



# **IDA's Compilation of CRPD Committee's Concluding Observations**

*Article 27 CRPD  
(Work and employment)*

October 2022

## Article 27 - Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable 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;
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- g) Employ persons with disabilities in the public sector;
- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

**Bangladesh  
China  
Indonesia  
Japan  
Lao People's Democratic Republic  
New Zealand  
Republic of Korea  
Singapore  
Hungary  
Jamaica  
Mexico  
Switzerland  
Venezuela  
Djibouti  
France  
Estonia  
Albania  
Australia  
Ecuador  
El Salvador  
Greece  
India  
Iraq  
Kuwait  
Myanmar  
Cuba  
Niger  
Norway  
Rwanda  
Senegal  
Spain  
Turkey  
Vanuatu  
Algeria  
Bulgaria  
Malta  
Philippines  
Poland  
South Africa  
The Former Yugoslav Republic of Macedonia  
Haiti  
Nepal  
Oman  
Russian Federation  
Seychelles  
Slovenia  
Sudan  
Latvia  
Luxembourg  
Montenegro  
Morocco  
Panama  
United Kingdom of Great Britain and Northern Ireland**

**Armenia  
Bosnia and Herzegovina  
Canada  
Cyprus  
Honduras  
Iran (Islamic Republic of)  
Jordan  
Republic of Moldova  
Bolivia  
Colombia  
Ethiopia  
Guatemala  
Italy  
United Arab Emirates  
Uruguay  
Chile  
Lithuania  
Portugal  
Serbia  
Slovakia  
Thailand  
Uganda  
Brazil  
European Union  
Gabon  
Kenya  
Mauritius  
Qatar  
Ukraine  
Cook Islands  
Croatia  
Czech Republic  
Dominican Republic  
Germany  
Mongolia  
Turkmenistan  
New Zealand  
Denmark  
Republic of Korea  
Belgium  
Ecuador  
Mexico  
Sweden  
Azerbaijan  
Costa Rica  
Australia  
Austria  
El Salvador  
Paraguay  
Argentina  
China  
Hong-Kong  
Macao  
Hungary**

**Peru**  
**Spain**  
**Tunisia**

## Bangladesh

51. The Committee is concerned about:

- (a) Discriminatory practices, including harassment, against persons with disabilities in employment, particularly against women with disabilities, persons affected by leprosy, persons with intellectual and/or psychosocial disabilities and workers in tea plantations, including unequal treatment in recruitment, the lack of individualised supports and reasonable accommodation, unequal salary payment and unfavourable employment conditions and benefits;
- (b) Reported cases of sexual harassment in the workplace against women with disabilities and the lack of measures to prevent and protect them;
- (c) The absence of effective incentives and affirmative action programmes to promote the inclusion of persons with disabilities in the open labour market, both in the public and private sectors.

**52. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

- (a) Adopt measures to address attitudinal and physical barriers including negative attitudes held by employers, lack of individualised support and reasonable accommodation and unfavourable employment conditions;**
- (b) Take measures to combat sexual harassment, exploitation and abuse at the workplace against women with disabilities, including through creating public awareness-raising programmes and providing redress for victims;**
- (c) Adopt and implement a national strategy to ensure access to employment by persons with disabilities in the open labour market both in the public and private sectors, including by providing incentives and affirmative action programmes.**

## China

54. The Committee notes with concern the practice of recruiting and employing small persons for the amusement park “Kingdom of the Little People”, under unhealthy working conditions that promote harmful stereotypes and are conducive to ridicule, and offer lower pay for work of equal value. Upon receiving reports of small persons lacking effective access to general technical and vocational guidance programmes, placement services and continuing training, the Committee is further concerned that, although it constitutes a segregated working environment, the “Kingdom of the Little People” has become, de facto, the only real work opportunity open to small persons. This constitutes a violation of their right to freely choose their field of work and the right to just and favourable conditions of work.

**55. The Committee recommends that the State party take measures to move away from segregated working environments and facilitate small persons’ greater access to new career opportunities, by:**

- (a) Promoting inclusive education, and access to technical and vocational guidance programmes, continuing training, and placement services for small persons;**
- (b) Offering small persons’ employment opportunities in the public sector;**
- (c) Allocating resources to broad and targeted awareness-raising campaigns to promote the dignity, capabilities and contributions of small persons in the area of work.**

## Indonesia

56. The Committee notes with concern:

- (a) That the provision in Law No. 8 of 2016 on persons with disabilities, which allows for a minimum of 2 per cent of jobs in the public sector to be reserved for persons with disabilities, has not been widely applied for under-represented groups of persons with disabilities, such as persons with intellectual and/or psychosocial disabilities;
- (b) That the measures taken to promote the employment of persons with disabilities in the private sector are insufficient to ensure access to the open labour market by persons with

disabilities, especially women with disabilities who often face gender-based discrimination and larger pay gaps;

(c) The attitudinal, physical, communication, and environmental barriers that prevent access to employment;

(d) The requirement, enshrined in Law No. 36 of 2009 on health, for prospective employees to obtain a Mental Health Certificate when applying for a job in the public sector, institutions within the government, state-owned enterprises and private companies, which disproportionately impacts persons with psychosocial disabilities from obtaining employment.

**57. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

**(a) Expedite the implementation of the reservation of 2 per cent of jobs for under-represented groups of persons with disabilities, while taking effective measures to combat discrimination particularly in relation to recruitment processes, reasonable accommodation, retraining, promotion, and other rights related to work and employment;**

**(b) Strengthen measures to ensure that all persons with disabilities, including women with disabilities, have access to work and employment in the open labour market and to inclusive work environments, including for persons with disabilities living in rural and remote areas and those with intellectual disabilities or psychosocial disabilities;**

**(c) Adopt measures to address attitudinal, physical, communication and environmental barriers including negative attitudes held by employers, physical barriers in the workplace, the lack of alternative means of information and communication, and lack of accessible transportation;**

**(d) Repeal provisions in Law No. 36 of 2009 on health that require prospective employees to obtain mental health certificates and ensure the Convention standard of non-discrimination is applied to all recruitment processes for the public sector, institutions within the government, state-owned enterprises and private companies.**

## Japan

57. The Committee is concerned about:

(a) The segregation of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, in sheltered workshops and employment-related welfare services, with low wages and limited opportunities to transition to the open labour market;

(b) Barriers to employment faced by persons with disabilities, including inaccessible workplaces, the insufficient support and individualized accommodation in both the public and private sectors, limited mobility assistance and information provided to employers about the capabilities of persons with disabilities;

(c) Gaps in the local governments and the private sector concerning the employment rate system for persons with disabilities, as provided by the Act for the Promotion of Employment for Persons with Disabilities, and lack of a transparent and effective monitoring mechanism to ensure its implementation;

(d) Restrictions concerning the use of personal assistance services for persons who require more intensive support at work.

