriers to participating in employment

Persons with disabilities face a range of barriers to participating in economic life. Exclusion from education and low educational attainment are significant barriers to employment (see the Policy Guidance on Sustainable Development Goal 4). Attitudinal barriers also prevent persons with disabilities from having equal opportunities and outcomes in economic life.

Barriers to the accessibility of the physical environment, information and communications also limit access to, and participation in, employment. In addition, the removal of legal capacity prevents some persons with disabilities from signing and engaging in employment contracts and benefiting from employment services.

Lower rates of employment

As a result of a number of barriers, persons with disabilities have half the access to employment of others. Data collected across eight regions indicate that the average employment rate of persons with disabilities is 36 per cent, compared with 60 per cent for others (*Disability and Development Report*, p. 153). Similarly, data from OECD countries show a higher rate of economic inactivity of persons with disabilities when compared to others: 49 per cent and 20 per cent, respectively (OECD, *Sickness, Disability and Work: Breaking the Barriers – a Synthesis of Findings across OECD Countries* (2010), p. 23). Women with disabilities may experience higher levels of exclusion compared to their male and female peers without disabilities (see part II, section 5.3.1 of the Policy Guidance on Sustainable Development Goal 5).

Wage gaps and segregation

Persons with disabilities who are employed tend to earn less than others. Data are limited, but data collected in three countries show wage gaps of 12 to 16 per cent and, in two of these cases, persons with intellectual disabilities have wage gaps of 29 and 49 per cent (*Disability and Development Report*, p. 158).

In many countries, segregated employment settings continue to be promoted. These include sheltered workshops, where labour protections are not provided and salaries are either below minimum wage or non-existent and, in some cases, replaced by stipends. Data from Eurostat ("Category 5.1", Labour Market Policy Dataset, 2016) show that countries invest billions of euros to promote and maintain segregated settings, with one country having spent over 1.9 billion euros.

Barriers to effective self-employment

Because of the exclusion of persons with disabilities from employment, self-employment remains key for them to earn an income. Data on 19 countries indicate that persons with disabilities are 9 per cent more represented than persons without disabilities among the self-employed, on average, with higher rates for a number of low-income countries (*Disability and Development Report*, p. 157).

Access to financial services (such as bank accounts and loans) is essential for developing a business. However, many barriers prevent access to financial services by persons with disabilities. Data from five low- and middle-income countries indicate that between 8 and 64 per cent of persons with

disabilities consider banks inaccessible (*Disability and Development Report*, p. 38). Likewise, data from 2017, from mostly high-income countries, indicate that 28 per cent of banks and 12 per cent of automated teller machines were not accessible. In many countries, the removal of legal capacity of persons with disabilities prevents them from opening bank accounts (e.g. blind persons may be rejected or may have to comply with additional requirements, such as having a witness, and persons with intellectual disabilities may be requested to have a guardian appointed to authorize transactions). Women with disabilities may face additional difficulties in gaining access to financial services due to gender-based barriers that restrict their legal capacity, either in law or in practice.

Limited participation of persons with disabilities in trade unions

Trade unions have played a key role in promoting the employment and working conditions of persons with disabilities in many contexts, as outlined by the International Labour Organization (ILO) in "*Trade union action on disability and decent work: a global overview*" (2017). In many contexts, however, an outdated approach may still be used and the labour rights of persons with disabilities overlooked. Restrictions on the legal capacity of persons with disabilities may restrict freedom of association and prevent some persons with disabilities from creating or participating in trade unions, thus limiting their opportunities to defend, advocate for and mainstream their rights and interests.

Occupational health assessments

Before and during employment, occupational health assessments may be required to determine whether the applicant or employee could comply with the essential functions of the job or whether any accommodations are required, and they may be required to provide a healthy work environment. However, occupational health assessments also entail risk. Employers commonly rely on blanket medical assessments, which may categorize persons with disabilities as "incapable of working" on the basis of impairment, instead of assessing the capabilities and requirements of each individual to perform the core functions of the job. To avoid this from happening, clear regulations should be developed.

Lack of workplace accessibility

The accessibility of the workplace, including the accessibility of information, communications and transportation to get to work, is key for the inclusion and participation of persons with disabilities in employment on an equal basis with others, while ensuring the safety of workers with disabilities. Accessible environments prevent accidents and facilitate the evacuation of everyone, including persons with disabilities, in the event of an emergency. Failure to provide reasonable accommodation in the workplace further exacerbates the full participation and inclusion of persons with disabilities.

Alternatives to employment and living standards

Persons with disabilities who are unemployed may need to rely on social protection schemes, where available, or they may depend entirely on their family to provide for their basic requirements. As those options may not provide for the minimum standard of living outlined under Sustainable Development Goal 1 ("end poverty in all its forms everywhere"), this may lead to persons with disabilities being pushed towards begging, forced labour or exploitation, such as modern slavery and trafficking in persons. There are limited data on how these practices affect persons with disabilities.

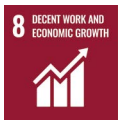
Design of social protection schemes as a barrier to employment

When social protection programmes link disability benefits to "incapacity to work" they make persons with disabilities less likely to seek work, as they are put in the position of having to decide between the certainty of minimal benefits and the risk of trying to find and maintain employment in an environment filled with barriers.

Attempting to work can also increase the costs of living with disabilities, due to the need for more supports and/or devices. A better strategy is to separate social protection benefits that address the costs of disability, regardless of work, from benefits aimed at unemployment and poverty alleviation. See the Policy Guidance on Sustainable Development Goal 1.

Further studies are needed on the barriers to persons with disabilities present in current efforts to achieve Goal 8, as well as on accessibility, protection against discrimination and legal capacity.

4. Decent work for persons with disabilities: actions applicable across all targets of Sustainable Development Goal 8



Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

4.1 Governance

The ministries or secretariats mandated with addressing issues relating to labour and employment, most commonly the "ministry of labour" (henceforth the term used to refer to these bodies), are the leading government departments on employment policies. They coordinate and facilitate dialogue with and among representatives of businesses (such as chambers of commerce), representatives of employees (such as trade unions) and other groups with interests in employment policies (including civil society organizations, such as organizations of persons with disabilities).

Ministries of labour have a regulatory and monitoring role in relation to the private sector of the economy and usually a more direct administrative role regarding public employment (e.g. through public service offices). As the ministries fulfil these roles, they also have a role in coordinating with the disability focal point. This is key to promoting and ensuring the inclusion of persons with disabilities in employment (e.g. by monitoring compliance with employment quotas by public agencies (see "Employment quotas for persons with disabilities" in part II, section 5.1.2), by providing private employers with guidance on recruitment processes and reasonable accommodation for persons with disabilities, and by providing business development and financial services providers with guidance on the inclusion of persons with disabilities in employment).

