



DECLARATION

EASPD Employment Declaration

4 December 2014

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EASPD is the European Association of Service providers for Persons with Disabilities. We are a European not-for-profit organisation and represent over 10,000 social service provider organisations across Europe and disability. The main objective of EASPD is to promote equal opportunities for people with disabilities through effective and high-quality service systems.

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Executive Summary

The fundamental right of people with disabilities to work, on an equal basis with others, is clearly identified in Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). EASPD is committed to ensuring that these rights are realised, while at the same time acknowledging the significant challenges to their implementation. People with disabilities are structurally disadvantaged in the labour market because of the barriers posed by society. Their labour market participation is significantly lower than that of persons without disabilities and this situation has not improved over the past 15 years. The persistent underemployment of persons with disabilities needs to be addressed with immediate action to end the situation of exclusion from the labour market. Positive support measures in this sense are key to unlock job potential and shift the focus away from the disability on to skills and competences. As European umbrella organisation, it is EASPD's aim to pursue accessible and inclusive labour market opportunities for persons with disabilities.

This Declaration represents EASPD's commitment to strive for improved labour market participation reaching out to all actors of society, such as Disabled People's Organisations (DPOs), civil society stakeholders, policy makers, trade unions and the business world, and ensure the needs of persons with disabilities are fully taken into consideration, and in particular the enjoyment of their human rights.



Introduction

EASPD is the European Association of Services providers for Persons with Disabilities. Our main objective is to promote the rights of persons with disabilities by furthering the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) through effective and high quality service systems.

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In Europe there are around 80 million people with disabilities. It is clear that their labour force participation rate is significantly lower than when compared to the population as a whole. Persons with disabilities are not fully integrated into the labour market; almost half of the working age population are either unemployed or considered as not able to work. Among those who are working, many are underemployed, paid below the minimum wage, work below their capabilities and/or with temporary contracts only and have poor career prospective. The employment sector for persons with disabilities in Europe is varied and took different directions over the years, according to variables such as the level of socio-economic development and the differing approaches to disability needs and requirements throughout the continent. Women and young people with disabilities, persons with mental health issues, persons with intellectual disabilities, persons with psychosocial disabilities and persons with acquired brain injuries appear to be even more discriminated.

This lack of economic participation has a significant impact on the lives of persons with disabilities, as they are consequently unable to earn an adequate standard of living (proclaimed in Article 28 of the United Nations Convention on the Rights of Persons with Disabilities, UN CRPD) which therefore increases their likelihood to live in poverty and deters their possibilities to live independently in the community (as indicated in Article 19 of the UN CRPD). In some cases, social security benefits act as locking mechanisms which do not promote the shift towards open labour market participation; as in fact, these benefits may be reduced or removed when persons with disabilities enter into the labour market and are difficult to re-obtain, should the person stop working for any reason.

The UN CRPD is the main international framework for the rights of persons with disabilities. The right to work and employment has been formally recognised by the UN CRPD in Article 27.

The Convention formalised an innovative approach, as it formally recognises the right to reasonable accommodation, which allows full participation of persons with disabilities in the working life through any *"necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden"* (UN CRPD, Article 2).

The economic crisis which has hit Europe since 2008 has led to the implementation of austerity measures which have impacted upon the lives of persons with disabilities throughout Europe. The already precarious situation of persons with disabilities before the onset of the recession has been even worsened, pushing back positive achievements developed until then. This state of affairs, which places persons with disabilities into a chronically excluded situation making it harder for them to access the labour market, demands collective action across sectors.

With this Declaration EASPD wishes to highlight the urgent and persistent problem of underemployment among persons with disabilities in Europe, which hampers the enjoyment of their human rights as proclaimed by the UN CRPD.

EASPD has drafted this Declaration as a result of a one year-long process started with a dedicated conference on employment held in Istanbul in 2013 and developed through subsequent consultations culminating with an ad-hoc Board Seminar on EASPD's Declaration on Employment. EASPD's overarching objective is to support its Members into securing the complex process of implementing the UN CRPD.

Points of reference

The UN CRPD is the main international framework reference for the rights of persons with disabilities. The right to work and employment has been formally recognised by the UN CRPD in Article 27, which cross-references the prescriptions of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The UN CRPD deals with the right to work, with a specific focus on participation into the open labour market, helped



partly through reasonable accommodation, and on their enjoyment of labour rights.

The “Thematic study on the work and employment of persons with disabilities” from the Office of the High Commissioner on Human Rights (OHCHR), published in 2012, recognises the complex situation of persons with disabilities and elaborates on the prescriptions of Article 27 of the UN CRPD providing additional information as to its correct understanding.

With the conclusion of the UN CRPD by the European Union in 2010, the European Institutions are also called to focus their work in the field of disability towards the fulfilment of the requirements set forth by the UN CRPD and the implementation of the prescriptions included in the field of work and employment. Several policy and legislative tools are serving these objectives:

- The European Disability Strategy 2010-2020;
- The Europe 2020 Strategy & the European Semester;
- The Council of the European Union Conclusions “Support of the implementation of the European Disability Strategy 2010-2020” of 17 June 2011.
- The European Parliament “Resolution on Mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 of 25 October 2011;
- The Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- The Youth Guarantee, tackling the difficulties of youngsters to enter into the labour market;
- The new Public Procurement Directive 2014/24/EU; which recognises the specificity of social services and guarantees wider discretion to Member States to organise services in the way they consider more appropriate.

