

The Right to Decent Work of Persons with Disabilities

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About ILO

- Established in 1919 as a UN specialized agency which seeks the promotion of social justice and internationally recognized human and labor rights.
- It consists of the representatives of governments, employers' organizations and trade unions.

Decent Work

- Decent work involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunities and treatment for all women and men.

ILO Recommendation (No.71), 1944

- Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialized vocation guidance, training and retraining, and employment on useful work.

Universal Declaration on Human Rights, 1948

- Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary by other means of social protection.

ILO Recommendation No.99, 1955

- Until the adoption of ILO Convention No. 159 and Recommendation No. 168, Vocational Rehabilitation (Disabled) Recommendation No. 99 served as the basis for national legislation and practice in relation to vocational guidance, vocational training, and placement of disabled persons.

International Convention on Economic, Social and Cultural Rights, 1966

- State Parties recognize the right of everyone to work, which include the right to the opportunities to gain one's living by work freely chosen or accepted, and undertake to safeguard that right.
- State Parties also commit themselves to equal pay for work of equal value without distinction of any kind, safe and healthy working conditions, and equal opportunities for everyone to be promoted in employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.

UN Committee on Economic, Social and Cultural Rights, 1994

- The Committee considered the field of employment as one in which discrimination had been both prominent and persistent. In most countries the unemployment rate among persons with disabilities was two to three times higher than that for others. Disabled persons were mostly engaged in low-paid jobs with little social and legal security and often segregated from the mainstream labor market.

UN Declaration on the Rights of Disabled Persons, 1975

- The Declaration affirmed that disabled persons had the same civil and political rights as other people, as well as the rights to, inter alia, education, vocation training, counseling, and placement services, the rights to secure and retain employment or to engage in a useful, productive and remunerative occupation.

UN World Program of Action concerning Disabled Persons, 1982

- The World Program of Action contains three overall aims: prevention, rehabilitation and equalization of opportunities. Equalization of opportunities is defined as: 'the process through which the general system of society, such as the physical and cultural environment, housing, transportation, social and health services, educational and work opportunities . . . , are made accessible to all.'

ILO Convention No.159, 1983

- Vocational Rehabilitation and Employment (Disabled) Convention No. 159 sets out a number of fundamental principles which should underlie vocational rehabilitation and employment policies, highlighting those of equal opportunity and treatment, affirmative measures which should not be regarded as discriminating against other workers, integration of persons with disabilities into mainstreaming work-related programs and services.

ILO Recommendation No. 168, 1983

- Vocational Rehabilitation and Employment (Disabled) Recommendation No. 168 details measures which should be taken to promote equitable employment opportunities, including the making of 'reasonable adaptation to workplaces, job design, tools, machinery and work organization.'

Monitoring the Implementation of Convention No. 159

- In its report (1998) on a General Survey on the implementation of the provisions of Convention No. 159 and Recommendation No. 168, the ILO Committee of Experts on the Application of Conventions and Recommendations observed that people with disabilities, living in rural areas and isolated communities, are doubly affected by their disability and by their distance from services available to the general population and to people with disabilities living in urban center.

Asian and Pacific Decade of Disabled Persons (1993-2002)

- Low rate of access to education for children and youth with disabilities and marked sub-regional disparities in the implementation of the Agenda for Action led to the 2nd Asian and Pacific Decade of Disabled Persons (2003–2012).
 - Biwako Millennium Framework of Action (BMF)
 - Biwako plus Five

UN Standard Rules, 1993(1)

- UN Standard Rules on the Equalization of Opportunities for Disabled Persons consists of 22 Rules, ranging from awareness-raising to international cooperation. Employment is covered by Rule 7: State should actively support the integration of persons with disabilities into open employment. This active support could occur through a variety of measures, such as • • quota schemes, loans or grants for small business, exclusive contracts • • tax concessions • • technical and financial assistance to enterprises employing workers with disabilities. States should also encourage employers to make reasonable adjustments to accommodate persons with disabilities.

UN Standard Rules, 1993 (2)

- The aim should always be for persons with disabilities to obtain employment in the open labor market. For persons with disabilities whose needs cannot be met in open employment, small units of sheltered or supported employment may be an alternative. It is important that the quality of such program be assessed in terms of their relevance and sufficiency in providing opportunities for persons with disabilities to gain employment in the labor market.

EU Directive, 2000

- European Union Directive establishing a general framework for equal treatment in employment and occupation, 2000 states that 'reasonable accommodation' should be provided, i.e. that employers are to take appropriate measures to have access to, participate in, or advance in employment, or to provide training, unless such measures would impose a 'disproportionate burden' on the employer.

UN Convention on the Rights of Persons with Disabilities, 2006 (1)

- Article 27: Work and Employment
 - (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including condition of recruitment, hiring and employment, conditions of employment, career advancement and safe and healthy working conditions;

UN Convention on the Rights of Persons with Disabilities, 2006 (2)

- (b) Protect the rights of persons with disabilities, on an equal basis with others, just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

UN Convention on the Rights of Persons with Disabilities, 2006 (3)

- (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentive and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace.