



Wide Angle

Employment Policies for Persons with Disabilities

Comparative Study in Thirteen Countries

Social & Inclusion Division
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Introduction: Why this study?

This international comparative study, based on national studies, highlights country-specific data and behaviour regarding policies for access to employment for persons with disabilities. As an employer, you will find indications on your legal obligations, recommendations by country and an overview that will be especially useful if your company is established internationally.

The first part of this study sets out the key concepts related to disability and the labour market. It gives an overview of the different conceptions and definitions of disability, discusses important data on disability and employment as well as international frameworks and recalls the role of companies.

The second part provides country profiles of 13 countries that summarise their attitudes and policies towards the employment of persons with disabilities.

In the third part, you will find a comparison between the data of these countries, as well as recommendations to help companies improve inclusion of persons with disabilities in the workplace.



I. Employment of people with disabilities worldwide

1. Inclusion and employment

Access to training and employment for people with disabilities is an issue that has gained visibility and is now the subject of many initiatives by companies, international organisations and public institutions. However, the labour market remains a major source of discrimination against people with disabilities: the low participation rate of people with disabilities in Europe, the United States and many developing countries proves this. People with disabilities face many barriers in accessing employment. To name a few:

- Access to training;
- Prejudices about the abilities of people with disabilities;
- Limited access to paid employment;
- Accessibility of public infrastructure, transport and services;
- Legal capacity.

Making the world of work more inclusive is therefore a real challenge in a context of labour market transformation (digital revolution, climate change, demographic challenges, increased globalisation of the economy) and with the objective of enabling people with disabilities to train, gain skills, access professional opportunities and develop their careers.

To respond to this challenge, several actors can act: job seekers and employees with disability; political decision-makers; service providers; the professional world (companies, federations, trade unions, CSR networks, etc.).

a. Define disability

In order to implement actions aimed at inclusion, it is necessary to fully understand the issues surrounding the definition of disability. Today, the reference on which civil society organizations and many public policies are based is called the "interactive model" (or "social model", based on rights). In this model, we consider that a "situation of disability" results from the negative interaction between a person's individual factors, the barriers they encounter in their environment and the possible resulting limits to the performance of daily tasks and activities. Action is therefore possible both at the level of the individual and at the level of his or her environment. The person is thus considered as an actor of his or her inclusion and not as a recipient of assistance. The ultimate objective is the social participation of people with disabilities.

b. A few figures

According to figures from the World Disability Report (WHO and World Bank, 2011), approximately 785 million people aged 15 years and over live with a disability, or 15.6% of the world's population. This number is expected to increase, but it is very difficult today to have exact figures (definition of disability and different data collection methodologies, invisibility of disability, etc.).

15.6% of the world's population live with a disability

These difficulties in identifying and enumerating people with disabilities are reflected in employment. According to the ILO, about 386 million people of working age are people with disability. A study conducted by the United Nations Department of Economic and Social Affairs in 2018 shows that the employment-to-working-age population ratio for persons with disabilities aged 15 years and over is 36% on average, while it is 60% for persons without disabilities.

This gap is all the more noticeable for women with disabilities, who face enormous attitudinal, physical and informational barriers to equal opportunities in the world of work. As a result, compared to the rest of the population, people with disabilities are more affected by poverty: 82% of people with disabilities live below the poverty line and most of them live in developing countries.

c. Promoting the employment of persons with disabilities at the international level

The progress made in the employment inclusion of people with disabilities is partly due to the evolution of the international framework. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006 and entered into force at European level in 2010: it provides a reference framework for thinking and designing employment policies. It refers in particular to "reasonable accommodation", where necessary and appropriate modifications and adjustments do not impose a disproportionate burden that a company may put in place in order to ensure the equal enjoyment by persons with disabilities of all human rights and fundamental freedoms.