**58. The Committee recommends that, in line with target 8.5 of the Sustainable Development Goals, the State party:**

**(a) Enhance efforts to speed up the transition of persons with disabilities from sheltered workshops and employment-related welfare services to the open labour market in the private and public sectors, with equal remuneration for work of equal value, in an inclusive work environment;**

**(b) Ensure that the built environment of workplaces is accessible and adapted for persons with disabilities and provide employers at all levels with training on respecting and applying individualized support and reasonable accommodation;**

- (c) Reinforce affirmative measures and incentives to encourage and ensure the employment of persons with disabilities, particularly persons with intellectual or psychosocial disabilities and women with disabilities, in the public and private sectors, and establish an effective monitoring mechanism to ensure its appropriate implementation;**
- (d) Remove legal provisions that restrict the use of personal assistance for persons who require more intensive support at work.**

## Lao People's Democratic Republic

50. The Committee is concerned about:

- (a) The high rate of unemployment and part-time jobs in precarious conditions, and low-wage employment among persons with disabilities, in particular, for persons with intellectual disabilities, persons with psychosocial disabilities, women with disabilities, persons affected by leprosy and persons with disabilities living in rural areas;
- (b) The attitudinal barriers deterring employers from hiring persons with disabilities, and the physical barriers in the work environment, in particular the reported lack of reasonable accommodation, accessible transportation and accessible information, including for job seekers;
- (c) The insufficient and segregated access to quality professional training and vocational programmes;
- (d) The lack of official data or statistics on persons with disabilities employed in the public and private sectors.

**51. The Committee recommends that, in line with target 8.5 of the Sustainable Development Goals, the State party:**

- (a) Take effective measures to increase employment of persons with disabilities, particularly persons with intellectual disabilities, persons with psychosocial disabilities, women with disabilities, persons affected by leprosy and persons with disabilities living in rural areas, in public and private sectors;**
- (b) Consider implementing affirmative actions to ensure job placement and job retention for persons with disabilities in the public and private sectors;**
- (c) Guarantee non-discrimination in employment, including by the provision of reasonable accommodation when required, awareness raising among employers, and ensure that the open labour market is inclusive and accessible and decent labour conditions of all persons with disabilities, including equal pay for work of equal value;**
- (d) Ensure the access to inclusive and quality professional training and vocational programmes;**
- (e) Collect disaggregated data on the employment of persons with disabilities in the public, private and informal sectors.**

## New Zealand

51. The Committee is concerned about:

- (a) The continued low rate, compared to the general population, of labour force participation and the low rate of employment of persons with disabilities in the open labour market;
- (b) The continued segregated employment programs for persons with disabilities ("Business Enterprises") and the use of Minimum Wage Exemption Permits (MWEPS).

**52. The Committee recommends that the State party:**

- (a) Expedite the development of the Disability Employment Action Plan in close consultation and active involvement of persons with disabilities, including women with disabilities, Māori with disabilities and Pasifika persons with disabilities.**
- (b) Incorporate in the Disability Employment Action Plan, concrete measures, with resources, timeframes and monitoring mechanisms that ensure the transition from segregated employment to the open labour market.**

**(c) Repeal section 8 of the Minimum Wage Act 1983 and ensure that persons with disabilities are paid on the principle of equal pay for work of equal value.**

## Republic of Korea

55. The Committee notes with concern:

(a) Discriminatory legislation that excludes or limits the participation of persons with intellectual and/or psychosocial disabilities in the labour market;

(b) That the Minimum Wage Act excludes persons with disabilities from benefitting of the minimum wage, which resulted in many persons with disabilities who work receiving compensation below the minimum wage;

(c) The continuous segregation of persons with disabilities in sheltered workshops and the lack of concrete plans to gradually move workers with disabilities from these workshops into the open labour market.

**56. The Committee recalls its General comment No. 8 (2022) on the right of persons with disabilities to work and employment, and recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

**(a) Repeal all discriminatory legislation that excludes or limits the participation of persons with disabilities in the open labour market and adopt effective measures to ensure the right of all persons with disabilities to work, as well as measures to combat discrimination particularly in relation to advertisements, recruitment processes, reasonable accommodation, retraining, promotion, and other rights related to work and employment;**

**(b) Review the Minimum Wage Act to ensure equal remuneration for work of equal value, and provide compensation to persons with disabilities who are excluded from the benefit of the Act;**

**(c) Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities;**

**(d) Implement measures to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment and ensure effective implementation of specific affirmative action measures designed to promote the employment of persons with disabilities, including quotas to increase participation of persons with disabilities, particularly women with disabilities, in the open labour market.**

## Singapore

51. The Committee notes with concern:

(a) The comparatively high level of unemployment of persons with disabilities, their disproportionate employment in low-wage positions, and their segregation in sheltered workshops;

(b) That the Tripartite Alliance for Fair and Progressive Employment Practices lacks a definition of disability and a clear and suitable understanding of indirect discrimination, as well as an effective implementation and monitoring mechanism;

(c) That despite the allocation of resources under the Open-Door Programme, the measures taken to promote the employment of persons with disabilities are insufficient to ensure access to the open labour market by persons with intellectual disabilities, persons with psychosocial disabilities, and autistic persons, on an equal basis with others;

(d) That the jurisdiction of the Employment Claims Tribunal is restricted mainly to salary-related and wrongful dismissal claims, and that there are no accessible and confidential procedures to report all violations of labour law related to persons with disabilities;

(e) The attitudinal barriers deterring employers from hiring persons with disabilities, the lack of awareness and reluctance of employers to provide reasonable accommodation and make use of universal design for persons with disabilities.

**52. Recalling its General Comment No. 8 (2022) on the rights of persons with disabilities to work and employment, the Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

**(a) Adopt legislation and time-bound policies and benchmarks to ensure that persons with disabilities have access to work and employment in the open labour market and are included in private and public work environments, on an equal basis with others, and move towards eradicating sheltered workshops;**

**(b) Undertake a comprehensive review of the Tripartite Alliance for Fair and Progressive Employment Practices and include a comprehensive definition of disability, prohibit direct and indirect discrimination and recognize the denial of reasonable accommodation as a form of prohibited discrimination, and establish an effective implementation and monitoring mechanism providing redress in case of non-compliance;**

**(c) Expand the Open-Door Programme to provide longer-term support, in particular for persons with disabilities taking part in deinstitutionalization processes, autistic persons, persons with intellectual disabilities, and persons with psychosocial disabilities;**

**(d) Extend the jurisdiction of the Employment Claims Tribunal to all claims about violations of the right to work and employment of persons with disabilities, and establish an accessible and confidential mechanism to report such violations;**

**(e) Combat attitudinal barriers among private and public employers, apply universal design in all work-related environments.**

## **Hungary**

52. The Committee notes with concern:

(a) The very low employment rate of persons with disabilities, particularly in the open labour market, where those employed are mostly in underpaid, unskilled jobs and in sheltered workshops;

(b) The ineffectiveness of existing measures of support for the employment of persons with disabilities in an open labour market, including the obligation under the Labour Code to provide reasonable accommodation;

(c) The barriers that persons with disabilities face in their employment, resulting from the lack of accessibility to and reasonable accommodation in workplaces, including transportation.