4.2 Legislation

Labour laws should consider persons with disabilities as active agents of the workforce and should provide the basis for the removal of structural barriers and systemic discrimination. They should regulate non-discrimination in employment, job advertising, recruitment processes, return-to-work policies, reasonable accommodation, promotions and retirement conditions, enabling persons with disabilities to enjoy and exercise labour rights on an equal basis with others. Regulations should also address monitoring mechanisms to ensure that persons with disabilities are treated fairly and that

safety and security regulations operate to their benefit (and not against them). In many countries, the rights of persons with disabilities have not yet been integrated into labour laws. This limits the visibility and enforcement of the equality of their rights.

Further details on actions with regard to labour laws are also provided in part II, section 5.1.1.

4.3 Close consultation with, and involvement of, persons with disabilities

The ministry of labour should ensure the systematic participation of, and active consultation with, persons with disabilities and their representative organizations in the design, implementation and monitoring of policies to promote their employment. This should involve a diverse representation of persons with disabilities, with the consideration of the requirements of persons with a broad range of impairments and of diverse genders.

Recommendation

Ensure consultation with persons with disabilities and their representative organizations on key areas, including legislation and policies on employment and related training, plans and measures to support entrepreneurship by persons with disabilities (including access to financial services), and legislation and regulations on trade unions and measures to prevent forced labour. Furthermore, persons with disabilities should be included in cross-ministry consultations on the interaction of social protection and employment.

- Related indicator on the Convention: 27.17

See also part I, section 2.4 and part II, section 2 on the participation of persons with disabilities in the Foundations Guidance and the video on participation developed by the Special Rapporteur on the rights of persons with disabilities.

4.4 Awareness-raising

Negative stereotypes and prejudice prevent the access of persons with disabilities to employment. These can include beliefs that persons with disabilities lack skills, are unproductive or less productive than others and have high levels of absenteeism. Such stereotypes and prejudice create attitudinal barriers, which can include attitudes of employers, potential business partners (e.g. in the context of cooperative enterprises and other similar organizations) and co-workers.

Removing these attitudinal barriers requires the promotion of a cultural change in the business world through strong awareness-raising policies and activities.

Recommendations

Ministries of labour, employer federations/associations and trade unions can undertake a range of awareness-raising measures targeting senior management, recruitment professionals and agencies among public and private business corporations, including banking and financial services. These could include:

1. Specific conferences and events that enhance the understanding of the positive impact on businesses of employing persons with disabilities;
2. Promoting and supporting the development of networks of disability-inclusive businesses. These can facilitate information-sharing and the showcasing of good practice to inspire others to take action;

3. Specific training programmes that can contribute to assessing and reducing prejudice against persons with disabilities, including women with disabilities, by managers and job recruiters;
4. Specific awareness-raising activities addressing other workers that can contribute to enhancing the inclusion of persons with disabilities. These include activities to ensure that co-workers are aware of how to interact respectfully with persons with disabilities, to enable participation and to avoid stereotyping and prejudice.

Organizations of persons with disabilities have an important role to play in raising awareness about the situation and rights of persons with disabilities. They should be engaged in the development and validation of messaging about persons with disabilities for any awareness-raising campaigns.

Related indicators on the Convention: 27.16 and 8.2

See also part I, section 2.5 on awareness-raising in the Foundations Guidance.

4.5 Training on inclusive workplaces

Stereotypes about persons with disabilities being "incapable of working" (see the Policy Guidance on Sustainable Development Goal 1) need to be actively combated. Public officials responsible for employment policy, senior managers, employment service professionals and human resources professionals, from both the public and private sectors, require specific training to combat this view, including training on concrete strategies for inclusion and a highlighting of the benefits that persons with disabilities bring to the work environment. The involvement of persons with disabilities in delivering such training can be particularly influential. For example, a panel of persons with disabilities sharing their experiences (in this case in relation to inclusion in employment) can have the most impact of disability-inclusion training. It can also be useful to develop networks and communities of practice for information-sharing, mutual advice and support and coordinated action.

Building the business case for the inclusion of persons with disabilities

Changing organizational culture is not easy. It requires a sound accountability framework that motivates the organization to move in an inclusive direction and a monitoring system that rewards improvement. Not everything can be solved by changing attitudinal barriers if organizational structures and approaches remain the same. Making the business case for the inclusion of persons with disabilities means highlighting the opportunities that companies gain by bringing in persons with disabilities as customers, clients, employees and managers. A broad range of customers benefit from improved inclusion – making a business accessible for workers with disabilities also makes it accessible for others with reduced mobility, such as older persons. For example, providing a ramp as an alternative to steps enables a broader range of persons to enter and to move around a building. Providing signage in large print with images enables a broader range of persons to understand the information. A person with disability is more likely to think of how to make products and services more accessible and notice unintentional barriers to using those products and services. By including persons with disabilities, companies, individuals and society all win (ILO, "Employment: the win-win of disability inclusion", InfoStories (December 2016)).

The United Nations Global Compact and ILO developed a guide to help to improve businesses' understanding of the rights of persons with disabilities. It includes information on how to respect and

support the rights of persons with disabilities and allows businesses to improve their competitiveness and sustainability, in alignment with relevant United Nations conventions and frameworks (United Nations Global Compact and ILO, *Guide for Business on the Rights of Persons with Disabilities* (2017)).

- Related indicators on the Convention: 27.15 and 5.10

International Labour Organization Global Business and Disability Network

The ILO Global Business and Disability Network is a unique, employer-led initiative that works to promote the inclusion of persons with disabilities in workplaces around the world.

Its members include more than 25 multinational enterprises and more than 30 national business and disability networks, as well as international not-for-profit and representative organizations of persons with disabilities. Through their work, members demonstrate the clear business benefits of employing persons with disabilities and highlight the valuable contributions they bring to all types of workplaces.

For more information, see www.businessanddisability.org.

4.6 Budget allocation

Resources from the public budget should be allocated to contribute to the employment of persons with disabilities, in both the public and the private sectors, and markers should be established to track expenditures (see part II, section 1.3.2 on disability markers in the Foundations Guidance). Examples include reasonable accommodation funds for public sector employees with disabilities and subsidies to promote the employment of persons with disabilities in the private sector.

- Related indicators on the Convention: 1/4.6, 5.6, 5.9 and 5.10

4.7 Data collection and disaggregation

Ministries of labour and other authorities should ensure that data on employment are collected and disaggregated by disability. Information on the type of disability is important, so it is best to use questions that will identify persons with a broad range of impairments, including persons with psychosocial disabilities. In this regard, the Washington Group Short Set on Functioning – Enhanced is highly recommended.

Recommendations

In order to assess accurately the inclusion of persons with disabilities in employment over time, ministries of labour should:

1. Ensure that effective systems are in place to collect administrative data on employment in the public and private sectors. This can enable the retrieval and analysis of data (e.g. from social protection systems and establishment surveys and payroll data);

2. Coordinate closely with national statistics offices to ensure that all data on employment are compatible and allow for their analysis over time (such as censuses, labour force surveys and disability surveys).