Analysis of the situation

Across Europe there is a variety of work and employment models and methodologies for persons with disabilities which have been developed over time.

As a result of these developments there are currently different realities from country to country, such as occupational services and sheltered workshops, belonging to the protected work and employment sectors, others prioritising forms of work and employment schemes in the open labour market which include, for example, supported employment methodologies. Additionally, there are many work and employment schemes which are not clearly definable, having mixed features from the protected sector and the open labour market. As society, people and disability are evolving, the work and employment situation may also vary during the course of life.

The possibilities for work and employment for persons with disabilities, especially persons with severe disabilities, often depend on the amount of (specialised) support available to them (i.e. human support, vocational education and training and technical adaptations, such as reasonable accommodation) and on the existence of support available for employers too (i.e. compensation measures against the potential loss in productivity and/or guidance on how to deal with technical and human support issues linked to persons with disabilities).

Legislation also plays an important role in work and employment possibilities, as, in some countries, it defines the possibility for persons with disabilities to be entitled to work, to access the labour market and to the type of subsidies people may receive.

Lastly, labour market job opportunities inevitably have a direct consequence on where people with disabilities may work, as the lack of job offers limits both choice and control over someone’s professional life, leaving many people with disabilities without concrete jobs and/or limited career perspectives.

The current state of play is not easy and has been worsened by the economic crisis which has recently hit Europe. In the last decade a strong movement fighting for mainstreaming set the basis for a change of mind-set in work and employment schemes for persons with disabilities, recognising their right and their ability to work in the open labour market, if being given adequate support. Today, however, the number of jobs available in the open labour market for



persons with disabilities is not higher compared to 15 years ago.

Our vision on the future of employment for persons with disabilities

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People with disabilities are structurally disadvantaged in the labour market because of the barriers posed by society. Nonetheless, support measures, when provided, may help overcome structural and functional hindrances, provided that they are accompanied by a sustainable legislative and financial framework fitting long-term support needs. These measures may include vocational and educational training (VET), reasonable accommodation, technical guidance, personal assistance measures and subsidies for employers.

Accessible, inclusive labour markets are the objective to be pursued in the future. People with disabilities must receive adequate support in order to have equal opportunities in the labour market.

Terminology also has an important role to play. Using a more positive terminology in the disability sector, based on skills and competences, could play a key role in unlocking its development. The social model of disability needs to be a reference, also when it comes to defining, identifying and enjoying human rights for persons with disabilities.

Labelling and categorising persons with disabilities is at times hampering their enjoyment of human rights, whenever it puts persons with disabilities in contexts of segregation from the rest of society. In this regards, society, by providing persons with disabilities with the right individualised support, can remove stigmas and discrimination by promoting a positive attitude towards them.

The core reference framework for disability rights is the UN CRPD. Though the status of implementation of each Article varies from country to country, the UN CRPD is the objective to be pursued. In this respect, service providers should engage to ensure persons with disabilities have equal working opportunities in the open labour market, to gain a living through work freely chosen or accepted, to be able to exercise their labour law and trade union rights and to have equal remuneration for work of equal pay. Persons with disabilities should be entitled to receive adequate individualised support in order to participate to open labour markets on a non-discrimination basis.

EASPD considers improving employment opportunities for persons with disabilities as one of society's key challenges which policy makers have to tackle in the upcoming years and is committed to strive for its realisation through a variety of means and tools.

Key factors enabling work and employment for persons with disabilities

- Employment policies for persons with disabilities should be mainstreamed in economic policies, not only social ones.
- Legal frameworks should promote active inclusion of persons with disabilities in the labour market and should not become a hindrance to the right to work and employment.
- Inclusion starts from the early stages of life. Educational programmes need to be inclusive, accessible and tailored to the specific needs and skills of the individual; trainings and VET programmes have demonstrated their capacity to smooth the transition towards the labour market and are key steps in identifying gaps and developing skills.
- Transition from school to employment needs to be addressed by establishing a more sound cooperation between the education systems and the labour market, by allocating funding to support the development of targeted internships and by providing support to employers and employees entering into the labour market.
- There are several methodologies and support processes which have developed the know-how as to how to best support and accompany people with disabilities in their professional life. Support must be made available in all



- phases of work-life (recruitment, retention and end of work).
- Reasonable accommodation is crucial in providing real access to work and employment positions. The availability of human support and support services help overcome barriers faced in the working environment, not only tools and/or adaptations
- Cross-sectorial cooperation, including trade unions, is essential to establish sound support frameworks and to identify and tackle any issue with an adequate response.
- Accessibility and universal design should be given a broad definition to cover all types of disability. Accessibility of transport and of the work place is the first step to enable access to the labour market.
- Positive actions such as the adoption of specific measures targeting persons with disabilities should be included and applied to the open labour market and should be monitored, evaluated and adapted if needed.
- Positive attitudes focusing on skills and competences can help overcome negative perceptions and enable labour market participation for persons with disabilities.
- Support for employers to create their own Corporate Social Responsibility plans is an essential entry point for work and employment for persons with disabilities.
- The digital divide should be reduced in order to allow persons with disabilities to access education, VET, employment and leisure activities.
- Support of social cooperatives and social economy actors which promote employment and vocational training for persons with disabilities in line with the UN CRPD.