**53. The Committee recommends that in line with target 8.5 of the Sustainable Development Goals, the State party:**

**(a) Revise the existing legislation and measures of support for the employment of persons with disabilities and take comprehensive measures aimed at effectively supporting the work and employment of persons with disabilities in the open labour market and in inclusive work environments;**

**(b) Adopt legislative and policy measures to protect the rights of persons with disabilities to just and favourable conditions of work, and ensure that persons with disabilities are not paid below the minimum wage and are provided with work contracts and equal remuneration for work on an equal basis with others;**

**(c) Redirect the allocations for the employment of person with disabilities from sheltered employment to support the employment of persons with disabilities, including of persons who require higher levels of support and deinstitutionalized persons, and ensure that the right to seek reasonable accommodation in the workplace is recognized for employees in the public and private sectors;**

**(d) Monitor, in close consultation with organizations of persons with disabilities, the accessibility of workplaces across the State party and adopt an action plan with the aim of outlining measures, with time frames and adequate budgets, to ensure reasonable accommodation in and the accessibility of workplaces, including access to transportation.**

## Jamaica

48. The Committee notes with concern:

- (a) That despite the provision in the National Policy for Persons with Disabilities that a minimum of 5 per cent of jobs in the public sector should be reserved for persons with disabilities, only 15.3 per cent of persons with disabilities are in gainful employment;
- (b) That the measures taken to promote the employment of persons with disabilities are insufficient to ensure access to the open labour market by persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities, due to the delay in the enactment of the Disability Act, 2014, the attitudinal barriers deterring employers from hiring persons with disabilities, and the physical barriers in the work environment, in particular the reported lack of accessible transportation and accessible information, including for job seekers;
- (c) The limited participation of persons with disabilities in market-orientated job training programmes, due to lack of physical access and sign language interpretation resulting from a limited number of sign language interpreters being available and the high cost of services;
- (d) That despite there being some programmes for persons with disabilities who are graduating, the percentage of graduates who are successfully absorbed in the labour market remains very low;
- (e) The lack of official data or statistics on persons with disabilities employed in the public and private sectors.

**49. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

- (a) Expedite the implementation of the reserving of 5 per cent of jobs for persons with disabilities, as provided in the National Policy for Persons with Disabilities and the Disability Act, 2014, while taking effective measures to combat discrimination particularly in relation to advertisements, recruitment processes, reasonable accommodation, retraining, promotion, and other rights related to work and employment;**
- (b) Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities;**
- (c) Adopt measures to combat attitudinal barriers among employers, and adopt an action plan to assess periodically accessibility in the workplace, including access to transportation, alternative means of information and communication, sign language, and speech-to-text interpretation and pictograms for jobseekers and employees. The State party should adopt policies and procedures that establish and support the development of infrastructure for the provision of personal assistance in the workplace;**
- (d) Enhance the participation of persons with disabilities in market-oriented job training programmes by enforcing physical access and the availability and affordability of sign language interpretation;**
- (e) Expand the national employment programmes to enhance the transition from education to the labour market for persons with disabilities, in particular persons with intellectual and psychosocial disabilities;**
- (f) Collect disaggregated data on the employment of persons with disabilities in the public, private and informal sectors.**

## Mexico

60. The Committee is concerned about:

- (a) The persistently low employment rate among persons with disabilities, especially among women with disabilities and persons with intellectual and psychosocial disabilities;
- (b) Reports of forced labour and trafficking for the purpose of labour exploitation of persons with disabilities;

(c) The lack of legal provisions and specific measures to implement the national work and employment programme for people with disabilities for 2021–2024, including provisions and measures on support measures and reasonable accommodation for persons with disabilities in public and private employment;

(d) The lack of vocational education and training programmes for persons with disabilities.

**61. The Committee recommends that, in accordance with target 8.5 of the Sustainable Development Goals, the State party:**

(a) **Take effective measures to increase employment of persons with disabilities, particularly women with disabilities and persons with intellectual and psychosocial disabilities, in public and private employment, to guarantee non-discrimination in employment and to ensure that the open labour market is inclusive and accessible;**

(b) **Compile data on forced labour, exploitation and harassment, and trafficking for the purpose of labour exploitation, of persons with disabilities, disaggregated by sex, gender, indigence, urban and rural living environment and type of impairment;**

(c) **Intensify efforts to prevent and punish forced labour, exploitation and harassment, and trafficking for the purpose of labour exploitation of persons with disabilities;**

(d) **Enact legal provisions and take specific measures to implement the national work and employment programme for persons with disabilities for 2021–2024, including support measures and reasonable accommodation for persons with disabilities, in public and private employment;**

(e) **Provide vocational education and training programmes for persons with disabilities, and guidance for persons with disabilities on employment.**

## Switzerland

51. The Committee notes with concern:

(a) The segregation of persons with disabilities in the “protected labour market”, with very low wages and limited opportunities to transition to the open labour market;

(b) Barriers faced by persons with disabilities in gaining access to employment in the open labour market, resulting in high unemployment rates, in particular among women with disabilities.

**52. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities:**

(a) **Develop and implement a comprehensive action plan to harmonize the competencies required at the federal and cantonal levels for participation in the labour market, and enable the transition of persons with disabilities from the “protected labour market” to the open labour market in the private and public sectors, with equal remuneration for work of equal value, in an inclusive work environment and with opportunities for professional development;**

(b) **Take measures at the federal, cantonal and municipal levels to ensure that persons with disabilities have access, without discrimination, to employment in an inclusive open labour market in the public and private sectors;**

(c) **Develop and implement measures to increase the employment of persons with disabilities in the open labour market, including in the private sector, through appropriate policies, such as targets, affirmative action programmes and incentives, including policies specifically aimed at increasing employment of women with disabilities.**

## Venezuela

46. The Committee is concerned that the State party does not have a structured programme to integrate persons with disabilities into the labour market, sheltered workshops continue to be a form of employment and denial of reasonable accommodation in the workplace is not explicitly defined as a form of discrimination.

**47. The Committee recommends that, in accordance with the Convention and bearing in mind target 8.5 of the Sustainable Development Goals, the State party:**

- (a) Develop a national programme to integrate persons with disabilities into the labour market, which includes quotas in the public sector, in order to increase the number of such persons who are employed in regular positions in open work environments, and adopt legislative measures to penalize companies that do not hire a sufficient number of persons with disabilities to fill regular positions;**
- (b) Amend its legislation to recognize denial of reasonable accommodation in the workplace as a form of discrimination;**
- (c) Thoroughly train persons with disabilities for employment in regular paid positions in both urban and rural areas.**

## Djibouti

47. The Committee notes with concern:

- (a) The high rate of unemployment among persons with disabilities, particularly women with disabilities, in the public and private sectors, including in rural areas;
- (b) The prevalence of the medical approach to disability in articles 117–120 of the Labour Code;
- (c) The requirement of providing reasonable accommodation to persons with disabilities under Article 10 of the Decree No. 2020-294/PR/MTRA (2020) in the workplace which is not in line with the human rights based approach and that the denial of reasonable accommodation is not explicitly prohibited under article 117 of the Labour Code;
- (d) Low quota levels for the employment of persons with disabilities under Decree No. 2020-294/PR/MTRA (2020), which stands at around two per cent of the total workforce;
- (e) The lack of measures to provide vocational and professional training for persons with disabilities.

48. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:

- (g) Amend the Labour Code to align it with the rights based approach to disability, to prohibit the denial of reasonable accommodation at work place, and to eliminate intersectional discrimination against persons with disabilities;
- (h) Review Decree No. 2020-294/PR/MTRA to ensure that the requirement for reasonable accommodation in the workplace is in line with the Convention and to increase the quotas for employment of persons with disabilities in public and private sectors, in line with Article 27 and ensure this does not lead to negative consequences such as reproducing segregation and stereotyping;
- (i) Develop and adopt policy measures to ensure that women with disabilities and persons with disabilities in rural areas and in refugee camps have access to work and employment in the open labour market and to inclusive work environments and to provide them with vocational and professional training.

## France

54. The Committee notes with concern:

- (a) The high level of unemployment and segregation of persons with disabilities in sheltered workshops, and in low-wage employment;
- (b) High rates of unemployment among women with disabilities or jobs only under partial working time or in precarious conditions, hurdles to develop professional paths, and challenges to conciliating work and family life;
- (c) The low level rate of professional qualifications among persons with disabilities due to the lack of access to professional training programs, including lack of support to access the profession of researchers;
- (d) Lack of awareness and reluctance of employers to provide reasonable accommodation and universal design for persons with disabilities.

**55. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

- (a) Move towards eradicating sheltered workshops and adopt a time-bound policy and benchmarks to ensure that persons with disabilities have access to work and employment in the open labour market and their meaningful inclusion in work environments, in the private and public sectors;**
- (b) Review the labour conditions of all persons with disabilities and ensure that persons with disabilities are not paid below the minimum wage;**
- (c) Promote employment of women with disabilities in an open labour market ensuring that women are informed and can effectively seek individualised supports through the provision of reasonable accommodation and have access to effective measures to balance work and family life;**
- (d) Develop awareness raising campaigns aimed at promoting participation of women with disabilities in employment, and to shift attitudinal barriers to the recognition of the capacities of women with disabilities and their contribution to all domains of work, in an open labour market, on an equal basis with others;**
- (e) Ensure persons with disabilities access to general technical and vocational guidance programmes, vocational and continuing training, and to guidance towards employment on an equal basis with others, and adopt measures to support careers of persons with disabilities, exercising the profession of a researcher through multi-year planning of the research establishments;**
- (f) Ensure that the right to seek individualised supports through the provision of reasonable accommodation in the workplace is recognized for employees in the public and private sectors, and strengthen measures to inform and facilitate the recognition of reasonable accommodation for employees in the workplace.**

## Estonia

52. The Committee notes with concern:

- (a) That measures taken to promote the employment of persons with disabilities are insufficient to ensure access to the open labour market by persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities, and the prevalence of sheltered employment preventing persons with disabilities from entering inclusive work environments;**
- (b) The attitudinal barriers deterring employers from hiring persons with disabilities and the physical barriers in the work environment, in particular the reported lack of accessible transportation and accessible information, including for job seekers;**
- (c) That reasonable accommodation is not consistently recognized and applied in the public and private sectors;**
- (d) The lack of information about vocational and professional training for persons with disabilities and about effective transitions into the open labour market.**

**53. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

- (a) Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities;**
- (b) Adopt a strategy to abolish sheltered employment. The State party should review the labour conditions of all persons with disabilities and ensure that persons with disabilities are not paid below the minimum wage;**
- (c) Adopt measures, alongside the work ability reform, to combat attitudinal barriers among employers and adopt an action plan to assess periodically accessibility in the workplace, including access to transportation, alternative means of information and communication, sign language and speech-to-text interpretation and pictograms for job seekers and employees. The State party should adopt policies and procedures that establish and**

support the development of infrastructure for the provision of personal assistance in the workplace;

(d) Ensure that the right to seek reasonable accommodation in the workplace is recognized for employees in the public and private sectors;

(e) Develop a comprehensive system of vocational and professional training for persons with disabilities and for their effective transition from vocational and tertiary education to work in the open labour market.

## Albania

43. The Committee notes with concern that the State party legislation still defines lack of capacity to work for persons with disabilities. The Committee is concerned about the fact that persons with disabilities, especially women, are particularly affected by unemployment. The Committee is also concerned that there are no comprehensive and comparable data on the situation of persons with disabilities employed in the public sector and on the impact of Law 15/2019.

**44. The Committee recommends that the State party:**

(a) Amend its legislation by adopting effective safeguards in the procedures to ensure that impairment cannot constitute an excuse for non-employment of persons with disabilities, in line with the human rights model of disability enshrined by the Convention;

(b) Further promote employment in the open labour market in the public and private sectors, with particular emphasis on women, in close consultation with persons with disabilities and their representative organizations, including women's organizations;

(c) Collect disaggregated statistical data on the employment rate and situation of persons with disabilities, disaggregated by sex, age, type of employment and salary, and on the impact of Law 15/2019.

## Australia

The Committee is concerned about:

(a) The narrow and incomplete scope of the review of the National Employment Framework for People with Disability and about the lack of clear measures to reform the Disability Employment Services;

(b) The ongoing segregation of persons with disabilities employed through Australian Disability Enterprises and the fact that such persons receive a sub-minimum wage;

(c) The low labour force participation of persons with disabilities, particularly women with disabilities, Aboriginal and Torres Strait Islander persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds and refugee and asylum-seeking persons with disabilities.

**50. The Committee recommends that the State party:**

(a) Take measures to reform the Disability Employment Services and develop a national disability employment strategy that incorporates the recommendations from the "Willing to work" inquiry and contains targeted gender-sensitive measures;

(b) Undertake a comprehensive review of Australian Disability Enterprises to ensure that they adhere to article 27 of the Convention and provide services to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment, ensuring equal remuneration for work of equal value;

(c) Implement measures to address systemic and structural barriers experienced by persons with disabilities, particularly by women with disabilities, Aboriginal and Torres Strait Islander persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds and refugee and asylum-seeking persons with disabilities.

## Ecuador

47. The Committee is concerned at:

(a) The refusal of reasonable accommodation in the workplace as a form of discrimination in the Organic Act on Disabilities;

(b) The reduction in the number of persons with disabilities, especially women with disabilities, engaged in regular employment; the low level of compliance by the institutions of the State party itself and by businesses with the promotion of employment by means, inter alia, of assigned hiring quotas; the scant enforcement and lack of legislative measures for penalizing companies that are not hiring a sufficient number of persons with disabilities in regular positions; and the failure to promote opportunities for self-employment and entrepreneurship incentives for persons with disabilities.

**48. The Committee recommends that, in accordance with the Convention and bearing in mind target 8.5 of the Sustainable Development Goals, the State party:**

**(a) Recognize the refusal of reasonable accommodation in the workplace as a form of discrimination in the Organic Act on Disabilities;**

**(b) Step up its efforts to increase the number of persons with disabilities who are employed in regular positions and who are self-employed in open work environments and to comply with measures designed to promote the employment of persons with disabilities, including quotas in the public sector, and adopt legislative measures to penalize companies that do not hire a sufficient number of persons with disabilities in regular positions;**

**(c) Thoroughly train persons with disabilities for employment in regular paid positions in both urban and rural areas and adopt extensive measures to promote entrepreneurship among persons with disabilities.**

## El Salvador

50. The Committee is concerned that:

(a) Legislation does not recognize denial of reasonable accommodation in employment as discrimination on the basis of disability;

(b) There is a low rate of representation of persons with disabilities in employment, particularly as public servants;

(c) No national strategy has been established to provide vocational training programmes for persons with disabilities in either urban or rural areas and to ensure the creation of job opportunities in the open labour market.

**51. Taking into account target 8.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Review and modify its labour legislation to ensure that denial of reasonable accommodation in the workplace is considered discrimination on the basis of disability;**

**(b) Establish affirmative measures, with quotas, and with sanctions for non-compliance, to increase the proportion of persons with disabilities in the open labour market in the public and private sectors, especially women with disabilities, and in that regard monitor the work and employment situation of persons with disabilities;**

**(c) Design and implement a national strategy with a focus on providing vocational training programmes in urban and rural areas and creating job opportunities in the open labour market.**

## Greece

38. The Committee is concerned about:

(a) The high level of unemployment among persons with disabilities and the insufficient efforts to ensure their inclusion in the open labour market, particularly with regard to women with disabilities;

(b) The lack of effective measures to improve and facilitate the provision of specific measures and individualized support in the workplace and of more effective and accessible services for persons with disabilities seeking employment.

**39. The Committee recommends that the State party take effective measures to ensure the inclusion of persons with disabilities, particularly women with disabilities, in the open**

labour market, with a view to achieving target 8.5 of the Sustainable Development Goals. It also recommends that the State party ensure the provision of specific measures and individualized support in the workplace; promote among employers the right of persons with disabilities to employment on an equal basis with others; and mainstream the disability dimension in all employment policies, measures and programmes, including in the policy design of the Greek Manpower Employment Organization.

## India

56. The Committee is concerned about:

- (a) The fact that, according to information received by the Committee, only 37 per cent of persons with disabilities have access to employment, the fact that only 1.8 per cent of women with disabilities have access to employment, and the very low representation of persons with intellectual disabilities in employment;
- (b) Information about cases of sexual harassment in the workplace against women with disabilities and the lack of measures to prevent and protect them;
- (c) The lack of implementation of the State party's quota of 4 per cent for persons with disabilities in employment.

**57. The Committee recommends that the State party:**

- (a) Adopt national and state strategies for ensuring access to employment by persons with disabilities in the open labour market, through equal opportunity policies, recruitment and skills development training programmes for persons with disabilities. The State party should ensure the inclusion of all persons with disabilities in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act, and collect information and disaggregated data on its implementation;**
- (b) Decisively combat sexual harassment, exploitation and abuse in the workplace against women with disabilities, including by disseminating accessible public information and providing redress for women who are victims of sexual harassment;**
- (c) Take effective measures to promote the employment of persons with disabilities in the open labour market, particularly persons with disabilities from marginalized groups.**

## Iraq

49. The Committee is concerned about:

- (a) The fact that the 5 per cent quota of persons with disabilities employed in the public sector and the 3 per cent quota of persons with disabilities employed in private-sector enterprises with more than 60 employees, set out in article 16 of Law No. 38 (2013) and in Council of Ministers decision No. 205 (2013), have not been attained;
- (b) The absence of regulations to implement article 15 (4) (b) of Law No. 38 (2013), which states that finding job opportunities for persons with disabilities is one of the objectives of the Law, and the absence of reasonable accommodations for persons with disabilities in the workplace in both the private and public sectors and across all areas of the economy.

**50. The Committee recommends that the State party:**

- (a) Adopt measures to ensure the effective implementation of article 16 of Law No. 38 (2013) and to raise awareness among public and private companies about the requirement to provide individualized support and prohibit the denial of reasonable accommodations at work;**
- (b) Redouble its efforts to create job opportunities for persons with disabilities, including women with disabilities and persons with psychosocial or intellectual disabilities, in the open labour market, including through entrepreneurship, appropriate vocational training, the facilitation of loans and the provision of specific incentives for employers to hire persons with disabilities.**

## Kuwait

52. The Committee is concerned about the lack of:

- (a) Inclusive employment policies and the low employment rate of persons with disabilities, despite the quota on their employment in the public, private and oil sectors;
- (b) Employment opportunities for non-Kuwaiti persons with disabilities;
- (c) Information on sanctions that have been effectively imposed for non-compliance with the employment quota system and for the denial of reasonable accommodations, as well as on monitoring mechanisms available to persons with disabilities to address discrimination in matters related to employment and conditions of work;
- (d) Disaggregated data on persons with disabilities in employment.

**53. The Committee recommends that the State party:**

- (a) Take advantage of the strategy to employ persons with disabilities developed by the Public Authority for Disability Affairs to increase and develop employment opportunities in the open labour market, develop specific measures to increase the inclusion of persons with disabilities, including by ensuring the implementation of the 4 per cent quota, by providing individualized support and by prohibiting the denial of reasonable accommodations at all stages of employment, including recruitment, promotion and vocational training, for all persons with disabilities, including non-Kuwaitis with disabilities, and impose sanctions on employers in cases of non-compliance;**
- (b) Establish mechanisms to effectively address discrimination in all matters related to employment and conditions of work;**
- (c) Strengthen the collection of data on persons with disabilities in formal employment, disaggregated by age, gender, nationality, disability, geographical area and employment sector.**

## Myanmar

51. The Committee is concerned about:

- (a) Discrimination against persons with disabilities regarding employment, including unequal treatment in recruitment, the denial of reasonable accommodation, lower salary scales and less favourable employment benefits;
- (b) The absence of effective incentives and specific measures to promote the inclusion of persons with disabilities in the open labour market, both in the public and private sectors;
- (c) The lack of data, disaggregated by age, sex, disability and level of employment, on persons with disabilities in employment.