The sustainable development programme designed in 2015 places inclusion at the heart of the objectives for 2030. Disability is particularly mentioned in five of the sustainable development goals: Goal 8 encourages stakeholders to "achieve full employment, production and decent work for all, including young people and people with disabilities". In 2015, the ILO published a report entitled "Decent work for people with disabilities: promoting rights within the framework of the Global Development Agenda".

d. Cost of exclusion, benefits of diversity

In 2009, the ILO estimated the cost of disability-related exclusion to be between \$1370 billion and 1940 billion. 12 to 20% of the population in developing countries would be "unproductive" because of a disability. The difference is a source of innovation, evolution and improvement. Accepting the difference means allowing greater flexibility and adaptability to the challenges of society.

\$1370 billion and 1940 billion is the cost of disability related exclusion.

The employment of people with disabilities thus makes it possible to recruit skilled human resources, innovate and undertake, reach new customers or improve team cohesion. Inclusion and employment therefore mean better productivity and competitiveness.

e. Role of companies

Alongside governments, companies are a key player in promoting the employment of people with disabilities. Many companies are already engaged in the path of inclusion, not only in the quotas imposed by public policies.

Companies are the main source of employment (87% of all jobs) and their practices have an immediate impact on the company's quality of life and operating methods. It is not just

international companies, although they provide about 60% of **jobs in emerging economies**. But the contribution of small and medium-sized enterprises (SMEs) to total employment has increased considerably in recent years.

Beyond their role as employers, companies participate in the creation and dissemination of practices, which gives them a field of action to complement the public initiative. Various "soft law" instruments were put in place, at the initiative of the international community or companies, to encourage companies to adopt Diversity and Inclusion or CSR policies. This is the case, for example, of the United Nations Global Compact launched in 2000 or the OECD Guidelines for Multinational Enterprises (revised 2011). These reference frameworks guide companies in their responsible behaviour.

Finally, the global Business and Disability Network launched by the ILO brings together more than 25 companies to promote the benefits of inclusion for business.



2. Public policies on the employment of people with disabilities

In order to facilitate understanding of the different public policies in place to promote the employment of people with disabilities, these practices have traditionally been grouped into two main models: the quota system and anti-discrimination laws.

a. The quota system

The quota system is mandatory for private and/or public companies and organisations and is applied in many European countries as well as internationally. The objective of quotas is to stimulate labour demand by engaging employers to hire a certain proportion of people with disabilities (this proportion can range from 1 to 15% of the workforce). Quotas are only applicable to a certain number of employees or more.

This model is based on the idea that legislative intervention is needed to integrate people with disabilities into the labour market. Historically, quotas were born in Europe (France, Germany) in the 1950s due to the increase in the number of "war invalids" and a growing need for manpower for the reconstruction of Europe. Japan has also adopted similar measures, facing a similar situation. In Latin America, these quotas have been part of a policy to promote social reform and the fight against poverty.

The overall effectiveness of these measures can be seen, with an increase in the employment of people with disabilities, particularly in countries where non-compliance with quotas results in sanctions. However, it must be noted that a single quota policy is not enough to guarantee the integration of persons with disabilities into the labour market. Moreover, at present, no quotas are fully respected.

A single quota policy is not enough to guarantee the inclusion of persons with disabilities.

This system is also subject to abuses and misinterpretations. The quota system pays little or no attention to the root causes of exclusion. By prohibiting discrimination, we seek to eliminate a way of excluding, while by forcing employment, we only treat the symptom of exclusion. Quotas are also often similar to a "charitable" approach, which would consist in giving priority of employment to a person with a disability solely because of his or her disability.

Quotas can also be perceived as a hiring constraint without encouraging the company to change its practices and embark on a real change to become inclusive (the hiring stage is not enough). Finally, when the quota system is accompanied by sanctions when it is not respected, it may be assumed that this is only a tax to be paid like any other.

b. The non-discrimination model

The non-discrimination model prefers to adopt a voluntary rather than a mandatory approach, using non-binding tools such as charters, guides and codes of good practice. It is mainly in the United States that the principle of non-discrimination has developed to meet claims of racial equality. In this context, quotas are considered as "positive discrimination". Other countries of common law influence (India, South Africa) have adopted such measures, which are fully based on employer action and the use of civil litigation. It offers flexibility to employers to find the most appropriate method for employing people with disabilities in their structures.