   Related indicator on the Convention: 31.2

See also part II, section 1.5 on data collection and disaggregation in the Foundations Guidance.

Work of the International Labour Organization on disability-inclusive labour force surveys

ILO promotes the inclusion of a module on persons with disabilities in labour force surveys entitled the "Functional difficulties and barriers to employment" module, which uses questions from the Washington Group Short Set on Functioning and enables the collection of data for disaggregation purposes. In addition, ILO is currently testing a set of questions that go beyond disaggregation, to explore the roots of exclusion in the labour market. For more information, see https://ilostat.ilo.org/resources/lfs-resources.

4.8 Data protection and privacy

Discrimination based on disability operates in multiple forms in the workplace. One of these is connected to disclosing information about impairments, with behaviour thought to be connected to mental health conditions being particularly stigmatized.

Persons with disabilities are protected against discrimination on an equal basis with others, and data protection supports their right to privacy. Persons with disabilities should not be forced to disclose their impairments.

The capacity to do a job is not described by a personal impairment but by the functions required by a specific job. Health and safety regulations must comply with international standards on data protection, particularly on the protection of sensitive data such as health-related data. Employers can request health-related data on all persons, including persons with disabilities, only if the request complies with data protection regulations and if the data are also required of all other employees in the same category.

When persons request reasonable accommodations, assessments should be aimed at defining adjustments, support and the rearrangement of functions, and should not require medical information. This process should instead be based on a functional assessment and conducted only when the employer has reasonable doubt about the credibility of the request.

Recommendation

Governments should make specific reference to privacy in employment and data protection policies, including on data management, to protect all persons, including persons with disabilities.

Related indicators on the Convention: 22.1–22.4

4.9 Accountability and complaint mechanisms

The right to work is ultimately ineffective if the system does not have in place robust accountability and complaint mechanisms to invoke and enforce rights.

Recommendations

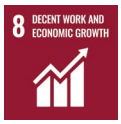
Actions in the following areas should be taken:

1. The ministry of labour should establish simple and transparent internal complaint mechanisms. These should allow persons with disabilities to bring complaints before the administrative authorities (including cases of discrimination, violence, harassment and exploitation in the workplace) and to obtain effective remedies. For example, persons with disabilities should be able to challenge decisions that conclude that they are "incapable of working" following a work-mandated medical check-up;
2. External complaint mechanisms should be made available and accessible. These may include complaint mechanisms within national human rights institutions and courts, such as labour courts or employment tribunals.

> Related indicator on the Convention: 27.18

5. Other key actions by target

5.1 Full and productive employment of persons with disabilities: target 8.5



Target 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young persons and persons with disabilities, and equal pay for work of equal value

5.1.1 Include the rights of persons with disabilities in labour laws, including the prohibition of discrimination, the provision of reasonable accommodation and the right to return to work

Legislation on gender equality and on persons with disabilities should be explicit in including women with disabilities and responding to their specific requirements in order to uphold their rights and prevent violations. Furthermore, specific measures adopted to increase the participation, empowerment and enjoyment of the rights of women should address the additional barriers faced by women and girls with disabilities so that they too benefit from them (such as legislation on gender parity in Congress).

Mainstream labour laws include the basic rights and duties of workers and employers in employment relationships. They usually include the minimum standards required for the majority of workers. These can be raised through agreement processes between representative organizations of workers (unions) and employers (such as chambers and associations). Mainstream labour laws also include standard legal criteria to regulate the different aspects of working relationships.

The rights of persons with disabilities in employment are not usually well reflected in mainstream labour laws (such as the obligation to provide reasonable accommodation). Instead, these rights are commonly included in non-discrimination and/or disability-specific legislation, thereby limiting the visibility, understanding, correct implementation and enforcement of the labour rights of persons

with disabilities. Labour law judges, lawyers and practitioners may be unaware of the latest legal standards. This is particularly the case for standards recently adopted or amended in line with the Convention on the Rights of Persons with Disabilities and the human rights-based approach to disability (such as amendments to prohibit discrimination on the basis of disability with regard to all matters and concerning all forms of employment – including conditions of recruitment, hiring and employment, the continuance of employment, career advancement, and safe and healthy working conditions).

Recommendations

Ministries of labour should aim to:

1. Include the rights of persons with disabilities in employment in mainstream labour laws and regulations. This should include provisions on the prohibition of discrimination on the basis of disability, the accessibility of working environments in all its dimensions, reasonable accommodation and support measures;
   - Related indicator on the Convention: 27.1
2. Disseminate information among, and promote training for, labour law judges and legal professionals on the labour rights of persons with disabilities under the Convention and the human rights-based approach to disability.
   - Related indicators on the Convention: 27.16 and 13.14

See also part II, section 3 on legislation and policy for equality and non-discrimination of persons with disabilities and section 5 on capacity-building in the Foundations Guidance.

5.1.2 Adopt a national action plan/strategy to promote the employment of persons with disabilities in both the private and the public sectors

Developing action plans/strategies to promote employment includes setting priorities, targets and measurable goals with the involvement of the relevant stakeholders, including trade unions, business networks and chambers, and organizations of persons with disabilities. Consultation with stakeholders is important to identify the structural barriers and systemic discrimination that may exist in legislation (e.g. against persons with disabilities in some occupations or towards persons with particular impairments). Legislation, policies and programmes can then be developed to address those barriers. Concrete and time-bound goals should be set for the design of a comprehensive set of measures and programmes, with the required resource allocation. This facilitates:

1. The monitoring of progress throughout implementation;
2. The evaluation of programmes when completed;
3. The making of informed decisions about whether or not to reform and/or renew measures and programmes.

A results-oriented strategic plan with monitoring and enforcement mechanisms is essential to increase the participation of persons with disabilities in employment, in both the private and the public sector. Such a plan should include measures to promote the employment of persons with disabilities, such as:

1. The dissemination of information and technical guidance on the provision of reasonable accommodation to employees with disabilities;
2. The development and promotion of schemes to support employees with disabilities;
3. Measures to promote and enforce accessibility standards for working environments;
4. Measures to ensure access to assistive technologies and supports required to perform tasks in the workplace;
5. Fiscal and other administrative incentives, such as subsidies or tax and social contribution exemptions for employers that recruit persons with disabilities;
6. Specific measures, such as the consideration of employment quotas applicable to the private and public sectors (see "Employment quotas for persons with disabilities" below);
7. Outreach measures targeting the recruitment of individuals or of specific groups of persons with disabilities;
8. Increasing the availability of mainstream vocational training inclusive of persons with disabilities;
9. Increasing the availability of on-the-job training for persons with disabilities;
10. Establishing preference in public procurement to select bidders who employ persons with disabilities.