**52. The Committee recommends that the State party, in close consultation with organizations of persons with disabilities:**

- (d) Adopt and implement laws and policies to eliminate discrimination against persons with disabilities, including the denial of reasonable accommodation in employment in the public and private sectors to ensure the provision of individual accommodations, and provide adequate training to employers;**
- (e) Take effective affirmative action measures to increase the rate of employment of persons with disabilities particularly women and youth with disabilities, in the open labour market, and promote measures to ensure that the open labour market is inclusive and accessible;**
- (f) Provide, in its next periodic report, data disaggregated by age, sex, disability and level of employment on the progress made overtime in inclusion of persons with disabilities in employment in the public and private sectors.**

## Cuba

45. The Committee is concerned about the underrepresentation of women with disabilities in the workforce and the absence of adequate and enforceable measures to ensure compliance in the public and private sector regarding the employment of persons with disabilities. It is also concerned that sheltered workshops for persons with disabilities might not necessarily foster their inclusion into the regular workforce.

**46. The Committee recommends that the State party take effective and affirmative measures to encourage and ensure the employment of persons with disabilities, particularly women with disabilities, in the public and private sector and to ensure non-discrimination in employment and that the open labor market is inclusive and accessible.**

## Niger

43. The Committee is concerned about:

(a) Discrimination due to prejudices against persons with disabilities, especially women with disabilities, in the area of employment and their limited employment in the open labour market;

(b) The lack of incentives to promote employment of persons with disabilities; the denial of reasonable accommodation in the workplace and the absence of incentives to employers to recruit persons with disabilities; and the absence of disaggregated statistical data on persons with disabilities currently employed.

**44. The Committee recommends that the State party:**

(a) **Adopt a strategy for the employment of persons with disabilities in the private and public sectors, including women, in line with Sustainable Development Goal 8 (target 8.5), taking into account migrants workers with disabilities; eliminate intersectional discrimination against persons with disabilities in employment; strengthen data collection on their employment in the open labour market disaggregated by age, sex, type of barriers encounters and geographical location; and implement affirmative action, and incentives to employers.**

(b) **Adopt laws and policies on reasonable accommodation and provide trainings to employers on reasonable accommodation.**

## Norway

41. The Committee is concerned that the efforts to promote the inclusion of persons with disabilities in the open labour market have been limited and of little impact and that intersectional inequalities persist. It is also concerned at the perseverance of discrimination based on disability, including denial of reasonable accommodation.

**42. The Committee recommends that the State party, in close consultation with organisations of persons with disabilities, adopt measures to increase the level of employment of persons with disabilities in the open labour market, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals, and that it ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party:**

(a) **Combat stereotypes and prejudice towards persons with disabilities in the labour market and adopt regulations governing disability-based discrimination including denial of reasonable accommodation;**

(b) **Set out a requirement of universal design in the workplace for employers in the Equality and Anti-Discrimination Act; prepare and implement a strategy on accessibility through universal design of the physical environment and universal ICT in working life;**

(c) **Ensure that the requirement of active, targeted and systematic efforts is enforced to promote the employment of persons with disabilities in the private and public labour markets;**

(d) **Give a clear mandate and sufficient resources to the Norwegian Labour and Welfare Administration to facilitate employment opportunities for persons with disabilities who are interested in entering the labour market;**

(e) **Consider extending the target that five percent of new employees in the public sector should be persons with disabilities also to the private sector.**

## Rwanda

49. The Committee is concerned about:

- (a) The low rate of employment among persons with disabilities: 56 per cent, as indicated in the Fourth Rwanda Population and Housing Census in 2014, 77 per cent of which are in informal sector; affecting women and youth with disabilities in particular;
- (b) Systematic barriers and discrimination against persons with disabilities in the recruitment process and workplace, including the lack of reasonable accommodation, accessibility of work places, and accessible and affordable public transport;
- (c) The lack of vocational training opportunities for persons with disabilities to gain access to employment.

**50. The Committee recommends that the State party, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals:**

- (a) Adopt policies and measures necessary, including specific measures, to significantly increase the employment rate of persons with disabilities, especially women and youth, in both the formal and informal sectors;**
- (b) Take effective measures against the systematic barriers and disability-based discrimination faced by persons with disabilities in access to employment, including ensuring the provision of reasonable accommodation, work place adaption, accessibility of work places, flexibility of work requirements and accessible and affordable public transport;**
- (c) Implement training and skills development programmes to facilitate the recruitment of persons with disabilities and to make them more competitive in the open job market.**

## Saudi Arabia

47. The Committee is concerned at:

- (a) The lack of information on the adoption of the planned national strategy for the recruitment and employment of persons with disabilities;
- (b) The absence of complaints on the non-respect of the quota provided for under the Labor Law requiring employers of 25 or more persons to allocate 4 per cent of jobs to persons with disabilities;
- (c) The lack of information on sanctions imposed on places of employment that do not comply with the workplace accessibility conditions and workplace accommodation guidelines;
- (d) The lack of data disaggregated by age, sex, disability and level of employment on persons with disabilities in employment.

**48. The Committee recommends that the State party:**

- (a) Expedite the adoption and implementation of the national strategy for the recruitment and employment of persons with disabilities, ensure that it is based on the Convention and includes baselines and targets concerning access to employment for persons with disabilities, including women and young persons;**
- (b) Raise awareness on Article 28 of the Labor Law and enforce the application of the quota for persons with disabilities;**
- (c) Guarantee the proactive and periodic inspection of workplace accessibility conditions and individualized accommodation provided for persons with disabilities in their workplaces, in line with Article 9 (11) of the implementing regulations of the Labor Law;**
- (d) Provide, in its next periodic report, data disaggregated by age, sex, disability and level of employment on persons with disabilities in employment in the public and private sectors.**

## Senegal

45. The Committee is concerned at:

- (a) The low rate of employment of persons with disabilities in the open labour market, particularly among women with disabilities and the reluctance of employers to recruit persons with disabilities;

(b) Barriers to employment of persons with disabilities, including inaccessibility of the physical environment of employment places and the lack of support and individualized accommodation and of information provided to employers about the capability of persons with disabilities;

(c) The lack of protection and compensation afforded to migrant workers, who have acquired an impairment in the workplace.