However, this model is not very predictable. Indeed, in the absence of a uniform active policy, employers' actions are poorly coordinated. In addition, the process of identifying and addressing non-inclusive practices is done ex post (at a trial). The evaluation of the effectiveness of this system is made very complicated by this lack of uniformity, as data collection is complicated (number of people with disability employed, number of positions held...). It depends only on the number of discriminations brought to the attention of judges, which is not representative, especially since access to justice - which is more limited - by people with disabilities is also an issue to be taken into account.

Anti-discrimination laws can be misinterpreted and become barriers to employment.

In the same way as the quota policy, the non-discrimination system alone does not address the problems that people with disabilities may encounter in terms of access to training or access to infrastructure. Anti-discrimination laws can also sometimes be misinterpreted and a priori protective legislation can become a barrier to employment. For example, legislation to protect employees with disabilities from unfair dismissal (based on their disability) may create fear among employers of hiring people with disabilities if many non-discriminatory dismissals are challenged in court. This shows the value of raising awareness among stakeholders.

c. Overcoming the opposition of the two models of public policies promoting the employment of people with disabilities

It is important to note that no perfect system exists but also that the two models have similarities: for example, reductions or exemptions from taxes and charges can be implemented in both systems. Incentives are not necessarily reserved for the non-discrimination system, and quotas can be included in the anti-discrimination approach (e.g. for access to public procurement).

Inclusion has to be driven by comprehensive and coherent policies.

A successful inclusion policy is based on the ability to implement coherent actions that remove barriers to access to the world of work for people with disabilities. Inclusion cannot be achieved from the perspective of a single model, but must be driven by comprehensive and coherent policies since the factors of inequality are complex and are not only related to disability.

Thus, combining non-discrimination and positive action is possible. It is not only about enabling people with disabilities to access employment but also about decent and therefore quality employment: the opportunity to have a career, a salary corresponding to the work done, to benefit from fair working conditions, including the use of reasonable accommodation if necessary and to be able to exercise their rights.

The State must then prohibit discrimination, put in place obligations and prohibitions (which can be achieved through quotas) and facilitate the establishment of mechanisms to address barriers to employment for people with disabilities. This can involve multiple actions, including:

- Facilitating access to justice for people with disabilities: ensuring that people with disabilities have a way to exercise their rights when they have been violated;
- Taking into account the variety of vulnerability factors: people with disabilities face crosscutting issues (belonging to a minority, age, gender, poverty, rurality, etc.) that can be cumulative.

The following country profiles provide an understanding of the complexity and variety of policy measures that can be implemented in the different contexts of 11 countries. They seek to help the Renault Group understand and integrate into a variety of public policies, composed of binding and/or incentive measures that are more or less in line with the two main models presented above.



II. Strengths and weaknesses of national mechanisms

1. Algeria

The difficulty in producing and disseminating reliable data on the employment situation of people with disabilities can hide poor performance. Everything indicates a low commitment: prevalence rates that betray the lack of interest in recognizing themselves and being recognized as individuals with disability, especially in the face of excessive bureaucracy; a tendency to make the various administrations less responsible in the face of the centralization of the Ministry of National Solidarity, the Family and the Status of Women (MSNFCE); a poor quality of the technical assistance provided by the ONAAPH; a 1% employment quota that is poorly controlled and neglected, including by public employers; a high level of social benefits (due to oil rent) that seems to be an advantage, but undermines the interest of access to employment.

In Algeria, the low prevalence rates betray the lack of interest in being recognized as an individual with a disability.

For companies, aim to collaborate with the Wilayas by relying on the network of associations of people with disability and their families.

2. Argentina

In Argentina, 40% of workers with disabilities are self-employed.

While this country is in the average of Latin American countries in terms of the prevalence of disabilities, it stands out as having the lowest employment rate in the region. Rather than requiring employers to respect a 4% quota, many programs, specific or not, aim to reward employers who hire people with disabilities, and to encourage them to work. As a result, 40% of workers with disability are self-employed. At the same time, this country is quite willing to use sheltered work.

3. Brazil

Obviously, due to its size and geography, this country faces particular problems, including in the field of disability. It is the Latin American country with the highest proportion of people who declare themselves individuals with disability. Despite efforts by the administration and the courts to force employers, especially large companies, to comply with flexible quotas of 2 to 5%, this country barely exceeds 43% of employed people with disability.

Brazil barely exceeds 43% of employed people with disabilities.

At the same time, Brazil uses protected work, but especially access to training and apprenticeship. It also relies on a dynamic network of associations.

4. Colombia

Given the country's efforts to assess the individuals with disability population, it would appear that it is discovering the issue of disability. In terms of prevalence, Colombia would seem to be in the average of Latin American countries. On the other hand, in terms of access to employment, its results are among the lowest. It must be said that it is the only one to totally reject the use of employment quotas, which it would like to replace with better access to training leading to qualifications.

Colombia is the only country to reject the use of employment quotas completely.

Colombia still requires companies applying for government tenders to submit actions that benefit people with disabilities, following a measure that the United States had adopted long before its non-discrimination law, under the Rehabilitation Act of 1973. In order to facilitate this, the national banks have opened low-interest credit lines.

It is clear that this is not enough. Very little investment was made and reasonable adjustments, which could offer prospects, are not controlled. Again, there are few means to identify the failures of inclusion under such conditions.

5. South Korea

A still very medical conception of disability based on 15 types of disabilities moves this country away from the standards set by the CRPD. In terms of employment, the country has a fairly old but moderate quota policy, although private companies are gradually increasing their quota year after year. Compliance with this obligation is effectively monitored, and the level of penalties has also increased, but more sharply. However, some doubt the effectiveness of the system.

A still very medical conception of disability moves South Korea away from the standards set by the CRPD.

At the same time, non-discrimination is clearly applied in the workplace and in training. Special efforts are targeted at severely people with disability, in particular by KEAD, which plays a decisive role in the employment policy for people with disability, the results of which are not insignificant.

6. Spain

One of the key players in disability policy in this country is the association of associations of people with disabilities, CERMI. As an equal partner with the central government and the Autonomous Communities (the provinces), it has succeeded in imposing a change in the conception of disability in line with the CRPD. Spain is the first country to have submitted its report to the UN Committee on Human Rights. Similarly, it has urged the government to carry out an aggiornamento of its legislation in this area, in order to eliminate any discrimination between people with disabilities due, until 2011, to the use of disability rates to determine access to rights.

Spain was the first country to have submitted its report to the UN Committee on Human Rights.

This country is one of the European countries with the lowest prevalence of disability. However, the employment rate is not very high. It must be said that the obligations imposed on private companies (2%) are not very significant, especially since they have many alternatives to direct employment. Only public employers are really being asked to improve the situation. Apart from those seeking government contracts, private companies benefit from incentives, such as subsidies and reductions in charges as soon as they hire people with disabilities on long-term contracts.

The non-discrimination approach is more popular, in line with the development of accessibility and the recognition of rights. However, it is still insufficient to access employment.

7. France

As the 2018 reform has not yet been implemented, it is not yet possible to see its effects. But its ambition is to promote professional inclusion in mainstream society, partly in response to the many and varied criticisms of national associations and the rapporteur of the International Convention on Human Rights about France's still overly institutionalised and specialised system. And yet France is one of the European countries with the highest employment rates, while lagging far behind in terms of rights, accessibility and opportunities for independent living. A major effort must therefore be made to respect non-discrimination and improve equitable access to ordinary services.

France is one of the European countries with the highest employment rates, while lagging far behind in terms of rights, accessibility and opportunities for independent living.

Gender inequalities are still very little addressed in the field of employment of people with disabilities, as women with disabilities have very few opportunities for expression, and are among the populations most excluded from the French labour market, and almost invisible in all studies and innovations in the employment of people with disabilities in France.

8. India

This country still adopts a medical conception of disability. Low prevalence rates indicate a restrictive approach, while health conditions would tend to expect higher prevalence rates. The same applies to the employment rates of people with disabilities. They reflect rural/urban

disparities, especially for more active rural women, and especially a very marked deterioration in access to employment for people with disabilities during this decade.

India is one of the few countries that have adopted specific measures for people with disabilities in rural areas.

In response to this situation, private employers have so far had no obligation to hire. Obligations made to government-dependent employers (3%) tended to be transformed into pre-bends of the welfare state and not in application of rights. Since 2016, the employment quota in the public sector has been raised to 4% and private companies benefiting from public contracts are also involved in this effort (5%). The same law also introduces strong clauses on non-discrimination and accessibility. Special courts have also been set up.

India is one of the few countries that has adopted specific measures for people with disabilities in rural areas. More generally, efforts are being made on training and support for employment.

9. Morocco

Torn between tradition and the desire for modernism, Morocco is trying to reconcile the medical conception of disability with the CRPD. Lack of education is one of the obstacles to access to employment, whether or not there is a disability, but the most educated are not saved. The result: a very low employment rate.

The 7% quota for employers only works when there are available, released or newly created positions. Specific competitions had to be opened. The objective of achieving quotas is sometimes to the detriment of integration. Specific competitions create competition between people with disabilities and are far from the principle of inclusion.

Quotas are gradually being opened up to private companies, while the focus on disability remains on unproductivity.

Quotas are gradually being opened up to private companies, while the focus on disability remains on unproductivity. On the other hand, the adoption of non-discrimination laws protects workers who have become individuals with disability.

Protected work is gradually developing under the pressure of the associative movement. The solution may come from training, whether specific or not.

10. Portugal

The proportion of people reporting or being reported as having severe disabilities is much higher in this country than in the entire European Union. The employment rate of these same severely people with disability is significantly higher than the EU average. Yet, until very recently, this country had never wanted to impose obligations on private employers. The "Anglo-Saxon" model adopted so far, which also involves restrictive social benefits, may have contributed to some people accepting jobs that they would otherwise have refused.

The real strength of Portugal's policy is vocational training.

Public employers themselves were only subject to an employment obligation (5%) at a late stage (2001). Finally, it is only from June 2019 that private sector employers must in turn introduce 1% of people with disability into their workforce if they have between 50 and 75 employees, and 2% thereafter. The effectiveness of these measures has yet to be proven.

Portugal has also adopted non-discrimination, but does not fully respect the spirit of reasonable accommodation. Access to rights is regulated by the *Provedor de Justiça*. The real strength of Portugal's policy is vocational training, thanks in particular to the *IEFP* (*Instituto do Emprego e Formação Profissional*).

11. Romania

In this country, disability assessment is mainly carried out on a medical basis. The mechanisms responsible for carrying out these evaluations are not in a position to prevent fraud, which would thus be very frequent, in particular to illegally receive cash benefits. This may explain a high prevalence of moderate disabilities, while the prevalence of severe disabilities is significantly lower than it is in the European Union.

The low employment rates observed have many explanations: the disappearance of professions previously accessible to people with disabilities, the general lack of accessibility, the shortcomings of the education system and the poor support from employment agencies.

The conditions under which the legal system operates are so labile that programmes launched to improve the situation of people with disabilities cannot find a sponsor to bear fruit.

The tightening of the 4% employment requirement imposed on any public or private employer of 50 or more employees was done by offering alternatives to direct employment and by instituting a specific call for applications for people with disabilities, without providing for

sanctions in the event of default. Similarly, the penalties collected for each person missing the quota (1 minimum wage) are allocated to the State budget and not to a dedicated Fund. One of the interests of the employment obligation is thus lost.

Another alternative to direct employment is the possibility of obtaining supplies from protected units, but at the same time, those managed by private organisations have been threatened with extinction. The adoption of non-discrimination without any obligation to make the necessary reasonable accommodations seems equally illogical.

More generally, the conditions under which the legal system operates are so labile that programmes launched to improve the situation of people with disabilities cannot find a sponsor to bear fruit.

12. Slovenia

This country has higher prevalence rates than the European average. The employment rate of people with disabilities is higher, although employers (with 20 or more employees) often prefer to pay the relatively low fine (70% of the minimum wage) rather than hire at their quota level, which varies from 2% to 6% depending on economic activity. However, the dedicated fund (funded by fines) can cover the costs of adapting workstations and rewards employers who exceed their quota. Every effort is made to develop the employability of people with disabilities. This country distinguishes between, for example, employment rehabilitation and occupational rehabilitation.