Recommendations

Ministries of labour should:

1. Lead the design and development of a national action plan/strategy to promote the inclusion of persons with disabilities in employment, in both the private and the public sector. This should include clear time frames, benchmarks and measurable goals, and it should be developed in coordination with the main government disability focal point and with organizations of persons with disabilities;
   - Related indicators on the Convention: 27.4 and 1/4.6
2. Develop mechanisms to continuously monitor and periodically evaluate the implementation of the national action plan/strategy and its programmes.

Employment quotas for persons with disabilities

Employment quotas for persons with disabilities are an example of "affirmative action" that is aimed at combating structural discrimination in employment and remedying historical exclusion and inequality. Many countries have passed legislation requiring the employment of a percentage of persons with disabilities in the public and/or private sectors. For private employers, this scheme is commonly correlated to the total number of employees.

Quotas involve preferential treatment in favour of persons with disabilities to fill job positions. This is not considered discrimination against other persons, but rather a necessary measure to fill the gap

in the employment of persons with disabilities due to long-standing disability-based discrimination and stigma.

Quota levy systems can also be useful where funds from fines for not meeting quotas go towards supporting the training and employment of persons with disabilities. Nevertheless, penalties and sanctions should be sufficiently dissuasive to effectively achieve the objective of promoting the employment of persons with disabilities.

ILO has published a report providing a summary of quota schemes for employment of persons with disabilities throughout the world (*Promoting Employment Opportunities for People with Disabilities: Quota Schemes – Volume 2* (2019)).

The practice of implementing quotas has raised three main issues that need to be addressed:

1. "Reserved posts" that can only be filled by persons with disabilities are sometimes used. They are commonly perceived as low-quality and low-skilled jobs and often link specific vocations with specific groups of persons with disabilities (such as licences for blind massage therapists). These reflect low expectations and reinforce stereotypes and prejudice against persons with disabilities, limiting their career choices and development;
2. A low level of monitoring and a lack of effective enforcement mechanisms sometimes allow employment quotas to remain unfilled. For example, companies may opt to pay fines for non-compliance rather than make efforts towards the inclusion of employees with disabilities;
3. The filling of quotas benefits specific groups of persons with disabilities; those with fewer support requirements tend to be disproportionally benefited over others.

Quotas are also less effective in low-income countries where a small proportion of persons are formally employed.

When ministries of labour consider adopting or revising employment quota measures, this should be undertaken through a highly consultative process (involving businesses, trade unions, organizations of persons with disabilities and so forth) and quota measures should be accompanied by support and guidance for employers to prevent any negative repercussions linked with their use and increase compliance by public and private actors.

Current practice is progressively inclined to replace quotas with "targets". Targets are not required enforceable minimums but aspirational goals. They have proven effective in certain contexts, as they are seen as more positive and employers tend to respond better to them, rather than to the punishment of not complying with quotas.

Ministries of labour should make context-specific assessments to ensure that the approach adopted is effective in combating systemic discrimination. In some contexts, incentives may be more efficient, while enforcement can be a better choice in others. Neither measure is mutually exclusive.

To ensure the equality of outputs from quotas or targets, they should be implemented alongside targeted outreach measures for the recruitment of women with disabilities and of persons with a range of impairments, so persons with fewer support requirements do not benefit disproportionally from these measures. This outreach should include persons with intellectual disabilities or psychosocial disabilities and deafblind persons, who are often the most excluded (or, according to the local context, of groups the most excluded). Gender parity should be a goal in all policies, including disability-related policies.

- Related indicators on the Convention: 27.13, 5.7, 5.11 and 5.12

Employment of youth with disabilities



Target 8.6: By 2020, substantially reduce the proportion of youth not in employment, education or training

Target 8.b: By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization

Worldwide, 68 million youth are unemployed and 136 million are trapped in working poverty. The entry and continuity of youth in economic life is a matter of great concern and it is gaining attention at the international level.

The lack of data disaggregation by disability is a barrier to assessing the education and employment situation of youth with disabilities, but it is reasonable to expect higher inequality gaps based on disability. This expectation is based on the general exclusion of persons with disabilities from secondary, tertiary and higher education, as well as from employment.

The ILO-led Global Initiative on Decent Jobs for Youth is a clear attempt at concerted and coordinated efforts to address youth unemployment. Information-sharing, the sharing of good practice and stakeholder networks, among other things, could also contribute to addressing the specific situation of youth with disabilities.

Focusing on youth with disabilities, ILO has developed a guidance document that includes general recommendations for good practice on the inclusion of youth with disabilities in the workplace and features several case studies from around the world (ILO, *Inclusion of Youth with Disabilities: the Business Case* (Geneva, 2014)).

5.1.3 Carry out awareness-raising campaigns on the labour rights of persons with disabilities

Public awareness-raising campaigns strengthen the capacity of persons with disabilities to identify and claim their rights. Public campaigns need to be carefully designed to reach out to persons with disabilities effectively. Persons with disabilities may not see themselves as the targets of campaigns and may not consider the information as relevant to them.

Public campaigns on work and employment should address the specific barriers that different groups of persons with disabilities face. For example: (a) persons with intellectual disabilities and persons with psychosocial disabilities may face higher levels of harassment in the workplace than other persons with disabilities, (b) the extra costs of support in employment are a particular challenge for persons with physical impairments, and (c) the accessibility of information and communications is a particular challenge for persons who are blind. Consequently, campaigns should be tailored to address each of these barriers separately and require context-specific assessments.

In addition, persons with disabilities may be unsure about claiming their rights for fear of the consequences. Public campaigns should include references to existing legal aid services and complaint mechanisms, and they should explain that those would ensure the confidentiality of consultations and provide advice on possible courses of action. These advice services could be part of the ministry of labour or be complemented by independent entities, such as national human rights institutions.

Recommendations

Ministries of labour, in consultation with businesses, trade unions and organizations of persons with disabilities, should:

1. Design and develop accessible awareness-raising campaigns on the labour rights of persons with disabilities, tailored to different audiences, including persons with disabilities themselves in all their diversity;
2. Design, develop and evaluate awareness-raising campaigns and activities in coordination with the government disability focal point and with organizations of persons with disabilities.

> Related indicators on the Convention: 27.16 and 8.2

5.1.4 Measure and reduce the disability pay gap

Persons with disabilities are usually employed in low skilled and low salary job positions and/or rely on self-employment (see section 5.2). Consequently, persons with disabilities tend to earn, on average, less than others. This is the main cause of the disability pay gap.

While data are scarce, data from some countries show disability-related wage gaps ranging from 12 to 16 per cent. The gap can also differ depending on impairment types. For example, data from two countries show wage gaps of 29 and 49 per cent for persons with intellectual disabilities (*Disability and Development Report*, p. 158). This may be related to practices of segregated employment, such as the use of sheltered workshops, where salaries are usually below minimum wage or amount to stipends.