**46. The Committee recommends that the State party:**

**(a) Adopt an effective plan to increase the employment of persons with disabilities in the open labour market, particularly for women with disabilities, including expediting the effective implementation of Article L.180 of the 1997 Labor Code to ensure 15 percent of work places for persons with disabilities;**

**(b) Ensure that the built environment of work places is accessible and adapted for persons with disabilities, especially for persons with mobility disabilities and provide training to employers at all levels to respect and apply individualized support and accommodations;**

**(c) Ensure that migrant workers, including migrant domestic workers, are fully and equally protected by the labour law, and that such workers who have acquired an impairment as a result of their work in the State party receive appropriate treatment, rehabilitation and compensation;**

**(d) Pay attention to the links between article 27 of the Convention and Sustainable Development Goal 8, target 8.5 to ensure achievement of full and productive employment and decent work for all, including persons with disabilities.**

## Spain

50. The Committee is concerned about:

(a) The lack of progress made since the previous concluding observations (CRPD/C/ESP/CO/1, para. 46) to increase the low employment rate of persons with disabilities in the open labour market, especially affecting women with intellectual or psychosocial disabilities and persons with disabilities living in rural areas;

(b) The lack of information about the application of discrimination laws within the workplace, including direct and indirect discrimination and denial of reasonable accommodation;

(c) Failure to comply with the quota set out in the Revised Text Law 9/2017 on Contracts of the Public Sector.

**51. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

**(d) Analyse and modify legislation, regulations and policies to promote the employment of persons with disabilities in the public and private sector, with particular emphasis on women and persons with disabilities living in rural areas;**

**(e) Ensure available and accessible provisions of reasonable accommodation with administrative safeguards for persons with disabilities, especially in case of accidents leading to disability in the workplace;**

**(f) Adopt concrete measures to fully implement the legal quota foreseen in the Revised Text Law 9/2017 on Contracts of the Public Sector.**

## Turkey

52. The Committee is concerned about:

(a) Discriminatory policies on the basis of impairment, promoting sheltered workplaces for persons with disabilities in particular affecting persons with intellectual or psychosocial disabilities rather than creating opportunities for their employment in the open labour market;

(b) Insufficient information about the provision of individualized support and accommodation in all sectors of employment and effective sanctions in cases of denial of reasonable accommodation;

(c) The low compliance with the 3 per cent quota of employment of persons with disabilities in the public sector, and with employment quotas of persons with disabilities in the private sector.

**53. The Committee recommends that the State party:**

**(a) Abolish legislation, policies and practices of sheltered employment and adopt a strategy with benchmarks and a timeframe to promote an inclusive, open and accessible labour market in all sectors for all persons with disabilities, including women and persons with intellectual or psychosocial disabilities, ensuring continuous training on work competences, entrepreneurship, and technical assistance for business management;**

**(b) Ensure its legislation provide for effective remedies, including compensation in cases of discrimination on the basis of disability in the area of work and employment;**

**(c) Ensure equal requirements for employment quotas in the public administration and other work sectors, and monitor their implementation and collect data on compliance with the quota system and provide for adequate sanctions in cases of non-compliance;**

**(d) Bear in mind the linkages between article 27 of the Convention and target 8.5 of the Sustainable Development Goals, and ensure that persons with disabilities obtain productive and decent employment, in line with the principle of equal pay for work of equal value.**

## Vanuatu

44. The Committee is concerned about:

(a) The insufficient employment opportunities for persons with disabilities and the fact that the Employment Act (2006) does not pay special attention to the rights of persons with disabilities;

(b) The absence of mechanisms for monitoring equal work conditions for persons with disabilities both in the public and private sectors;

(c) The lack of individualized support for women with disabilities and persons with intellectual disabilities in the work place;

(d) The fact that the mandate of the Labour Inclusion Officer is limited to facilitating the participation of persons with disabilities in seasonal employment;

(e) The cost of obtaining business licenses remains a significant obstacle for persons with disabilities to start their own business;

(f) The absence of official data or statistics on persons with disabilities employed in the public and private sectors.

**45. Adhering to article 27 of the Convention and recalling its link to target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

**(a) Adopt legislative and other measures, including the amendment of the Employment Act (2006), to promote employment opportunities for persons with disabilities in the open labour market on an equal basis with others in close consultation with organizations of persons with disabilities;**

**(b) Ensure that Labour Inspectors have the mandate and resources to effectively monitor working conditions for persons with disabilities and ensure the achievement of decent work for all, including persons with disabilities, and equal pay for work of equal value;**

**(c) Ensure persons with disabilities, especially women with disabilities and person with intellectual or psychosocial disabilities, are not denied reasonable accommodation in the workplace;**

**(d) Strengthen the capacity of the Labour Inclusion Officer to facilitate stable employment opportunities for persons with disabilities;**

**(e) Promote self-employment opportunities among persons with disabilities, including by exempting the cost of business licences for persons with disabilities;**

**(f) Collect disaggregated data on the employment of persons with disabilities in the public and private sector as well as informal sector.**

## Algeria

44. The Committee is concerned about the lack of sufficient resources and qualified professionals within the national agency responsible for the implementation and monitoring of decree No. 14-214 of 30 July 2014 to facilitate the employment of persons with disabilities. It is also concerned that despite the entry into force of article 27 (1) of Law No. 02-09 of 8 May 2002, which provides that all employers must devote at least 1% of jobs to persons with disabilities who are recognized as workers, and the possibility for employers to receive funding for the adaptation of workstations (Interministerial Order of 4 October 2017), persons with disabilities continue to be discriminated in the employment sector.

**45. The Committee recommends that the State party:**

- (a) Strengthen the national agency responsible for the implementation of Decree No. 14-214 by allocating the necessary resources and equipping it with qualified personnel;**
- (b) Prepare a national strategy in close consultation with representative organization of persons with disabilities to increase the rate of employment of persons with disabilities, particularly women;**
- (c) Raise awareness among employers about the Interministerial Order of 4 October 2017 to receive the subsidies granted for adapting and equipping workplaces for persons with disabilities;**
- (d) Adopt a strategy and action plan with benchmarks for the employment of persons with disabilities in line with target 8.5 of the Sustainable Development Goals, especially women with disabilities, in the open labour market.**

## Bulgaria

57. The Committee notes with concern that in spite of the incentives for employers who hire persons with disabilities, they continue facing unemployment and discrimination in the employment sector. The Committee is also concerned about the low level of awareness among employers about reasonable accommodation at the work place. Furthermore, the Committee is concerned about low transition rate of persons with disabilities from sheltered workplaces 'into open labour market'.

58. The Committee recommends that the State party:

- (a) Adopt a policy framework and a strategy to promote employment for persons with disabilities in the open labour market, including by increasing resources for it, with the aim to make transition from sheltered employment to open labour market easier;
- (b) Recognise in its legal and policy framework the right of persons with disabilities to reasonable accommodation at the workplace;
- (c) Raise awareness among the public and private companies about the reasonable accommodation at work;
- (d) Reinforce training programmes for persons with disabilities concerning skills that are required in the open labour market, and also skills in entrepreneurship, and collect disaggregated and targeted information about the participation of women and men with disabilities in the programmes and the outcome of the trainings for them.