Non-discrimination is adopted by Slovenia by including reasonable accommodation as a general principle, without referring in particular to employment. Workers with disability have special protection clauses for their employment.

Unlike in many countries, protected work, supported employment and the social economy coexist.

Active employment policy measures are primarily aimed at people with low employability. They include, for example, vocational guidance, job search assistance, education and training, incentives for employers and people with disabilities and direct job creation.

13. Turkey

Long hidden, people with disabilities were not part of Turkish society. Since 2005, and the adoption of a decisive law, the issue of discrimination against them has been the subject of treatment trials. Perhaps the ongoing institutional and political changes are disrupting these efforts. Local peculiarities and a regular lack of resources have apparently contributed to altering the expected results of the measures taken.

In Turkey, the approach to disability remains medical.

Thus, despite an attempt to apply the principles of the CRPD, the approach to disability remains medical. Access to employment for people with disabilities in this country is insufficient, largely due to the lack of education and training, especially for women.



III. Comparison between countries and recommendations

1. Employment policies vary greatly from one country to the other

The first of the results of the work on collecting and analysing employment policies for people with disabilities adopted by the 13 countries studied is that they are extremely varied and that the similarities that could emerge from a globalizing approach (in terms of employment quota versus non-discrimination law) are not relevant here. Indeed, a greater or lesser degree of latitude is left to both public and private employers to apply the law in spirit and letter, or to take massively the alternative paths that the legislator has been forced to foresee.

Employment policies for people with disabilities in the thirteen countries studied are extremely varied.

Take the employment quotas (Table 1). We note that the level of obligations imposed on employers is higher for the public sector than for the private sector (with the exception of India where the obligation only concerns companies that benefit from contracts with the State). Sometimes private employers escape the quota, as is the case in Morocco and was the case in Portugal until 2019. If we look at these quotas, they already vary from 1% to 7%. The

threshold of 50 employees is the most frequent, but it is sometimes unspecified (Argentina), lower (Slovenia), higher (Portugal) or variable (Brazil, Portugal).

Table 1: Employment obligations of people with disabilities in 12 countries surveyed (excluding Turkey)

Country	Public quota	Private quota	Threshold	Date of the 1st law	Date of the law in force	Penalty	Funds
Algeria	1%	1%	20 - 100	2002	2002	2/3 - 1**	yes
Argentina	4%	4%*	-	1981	2003	-	-
Brazil	5%	2-5%	100 - 1000	1988	1999	yes	judges
Colombia	No	No	-	-	-	-	-
Korea	3%	2,7%+	50	1990	2000	60% ***	yes
Spain	5+2%	2%	50	1982	2009	-	alternating
France	6%	6%	20	1924	2005	?	2***
India	4%	5%*	20 *	1995	2016	yes	-
Morocco	7%	No	-	1993	2016	-	-
Portugal	5%	1-2%	75 - 100	2001/19	19	yes	Yes 50% 50%.
Romania	4%	4%	50	2006	2017	100%**	State
Slovenia	2-6%	2-6%	20	2004	2011	70%**	Funds

* under public service contract - ** % of the minimum wage - *** 2 dedicated private funds = public

The use of employment quotas to promote the employment of people with disabilities is a long-standing practice in many countries (Argentina, Brazil, Korea, Spain, France), but the legislation in force is often more recent, generally to introduce stricter requirements for employers and even penalties for offenders.

Whatever the beautiful and generous text that is supposed to promote the employment of people with disabilities, nothing happens if the employers concerned know that they can escape this measure if no body is responsible for imposing it or has the means to do so.

Everything is there: whatever the beautiful and generous text that is supposed to promote the employment of people with disabilities (a term that has appeared universal...), nothing happens if the employers concerned (remember that those below the thresholds of liability are not) know that they can escape this measure if no body is responsible for imposing it or has the means to do so. This body can belong to legal bodies, as shown by the example of Brazil, where a Fund is responsible for collecting, for reusing them in measures to promote the employment of people with disabilities, penalties imposed on employers who do not meet their quota.