Labour laws need to ensure that there is no exception to labour rights based on a person's disability. This includes outlining the right to equal pay for equal work with no exceptions (e.g. for employers of persons with disabilities providing segregated employment, such as sheltered workshops).

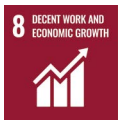
Recommendations

To promote and ensure equal pay for equal work for persons with disabilities, ministries of labour should:

1. Disaggregate data by sex and disability in household and labour force surveys, as well as other relevant surveys, to measure disability pay gaps;
2. Include income-related questions in disability surveys;
3. Ensure labour laws do not include exceptions to labour rights on the employment of persons with disabilities;
4. Promote employment practices aimed at reducing the disability pay gap, including in recruitment and salary negotiations;
5. Develop systems to monitor respect for the principle of equal pay for equal work for persons with disabilities, by public and private employers (e.g. through establishment surveys disaggregated by disability).

> Related indicators on the Convention: 27.24, 27.25 and 27.27

5.2 Self-employment of persons with disabilities: targets 8.3 and 8.10



Target 8.3: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services

Target 8.10: Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

Given the level of exclusion of persons with disabilities from formal employment, they may opt to seek income and self-sufficiency through self-employment and entrepreneurship, including through cooperative economic organizations. This may be the main or preferred option for the livelihood of persons with disabilities in some countries. However, persons with disabilities also face barriers in self-employment. Due to exclusion from education, vocational training and finance, they may be less equipped and require more support and training to develop an independent business. Women with disabilities may face additional barriers due to attitudes and gender-related restrictions on engagement in business and financial services.

5.2.1 Ensure that mainstream vocational and entrepreneurship training are inclusive of persons with disabilities and that supportive targeted training is available to them

Many persons with disabilities require training to develop the skills that will enable them to work independently in self-employment. In addition to traditional training relating to acquiring manual or other skills (e.g. on information and communications technology), persons with disabilities also require basic business administration and financing skills for self-employment.

Mainstream vocational and entrepreneurship training is usually not inclusive of persons with disabilities. Training commonly available to persons with disabilities tends to be disability-specific, instead of inclusive mainstream training. While targeted training for persons with disabilities may still contribute to developing their skills for specific jobs and work opportunities, it also continues their exclusion from mainstream training environments. These training programmes are not usually directed at building business administration skills and microfinance capacities.

Training for specific occupations should not be disconnected from the economic reality, or prevent or restrict persons with disabilities from gaining access to the open market (such as training for specific employment). Offered training opportunities should be flexible and allow and support persons with disabilities to initiate independent economic activity.

Recommendations

In the area of inclusive mainstream vocational and entrepreneurship training, ministries of labour, in coordination with education authorities, should:

1. Ensure that vocational and entrepreneurship training is inclusive of, and accessible to, persons with a broad range of disabilities, by eliminating potential barriers and providing the required support;

2. Make targeted training available for persons with disabilities to support and facilitate their inclusion and retention in mainstream training (either before or in parallel with mainstream training);
3. Include capacity-building relating to financial and administration skills as part of training on entrepreneurship;
4. Facilitate access to information and communications technology and other technologies and provide training on their use for entrepreneurship;
5. Evaluate how the training offered has contributed to access to employment or self-employment;
6. Consider outreach measures to promote the awareness of entrepreneurship and related training among persons with disabilities.

Related indicators on the Convention: 24.5, 24.20, 24.27, 27.12 and 27.15

5.2.2 Adopt legal and regulatory measures to ensure the equal participation of persons with disabilities in business organizations and their equal access to financial services, including microfinance and credit schemes

Legislation and regulations that restrict the legal capacity of persons with disabilities (such as guardianship schemes in civil codes, restrictions in banking regulations based on impairment, and restrictions on the ability to sign contracts or to register a business) are serious barriers to persons with disabilities engaging as partners in business organizations, such as cooperative enterprises.

Restrictions on legal capacity, either in regulations or in practice, prevent the access of persons with disabilities to the financial services that are necessary to develop independent activities in self-employment. For example, persons with intellectual disabilities may be required, in practice, to have a guardian appointed to open a bank account, even if this is not required by regulations or law.

The recognition of legal capacity and access to general financial services, such as bank accounts and credit schemes, are essential to enable individual (or joint) entrepreneurship and self-employment for persons with disabilities. In many contexts, access to personal loans with low or zero interest rates and microfinance schemes contribute to developing and boosting individual businesses and contribute to lifting persons out of poverty. These resources should also be made available to persons with disabilities.

Many additional factors prevent persons with disabilities from gaining access to basic financial services. Given their low-income level and their disability-related extra costs (see the Policy Guidance on Sustainable Development Goal 1), persons with disabilities may struggle to qualify for credit and microfinance schemes, leading to a reduced level of access. For the same reason, they may have low savings capacity, as they are more dependent on credit and more exposed to the financial risks of a failed business venture. The lack of accessibility of banking services, including e-banking services and automated teller machines, also remains an obstacle (see Sustainable Development Goal indicator 8.10.1: (a) number of commercial bank branches per 100,000 adults and (b) number of automated teller machines (ATMs) per 100,000 adults.)

Recommendations

Policymakers regulating the activities of financial institutions or promoting self-employment should take steps to:

1. Reverse any provision in legislation or regulation that restricts the legal capacity of persons with disabilities to engage as partners in business organizations (such as cooperative enterprises) or to have access to financial services;
   - Related indicators on the Convention: 12.1, 12.2, 28.3, 28.4 and 28.5
2. Promote regulatory frameworks that facilitate access to credit and microfinance schemes by entrepreneurs with disabilities. This may involve making general schemes inclusive and/or developing specific credit lines, including the provision of insurance and safety nets to prevent or mitigate the risk of a failed business venture;
   - Related indicators on the Convention: 27.1, 27.4 and 27.19
3. Adopt measures to raise awareness and change attitudes of the staff of banks and financial institutions, both public and private, on the right to legal capacity of persons with disabilities. For example, one approach that has been used is to appoint a disability focal person in a peak body for microfinance and a point person in a national umbrella organization of persons with disabilities, to work together towards financial inclusion;
   - Related indicators on the Convention: 12.15 and 28.14
4. Establish mandatory accessibility standards for public and private financial institutions and their service provision.
   - Related indicators on the Convention: 9.3, 9.4, 19.12, 19.13 and 19.26

See also "Nine actions to uphold the legal capacity of persons with disabilities" in part II, section 3.5, as well as part I, section 2.5 on awareness-raising in the Foundations Guidance. See also the video on legal capacity developed by the Special Rapporteur on the rights of persons with disabilities.

5.2.3 Make business development services available to persons with disabilities

Business development services are aimed at developing and improving the performance and competitiveness of a business initiative or established business. They involve the provision of information and advice on the different aspects of a business (such as establishment, registry, operation, access to markets, increased productivity, cost reduction and marketing strategies), which are typically provided by commercial business development agencies, but also by non-profit public agencies or private organizations.