Our commitment for the future

- EASPD is committed to implement this Declaration in the coming years.
- Social and health service providers should lead by example and employ persons with disabilities within their bodies, structures and practices.
- Social and health service providers should establish a strong dialogue with trade unions and employers to create a more inclusive and accessible labour market.
- Stronger cooperation with the mainstream employment and vocational, educational sector should be established.

Recommendations to the EU

The disability sector

The EU should tackle the lack of clarity and understanding of the disability and work and employment sector by collecting data, via e.g. Eurostat, ANED and others, on the following:

- Persons with disabilities employed, unemployed and those declared as “unemployable” according to national legislation
- Persons with disabilities working in the sheltered sector
- Persons with disabilities who make the transition from the sheltered sector to the open labour market and vice versa
- Persons with disabilities who are not in the labour market and rely on social security allowances
- Persons with disabilities and their economic situation and quality of life in different employment situations
- The EU should tackle the issue of persons with disabilities declared “not able to work” in some of its Member States.

Quality of life and services needed by persons with disabilities

- The EU should promote research, through e.g. the Horizon 2020 programme, to clearly understand the impact of the disability sector on society and define the type of services needed by persons with disabilities, including persons with severe and profound disabilities.



- The EU should monitor the quality of life of persons with disabilities via, for example, the European Platform Against Poverty (EPAP).
- The new Commission Staff Working Document to implement the European Disability Strategy should promote research to evaluate the effectiveness of the implementation of the Strategy at Member State level and to assess the impact of the different work and employment models on the quality of life for persons with disabilities (i.e. taking into account and building on already existing knowledge based on the work environment and quality of life).
- The specific needs of persons with disabilities in the working environment should be tackled by the new Commission Staff Working Document of the European Disability Strategy: individualised and specialised accommodations are needed in order to provide equal job opportunities.
- The relationship between disability-allowances, social security measures - all part of social protection schemes and work and employment should be analysed from the perspective of the UN CRPD implementation.
- The context provided by social protection schemes in each country should be clarified, and the information should be included in the EU Mutual Information System on Social Protection (MISSOC).
- The changing needs of older persons with disabilities should be analysed in order to plan services according to evidence-based data.

Work and employment

- The EU should foster policy coordination and exchanges of best practices in the field of employment support such as supported employment in the open labour market, sheltered employment, social cooperatives, social economy activities, etc.
- The EU should promote through funding the sustainability and development of social cooperatives, social economy activities and others which provide employment and vocational training in the open labour market in line with the UN CRPD.
- The EU should promote more working opportunities for persons with disabilities in the open labour market.
- The EU should promote networking between stakeholders from the open and the sheltered sector through exchange programmes (i.e. exchange of staff, training courses) under e.g. the Erasmus + Programme.
- The role of supported employment schemes in providing work opportunities should be encouraged in the new Commission Staff Working Document to implement the European Disability Strategy amongst the entire spectrum of job services.
- The EU should more actively monitor the implementation of the European Employment Directive.
- The EU should promote the development of employment opportunities for persons with disabilities through European social dialogue instruments.
- Managing authorities should use Public Procurement to create employment opportunities for persons with disabilities.
- The EU should promote the development of employment services which could meet the needs and skills of all by using, for example, the European Social Fund and the opportunities provided by the General Block Exemption Regulation.
- The Erasmus + programme should tackle the promotion and development of training opportunities for people with disabilities and for people working for/with them, targeting also older people with disabilities. It should support the development, inter alia, of the accessibility of trainings for all types of disabilities, including through the use of ICT.



Conclusions

This Declaration aims at outlining EASPD's vision in terms of the implementation of the Right to Work and Employment, as set by Article 27 of the UN CRPD.

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The potential of job creation for both employers and employees with disabilities is a complex but not impossible objective. There is a need for more efficient and concrete resources to organise trainings and reduce the gap between learning paths and professional environments. Isles of excellence exist, but more resources need to be allocated to make them common practice.

Stable funding and legal facilitating frameworks are fundamental to boost employment and promote flexibility, mobility and career opportunities. Too often language is acting as an additional barrier as it locks people into specific categories which are limiting rights rather than promoting their enjoyment.

EASPD calls for stronger partnerships with all Disabled People's Organisations (DPOs), with civil society stakeholders, with policy makers, trade unions and with the business world in order to establish strong cooperation and ensure that real employment opportunities for people with disabilities are made available.

The ultimate goal should be the realisation of truly inclusive accessible settings, as according to the UN CRPD, where persons with disabilities can enjoy their rights as everybody else.

This Declaration was approved by the EASPD Board on the 4th of December 2014. It will be revised and updated in the upcoming years.

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