The other option, that of non-discrimination, is not a real alternative, because, with the International Convention on the Rights of Persons with Disabilities (CRPD), which almost all countries have signed and ratified, all must incorporate this principle into their legislation. Since then, pursuant to article 35 of the Convention, almost all Governments have detailed in reports to the UN Committee on the Rights of Persons with Disabilities the measures they have taken, which they consider to be part of improving the living conditions of persons with disabilities and ensuring that their rights to equality with other citizens are respected. Almost all, but not all: at the time of writing, Romania had not returned its study. It should be noted that France has not been too diligent (Table 2).

Table 2: Ratification of the CRPD and adoption of non-discrimination laws (excluding Turkey)

Country	CRPD rat	Report	N-D original	N-D current	penalties	Organization
Algeria	12/2009	01/2015	2002	2002	-	-
Argentina	09/2009	10/2010	1981	2001	Yes	Judges
Brazil	08/2008	05/2012	1988	2015	Yes	Judges
Colombia	05/2011	06/2013	2009	2013	-	-
Korea	12/2008	06/2011	1990	2007	Yes	Commission
Spain	12/2007	05/2010	2003	2017	Yes	Defender
France	02/2010	05/2016	1990	2008	Yes	Defender
India	10/2007	08/2015	1950	2016	YES	Judges
Morocco	04/2009	03/2014	2003	2017	Yes	-
Portugal	09/2009	08/2012	2006	2011	Yes	Ombudsman
Romania	01/2011	Undelivered	2006	2006	Yes	Nat Council
Slovenia	04/2008	07/2014	1991	2010	Yes	Defender

It should be noted that the principle of non-discrimination does not date back to the adoption of the CRPD by the UN. Many countries already had this principle in their legislation well before the 2000s. Here again, the aggiornamento carried out by most of them often corresponds to the desire to strengthen the methods used by employers to control their attitudes. Once again, Colombia stands out: it does not provide, like the others (except Algeria), for any mechanism to oblige employers to comply with this law. Is it because of his inner problems over a long period of time? This mechanism is either linked to the country's judicial system, sometimes with special courts, as in India, or supported by an Ombudsman or rights defender responsible for ensuring compliance with the law, particularly with regard to access to employment.

Access to employment, in fact, shows a wide variety (Table 3). The countries that, according to the statistics they produce themselves, seem to perform best are: Portugal (50%), Brazil (43%), Slovenia (45%), Korea and India (36%) and Argentina 32.2%. This does not prevent significant differences with the employment rate of people without disabilities. The other countries, on the other hand, show that their policies are not working properly. This is the case for Morocco (13.6%), Colombia (15.2%) and Romania (15.5%).

A look at labour force participation rates shows that people with disabilities do not appear to be completely demobilized. This is the case for Morocco, Romania and Spain.

Table 3: Employment, labour force participation and unemployment rates for 11 countries studied (excluding France and Turkey)

Country	Tx filled	Tx activ	Unemployed Tx	Date	Actual Quota	Date
Algeria	-	-	-	-	-	-
Argentina	32,2%	35,9%	10,3%	2018	-	-
Brazil	43%	-	-	2015	0,7%	2010
Colombia	15,2%	19,5%	4,3%	2010	-	-
Korea	36,0%	38,3%	5,9%	2013	2,14%	2015
Spain	25,9%	35,0%	9,1%	2017	2,2%	2017
India	36%	-	-	2011	-	-
Morocco	13,6%	38,2%	24,6%	2014	3,3%	2014
Portugal	50%	-	24,2%	2016	-	-
Romania	15,5%	45,3%	30%	2014	-	-
Slovenia	45%	-	-	2015	-	-

Nevertheless, we must be careful not to categorize these different countries based on these few figures, for two reasons:

1. the first is that the occupational situations that make up the employment rate in general are not always the same;
2. the second is that the disabilities that are taken into account are very different from one country to another. This is reflected in the prevalence rates observed (Table 4).