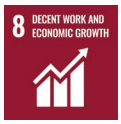
In many contexts, business development services can offer great benefits for entrepreneurs with disabilities, especially given the existing communication and information barriers that hinder their access to key administrative and market information.

Recommendations

Ministries of labour, in coordination with other public agencies involved in self-employment and business development, should:

1. Develop public programmes to provide business development services for entrepreneurs with disabilities;
2. Encourage existing private providers of business development services to adopt inclusive practices, to ensure services respond to the diversity of persons with disabilities.

5.3 Protection of labour rights of persons with disabilities: targets 8.8 and 8.7



Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

5.3.1 Ensure freedom of association of persons with disabilities to create and participate in trade unions

The freedom of association of workers is a basic labour right that allows for collective representation and bargaining to defend and advance the interests of workers. While, in many contexts, trade unions actively promote working conditions of persons with disabilities (ILO, "Trade union action on disability and decent work"), disability-related labour rights are mostly unknown and overlooked. Most commonly, these rights are considered from outdated perspectives that tend to exclude persons with disabilities from the workforce, offering early retirement, pensions or other exclusionary alternatives as the only solutions.

Policymakers should promote the inclusion of persons with disabilities in trade unions and collective bargaining mechanisms to ensure that persons with disabilities and their rights are represented in labour rights discussions. As part of this, organizations of persons with disabilities could, for example, provide training for trade unions on the rights and entitlements of persons with disabilities. This should increase their visibility and raise awareness of their working conditions and requirements. Trade unions should then have the opportunity to engage in planning in relation to how barriers will be addressed in the context of their work.

Furthermore, the deprivation of legal capacity may prevent some persons with disabilities from creating and/or participating in trade unions and therefore from defending, advocating for and mainstreaming their rights and interests.

Recommendations

Ministries of labour should:

1. Work with organizations of persons with disabilities and trade unions to promote the effective inclusion and participation of persons with disabilities in unions and collective bargaining, to be able to exercise their rights in the workplace;
2. Propose the reversing of any legal or regulatory provisions that restrict the right of freedom of association or the right to form or to participate in trade unions or associations of workers, based on disability (including on the deprivation of legal capacity).

> Related indicators on the Convention: 27.1, 29.9, 29.11 and 29.23

5.3.2 Ensure that occupational health assessments do not prevent access to employment based on impairments

As presented by ILO ("Technical and ethical guidelines for workers' health surveillance", Occupational Safety and Health Series, No. 72, (Geneva, 1998)), occupational health focuses on three objectives:

1. Maintenance and promotion of the health and working capacity of workers;
2. Improvement of the working environment for work to be safe and healthy;
3. Development of work organizations and working cultures that support health and safety at work and promote a positive social climate.

Occupational health assessments are aimed at determining the health conditions of candidates for employment. Relying on this information, employers can assess whether employees are fit to comply with the essential functions of the job (see "Putting it into practice: determining the 'essential functions of the job" below), as well as ensure more suitable and safe working conditions (e.g. providing for reasonable accommodation or not assigning non-essential detrimental tasks in order to prevent risks to the health of the worker).

In reality, professionals (generally occupational health professionals) are often influenced by outdated concepts of disability or limited by legislation. They tend to focus on the impairment of the person when performing the occupational health assessment. This may result in a blanket assessment of "incapable of working" (see part II, section 4.4 of the Policy Guidance on Sustainable Development Goal 1). These assessments commonly fail to link the individual capabilities of the person with disability, the core functions of the job and the environment in which that job is operating. This results in exclusion from the labour market. In addition, the understanding of the capability of the person by the assessment professional may be limited by a lack of knowledge on support and assistive technologies and on alternative arrangements in the workplace, including reasonable accommodation.

Professionals in certain countries face a dilemma; either:

1. They discriminate against a person with disability if their assessment unreasonably (e.g. based on a stereotype or prejudice) prevents their access to employment; or
2. They fear civil liability claims from employers if their assessment is not overly comprehensive and detailed (e.g. not pointing out all the possible situations to which the employers may have to respond).

Assessment protocols should support a person-centred approach and provide for a fair fitness assessment that also determines what reasonable accommodations or supports could make the job candidate successful. That is, the assessment should not be to rule someone out, but to determine what is needed to include them. The more the assessment links capabilities, essential functions of the job and needs for accommodation and support, the higher the legal certainty.

Assessing fitness to work

- Assessments should identify any reasonable accommodations and supports a person may need to perform a job, after the person was offered employment. These can include adjustments in the workplace, flexible hours or rearranging the work among co-workers. The goal of an assessment should not be to rule someone out of a job but to determine what they would need to do the job.
- If a person experiences an injury or illness that leads to functional difficulties while working, the assessment should also include what other jobs are available that may suit them better.
- Only after assessing that the person cannot do the job, even with reasonable accommodations and adjustments in the work of the organization (e.g. giving them other tasks or a new position), should more permanent solutions like disability-based dismissal or retirement be evaluated.
- Assessments determining refusal of employment or ending of contracts should be available for the person with disability.
- Assessments should not be based on impairments but on a person's ability to perform the specific job tasks required. Persons with the same impairment can have very different functional capacities. Diagnosis does not describe the capacity of a person to do a job.
- Procedural safeguards should complement the assessment. These should be aimed at protecting the rights of persons with disabilities and at ensuring that assessments are based on clear criteria (not based solely on impairments).

Recommendations

Ministries of labour, in coordination with ministries of health, should:

1. Develop regulations and protocols on occupational health assessments containing procedural safeguards to prevent discrimination based on impairments;
   - Related indicators on the Convention: 27.1 and 27.2
2. Disseminate information and guidance to employers to ensure that occupational health assessments are used to guarantee that someone can perform the essential functions of a job, and to plan for the provision of workplace adjustments, including through reasonable accommodation;
   - Related indicator on the Convention: 27.5
3. Develop systems to monitor recruitment processes and occupational health practices regarding persons with disabilities in order to remove discrimination based on disability.

Putting it into practice: determining the "essential functions of the job"

ILO defines the essential functions of a job as "the fundamental job duties or requirements of a particular job … [that] cannot be eliminated or substantially modified without changing the nature of the job".

Vague or poorly defined job descriptions prevent occupational health professionals and recruiters from objectively assessing the suitability of applicants with disabilities. Defining the essential functions of the job prevents employers from making decisions without clear criteria, as well as discriminatory decision-making.

Determining the essential functions of the job requires considering:

1. Whether the primary purpose for which the position exists is to perform that particular function;
2. The number of other workers available to perform the function or among whom the performance of the particular function could be distributed;
3. The degree of expertise or skill required to perform the function;
4. Which functions are essential, as expressed in the written job description prepared before advertising, or interviewing for, a job;
5. The concrete work experience of present or past workers in the job;
6. The proportion of time required by the worker to perform the function in question;
7. The consequences of not requiring a worker to perform the specific function.

Source: ILO, *Promoting Diversity and Inclusion through Workplace Adjustments: a Practical Guide* (Geneva, 2016).

5.3.3 Incorporate accessibility in all its dimensions as a key element of occupational health and safety

Accessibility is a principle for the inclusion of persons with disabilities, a precondition to working effectively and a right in itself. Accessibility is an asset for the employing organization – it makes environments friendlier for workers and customers and benefits persons with and without disabilities. In addition, accessibility improves safety by reducing risks and preventing accidents for all persons (e.g. when evacuating in case of emergency). Workplaces that are accessible, in terms of the physical environment, information and communications, enable more autonomy (e.g. to move around and to have access to and share information) and reduce the need for human support (such as personal assistance).

Workplace accessibility contributes to occupational health and safety, not just for persons with disabilities but for everyone. For example, barrier-free exit doors that allow all persons to evacuate, that are well marked and that are free of obstacles and steps can also be accessible to persons who have mobility impairments.

Recommendations

Ministries of labour and other agencies responsible for certifying the safety of workplaces should:

1. Establish the accessibility standards applicable to working environments;
   - Related indicators on the Convention: 27.7 and 9.7
2. Ensure that occupational health and safety standards and emergency protocols of workplaces incorporate accessibility for persons with disabilities and that they are systematically included in monitoring activities, such as workplace inspections.

5.3.4 Adopt disability-inclusive strategies against forced labour, including measures to end forced begging and other forms of exploitation

Persons with disabilities who are unemployed may need to rely on social protection schemes, where available, or to depend entirely on relatives to provide for their basic requirements, such as housing, food, clothing and support. Most countries lack social protection schemes that provide for these basic requirements, and low-income households struggle to cope with the disability-related extra costs of family members.

In such contexts, persons with disabilities may end up in situations of forced labour, including begging. Persons with disabilities are at a higher risk of exploitation from criminal networks, their relatives or others that force them to beg. They may also be victims of other forms of forced labour, modern slavery and trafficking in persons, particularly women and girls with disabilities. Generally, there is a lack of data on how these practices affect persons with disabilities and further research and investigation are needed.

Recommendations

To prevent forced begging and similar practices, ministries of labour, in coordination with other agencies (including those working on social protection and with organizations of persons with disabilities), should:

1. Ensure that policies to combat forced labour, modern slavery and trafficking in persons are inclusive of persons with disabilities;
2. Adopt a plan or policy to prevent begging, by providing persons with disabilities with alternative means for an adequate standard of living;
3. Combat practices of exploitation against persons with disabilities through forced begging, including by proposing relevant legislation and seeking legal sanctions of perpetrators through the justice system;
4. Carry out awareness-raising programmes, including training for the police, the judiciary and other actors monitoring and combating forced labour, and ensure the accessibility and effectiveness of reporting and complaint mechanisms.
   - Related indicators on the Convention: 27.9, 27.10, 16.1, 16.3 and 16.13

Additional resources

International Labour Organization. *Achieving Equal Employment Opportunities for Persons with Disabilities through Legislation: Guidelines*. Geneva, 2014.

_____. COVID-19 and the world of work: ensuring the inclusion of persons with disabilities at all stages of the response. Policy brief. Geneva, 2020.

_____. Employment: the win-win of disability inclusion. InfoStories. December 2016.

_____. *Expert Meeting on Trade Union Actions to Promote Decent Work for Persons with Disabilities*. Geneva, 2017.

_____. Inclusion of people with disabilities in national employment policies. Geneva, 2015.

_____. *Inclusion of Youth with Disabilities: the Business Case*. Geneva, 2014.

_____. *Promoting Diversity and Inclusion through Workplace Adjustments: a Practical Guide*. Geneva, 2016.

_____. Technical and ethical guidelines for workers' health surveillance. Safety and Health Series, No. 72. Geneva, 1998.

_____. *The Competitive Advantage of Hiring Persons with Disabilities: an Employer's Guide to Disability Inclusion at the Workplace*. 2016.

_____. *Trade Union Action on Decent Work for Persons with Disabilities: a Global Overview*. Geneva, 2017.

International Labour Organization and Fundación ONCE. *Making the Future of Work Inclusive of People with Disabilities*. 2019.

Rivas Velarde, Minerva C. *Indigenous Persons with Disabilities: Access to Training and Employment*. Geneva: International Labour Organization, 2015.

United Nations, Department of Economic and Social Affairs. *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities*. United Nations publication, 2019.

United Nations Global Compact and International Labour Organization. *Guide for Business on the Rights of Persons with Disabilities*. 2017.

Annex: Key concepts

This annex contains key foundational concepts referred to throughout the Policy Guidance for Inclusive Sustainable Development Goals. It is designed as a quick reference and refresher for readers as they use the Policy Guidance. An elaboration of these concepts is provided in the Foundations Guidance, which should be read prior to, or together with, the other guidance for a deeper understanding of the required foundations for inclusion.

Ableism considers certain typical characteristics of body and mind as essential for living a life of value. Ableist perspectives view impairments as undesired, which leads to unconscious bias, prejudice, discrimination and exclusion. Ableism is usually behind negative perceptions and stereotypes about persons with disabilities. See also part I, section 1.3 of the Foundations Guidance.

Accessibility is the quality that allows persons with disabilities to have access to and enjoy physical environments, transportation, facilities, services, information and communications, including new technologies and systems. When planning for accessibility, the principles of universal design should be used. See also part I, section 2.2 of the Foundations Guidance.

Assistive technology, devices and mobility aids are external products (devices, equipment, instruments and software), specially produced or generally available, that maintain or improve an individual's functioning and independence, participation or overall well-being. Examples of assistive devices and technologies include wheelchairs, prostheses, hearing aids, visual aids and specialized computer software and hardware that improve mobility, hearing, vision or the capacity to communicate. See also part I, section 2.3 of the Foundations Guidance.

Awareness-raising actions are those that are aimed at informing about rights and changing negative attitudes towards persons with disabilities. They include training, campaigns and mass-media communications. Awareness-raising activities should target persons with disabilities and others and should involve persons with disabilities in their design and delivery. See also part I, section 2.5 of the Foundations Guidance.

Barriers: Disability results from the interaction between persons with impairments and the barriers in the environment around them. Barriers can be broadly categorized into the following:

1. **Environmental barriers,** which are imposed by the context. To clarify the categories and subcategories, this should be:
    a. **Physical barriers,** such as the presence of steps, preventing access for someone using a wheelchair or others with mobility difficulties.
    b. **Communication barriers,** such as the barriers to participation for a sign language user in a meeting if sign language interpreters are not provided, or the barrier to gaining access to information experienced by blind persons with written text if accessible formats are not provided.

c. **Policy barriers,** such as education systems that prevent the enrolment of children with disabilities in their local school.