Table 4: Prevalence rate and individuals with disability population in 12 countries studied (excluding France and Turkey)

Country	Prevailing rate	Date	Population H	Date	Age Wer	Date
Algeria	2,5%	2006	2,000,000	2016	-	-
Argentina	10,2%	2018	3,571,983	2018	-	-
Brazil	6,2%	2015	46,600,000	2012	8,998,671	2010
Colombia	7,1%	2015	3,065,361	2015	-	-
Korea	5,6%	2011	2,683,400	2011	-	-
Spain	7,29%	2017	3,393,212	2017	651,700	2017
India	2,21%	2011	26,800,000	2011	-	-
Morocco	6,8%	2014	2,264,672	2014	-	-
Portugal	18%	2016	1,000,000	2011	-	-
Romania	6+20%	2016	-	-	-	-
Slovenia	10+22%	2015	-	-	32,682	2006

2. Recommendations for companies

What can a company do to help improve the employment situation of people with disabilities in the countries where it operates?

- First of all, we must recognize loud and clear that this is our corporate responsibility.
- In countries with an employment quota, ensure that the company actually fulfils its legal obligations, preferably through direct employment, or failing that by using the alternatives provided for by law.
- Make reasonable accommodations as soon as possible for as many disability situations as possible (move towards Universal Design).
- Since this type of measure will tend to be adopted, if not already adopted, ensure that the company can quickly involve credible action measures in favour of people with disabilities in its response to calls for tenders from the country's authorities (this also requires prior compliance with local law).
- Since it is proven that a lack of vocational training is partly responsible for the inactivity of many people with disability, join forces with other companies close locally or technically, to create a private training centre to fill skills gaps and meet short- and medium-term needs, by imposing a statutory and effective minimum of 10% of trainees with disabilities inside or outside the company. Implement a serious selection procedure to avoid failure.
- Be aware that the most visible disabilities are not always the most difficult to reduce, seek advice from a specialist in disability situations (who is not necessarily a doctor). There are a few training courses in the humanities that correspond to this profile.
- Encourage the creation, with local public authorities, of specialized ergonomics training.
- Hire (also for example) graduates with disabilities for positions of responsibility, whether they are from the country or elsewhere. Think that some disabilities were acquired late and did not affect the person's level of education.
- Organize an information campaign with sufficient visibility to demonstrate that it is profitable to hire people with disabilities. Try to involve local companies.
- Identify workplaces in the company that could be held by workers with intellectual disabilities.

Going further

This comparative analysis highlights the similarities, but also the differences, in the policies of the 13 countries analysed. It is therefore essential to adapt one's disability inclusion strategy to the legal and cultural framework of the country in which the company is located.

HI has produced a detailed factsheet for each of these thirteen countries. If you would like more details on a particular country, please contact us at the following address: ita@hi.org.

Summary of a country factsheet (about 20 pages):

I. Perception of disability and disabled workers in the country

- a) General perception
- b) Objectivised perception

II. Official definition of disability in the country

- a) Ratification of the CRPD and relationship with the Committee on the Rights of Persons with Disabilities
- b) Definitions and ways of recognising disability
- c) National statistical data
- d) Comparative data on disability

III. Legal obligations regarding the employment of people with disabilities, principles, implementation and/or constraints

- a) Situation of workers with disabilities
- b) Laws and decrees on employment obligation / quotas
- c) Non-discrimination / reasonable accommodation
- d) Sheltered work / supported employment
- e) Other specific measures and/or actors for people with disabilities
- f) Bodies playing a key role in the development and implementation of employment policy for people with disabilities

V. Contact details of HI offices, if any, in the country



Employment Policies for Persons with Disabilities

Comparative Study in Thirteen Countries

HI wrote this comparative study for companies wishing to commit to disability inclusive employment practices. It contains a global overview of employment policies for people with disabilities in thirteen countries, key concepts and useful recommendations.

The study goes with a set of thirteen country factsheets that include more details on disability inclusion policies and legal obligations for employers in each country.

You wish to obtain one of these thirteen country factsheets (Algeria, Argentina, Brazil, Colombia, South Korea, Spain, France, India, Morocco, Portugal, Romania, Slovenia and Turkey)? Please contact HI at ita@hi.org.

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