2. **Attitudinal barriers,** such as the belief that persons with disabilities cannot learn or work. Attitudinal barriers can lead to apathy or inertia towards addressing other barriers.

In order for persons with disabilities to fully participate and to have opportunities for development, the barriers that limit their participation should be systematically addressed. Persons with disabilities themselves are experts in identifying barriers and the solutions to overcome them. See also part I, section 1.1 of the Foundations Guidance.

Disability discrimination is described in article 2 of the Convention on the Rights of Persons with Disabilities as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. See also part I, section 2.1 of the Foundations Guidance.

Disability mainstreaming is the process of ensuring that the rights of persons with disabilities are embedded in all policy, assessing policy implications for persons with disabilities and ensuring their meaningful participation. It is the way of making the concerns and experiences of persons with disabilities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that persons with disabilities have equal benefits, and inequality is not perpetuated. The ultimate goal is to achieve equality of outcomes and foster an inclusive culture. Disability mainstreaming should be combined with disability-specific actions (see the twin-track approach, described below). See also part II, section 1.2.1 of the Foundations Guidance.

Disability-related extra costs refers to the higher expenditure of persons with disabilities and their households when compared to that of the rest of the population. Extra costs commonly stem from specific goods and services (such as mobility aids, personal assistance and accessible housing) and/or a lack of access to general goods and services (e.g. having more expensive health insurance and using taxis where public transport is not accessible). Disability-related extra costs affect different policies. (For more information, view the videos "Understanding disability extra costs" and "Addressing disability extra costs" of the Centre for Inclusive Policy.)

International cooperation is the interaction of persons or groups of persons representing various countries and diverse international and regional organizations striving towards the common goal of realizing the rights of persons with disabilities and the Convention on the Rights of Persons with Disabilities. Persons with disabilities, the organizations that represent them and policymakers collaborate through their ministries of international affairs to receive technical and financial support from international organizations and development banks. Financial support designated for international cooperation should not be used for measures contrary to the Convention and should be planned to be substituted with national funds to ensure policy continuation. Technical cooperation among countries with similar realities is important to identify effective solutions. See also part II, section 6 of the Foundations Guidance.

Intersectional discrimination refers to situations where discrimination is occurring on the basis of multiple and intersecting factors, including sex, gender identity, ethnicity, age, caste, class, faith, sexual orientation, sex characteristics or any other characteristic. Persons with disabilities also have a gender identity, may come from an indigenous group, be young, old, a refugee or living in poverty. See also part II, section 3.3 of the Foundations Guidance.

Legal capacity is the right to make legally valid decisions autonomously. Some countries restrict the right of adults with disabilities to manage their own financial affairs, including owning property, choosing where to live and work, and managing their relationships, health and well-being. Restricting or denying this right is against the Convention on the Rights of Persons with Disabilities and has negative effects across all policies. See also part II, section 3.5 of the Foundations Guidance.

Organizations of persons with disabilities are led, directed and governed by persons with disabilities. They are established at the local, national, regional or international level to promote and/or defend the rights of persons with disabilities. The clear majority of the membership of such organizations should be recruited among persons with disabilities themselves. See also part I, section 2.4 of the Foundations Guidance.

Participation of persons with disabilities refers to the action of allowing and enabling persons with disabilities to take part directly, or through organizations of persons with disabilities, in decision-making processes, including the design, implementation, monitoring and evaluation of policies. To do so, persons with disabilities should be closely consulted and actively involved in all decision-making processes by being invited to give their opinions and to take part in implementation processes.

Participation is an obligation to be met under the Convention on the Rights of Persons with Disabilities for all aspects of policy. "Nothing about us, without us" is the motto that promotes this obligation, and it means that no policy should be developed or implemented without persons with disabilities. See also part I, section 2.4 and part II, section 2 of the Foundations Guidance.

Persons with disabilities include those who have long-term physical, psychosocial, intellectual or sensory impairments that, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. Hence, persons with disabilities are persons with impairments who experience barriers that restrict their participation. See also part I, section 1.2 of the Foundations Guidance.

Reasonable accommodation refers to modifications or adjustments made for a person with disability who requires them in a particular case, to facilitate participation on an equal basis with others. Reasonable accommodation must be provided on demand – that is, entities responsible for providing it cannot deny it by saying that they are progressively implementing measures. If arbitrarily denied, this constitutes discrimination.

Some examples include adjustments to the school hours of a student, extended breaks to rest, the acquisition of computer software to read screens or a foldable ramp to overcome steps, or the provision of a sign language interpreter in a work meeting. See also part I, section 2.1 and part II, section 3.2 of the Foundations Guidance.

Support for persons with disabilities encompasses a wide range of formal and informal interventions, including live assistance and intermediaries, mobility aids and assistive devices and technologies. It also includes personal assistance, support in decision-making, communication support (such as sign language interpreters and alternative and augmentative communication), mobility support (such as assistive technology or service animals), living arrangement services for securing housing and household help, and community services. Persons with disabilities may require support to perform daily life activities and/or to use general services (such as health, education and justice) on an equal basis with others. See also part I, section 2.3 of the Foundations Guidance.

Supported decision-making is a type of support given to persons with disabilities in relation to legal decisions. This mechanism guarantees that (a) persons with disabilities exercise their legal capacity (see above) and can make their own decisions in every aspect of life, and (b) their decisions are not replaced by the decisions of guardians or others. Supported decision-making is voluntary and can include informal and formal support arrangements. For example, a person with disability may choose a trusted person to support them in making certain types of legal decisions. They may also resort to peer support or self-advocacy networks. Some persons with disabilities may have access to support to help in the communication of their will and preferences. See also part II, section 3.5 of the Foundations Guidance.

A **twin-track approach** is a policy development strategy that:

1. Systematically mainstreams the interests and rights of persons with disabilities in policy design and implementation, across all sectors and areas of life;
2. Adopts targeted policy and programming measures aimed specifically at persons with disabilities.

The balance between mainstreaming strategies and targeted support strategies should be tailored to address the needs of specific communities. See also part II, section 1.2.1 of the Foundations Guidance.

Universal design is the design and composition of products, environments, programmes and services that make them accessible, understood and used to the greatest extent possible by all people, regardless of their age, size, ability or disability, and without the need for adaptation or specialized design. The principles of universal design facilitate accessibility, including for persons with disabilities. See also part I, section 2.2 of the Foundations Guidance.

The **Washington Group Short Set on Functioning** is a set of six questions on functioning, designed to be used within national censuses and surveys, to provide comparable data cross-nationally for populations living in a variety of cultures with varying economic resources. While not exhaustive, the basic actions represented in this set of six questions are those that are most often found to limit an individual and result in participation restrictions. The information that results from the use of these questions will (a) represent the majority of, but not all, persons with limitation in basic actions, (b) represent the most commonly occurring limitations in basic actions, and (c) be able to capture persons with similar difficulties across countries. See also part II, section 1.5 of the Foundations Guidance.



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