## Malta

39. The Committee is concerned about the low level of employment of persons with disabilities in the public and private sector, despite the quota system that is provided for in articles 15 and 16 of the Persons with Disability (Employment) Act (Cap. 210) and other policy measures introduced by the State party. It further notes with concern that:

- (a) Article 17 (3) of the Constitution of the State party states that "disabled persons and persons incapable of work are entitled to education and vocational training";
- (b) The current quota system under the Persons with Disability (Employment) Act (Cap. 210) seems ineffective, in as much as it is only applicable to employers employing 20 or more employees;

(c) The State party uses medicalised criteria to assess the suitability of persons with disabilities to work in violation of article 1 of the Convention;

(d) The high number of employers who do not employ persons with disabilities irrespective of their ability to work.

**40. The Committee recommends that the State party adopts further enforcement mechanisms and incentives to ensure the implementation of the quota system under articles 15 and 16 of the Persons with Disability (Employment) Act (Cap. 210) and other measures to support persons with disabilities to work in the open labour market, in line with the Convention and target 8.5 of the Sustainable Development Goals, and ensures the achievement of full and productive employment and decent work for all. It also recommends that the State party:**

**(a) Amends article 17 (3) of the Constitution to bring it in line with article 27 of the Convention;**

**(b) Review the quota system under the Persons with Disability (Employment) Act (Cap. 210) in order to make it applicable to enterprises with less than 20 employees;**

**(c) To replace any assessment of suitability to work with an assessment that considers the needs and requirements for reasonable accommodation at work for persons with disabilities;**

**(d) Step up efforts to raise awareness among employers on the rights of persons with disabilities to work in the open labour market, in particular the provision of reasonable accommodation, and on the benefits of employing persons with disabilities.**

## Philippines

46. The Committee is concerned by:

(a) The fact that legislation and policies, such as the Presidential Decree No. 442, the Labor Code of the Philippines, the Sustainable Livelihood Self-Employment Assistance Kaunlaran program, and the Likhang Persons with Disability (State party report CRPD/C/PHL/1, see para. 210) to create employment and protect all workers from any form of discrimination regardless of disability have not been effective in creating employment opportunities for persons with disabilities;

(b) The lack of sufficient implementation of the quota system for employment as it applies to different disability groups;

(c) The continued stigmatization of persons with disabilities in the labour market, in particular, the employers' assertion that persons with disabilities lack the necessary knowledge, skills or abilities for the jobs, and would entail higher labour costs for training and improvement of facilities.

**47. The Committee recommends that the State party:**

**(a) Adopt measures to ensure effective implementation of the Presidential Decree No. 442, the five per cent employment quota system and strengthen the structured orientation program for potential employers to activate employment of persons with disabilities;**

**(b) Adopt measures to provide for reasonable accommodation in job recruitment processes , ensure that these processes inclusive of persons with disabilities, and issue guidelines for the provision of reasonable accommodation and accessibility at the workplace;**

**(c) Uphold Sustainable Development Goal 8, target 8.5 to ensure achievement of full and productive employment and decent work for all, including persons with disabilities and equal pay for work of equal value.**

## Poland

44. The Committee is concerned about the:

(a) Low rate of employment of persons with disabilities, as well as barriers faced by women with disabilities when accessing the open labour market and, as consequence, having lesser income than others, particularly in rural areas;

- (b) Promotion of sheltered workshops or offer of low status jobs for persons with disabilities, which hinders, especially for women, access to open labour market and lack of specific incentives for employers to hire persons with disabilities in the open labour market, especially persons with severe disabilities;
- (c) Lack of fulfilment of the 6% employment quota for persons with disabilities, especially in the public administration sector;
- (d) Low availability of labour market activation programmes, job offers for persons with disabilities.

**45. The Committee recommends that the State party develop legislation and measures for the employment of persons with disabilities in the open labour market and in particular:**

- (a) Promote work and employment of women with disabilities and ensure equal income, especially in rural areas;**
- (b) Promote decent work for persons with disabilities, especially women with disabilities, in public and private sectors and provide specific incentives and support for reasonable accommodation, including individual assistance for employing persons with a wide range of disabilities;**
- (c) Ensure the fulfilment of the 6% employment quota for persons with disabilities in all sectors, with specific emphasis on the public administration sector;**
- (d) Ensure that open labour market activation programmes effectively include all persons with disabilities.**

## South Africa

44. The Committee is concerned about:

- (a) The very low rate of employment among persons with disabilities, 1.2 percent of the workforce according to the 16th Commission for Employment Equity Annual Report based on data from 2014-2015, including women with disabilities, and gender-based discrimination in the open labour market;
- (b) Lack of measures to provide accessible and adapted work places including the provision of reasonable accommodation, especially for persons with disabilities with motor impairments;
- (c) The lack of protection and compensation afforded to migrant workers, who have acquired an impairment as a result of their work;
- (d) The absence of statistical data on persons with disabilities currently employed, disaggregated by age, gender, type of impairment and geographical location.

**45. The Committee recommends that the State party:**

- (a) Promote the employment of persons with disabilities in the private and public sectors, including through affirmative action, and the adoption of laws and policies on reasonable accommodation, and provide data on persons with disabilities currently employed in the open labour market, disaggregated by age, gender, type of impairment and geographical location;**
- (b) Adopt a strategy to increase the employment of persons with disabilities in the public and private sectors, including through mechanisms to ensure that reasonable accommodations are provided and to prevent discrimination against persons with disabilities and their families in the labour market in line with article 27 of the Convention and target 8.5 of the Sustainable Development Goals, to ensure productive and decent work for everyone, including persons with disabilities, in accordance with the principle of equal pay for work of equal value;**
- (c) Adopt effective measures for making the physical environment of work places accessible and adapted for persons with disabilities, including reasonable accommodation, especially for persons with disabilities with motor impairments and provide training to employers at all levels to respect the concept of reasonable accommodation;**

**(d) Ensure that the labour law fully and equally protects migrant workers with disabilities, and that such workers who have acquired an impairment as a result of their work receive appropriate treatment, rehabilitation and compensation.**

## **The Former Yugoslav Republic of Macedonia**

48. The Committee is concerned about :

(a) Discrimination against and inequalities in employment and working conditions for persons with disabilities, in particular women, notably those contained in some provisions of the Law on Civil Administration;

(b) The fact that the Labour Law does not specifically oblige employers to provide reasonable accommodation to persons with disabilities (CRPD/C/MKD/1, para. 25);

(c) The fact that persons with disabilities and public and private employers are not fully aware about the rights and opportunities of employment in the open labour market.

**49. The Committee recommends that the State party, in close collaboration with organisations of persons with disabilities:**

**(a) Review and evaluate its existing legislation, both in the public and in the private sectors, to bring it in line with the Convention, and take measures to increase vocational training and adopt legislation with effective remedies and sanctions with respect to disability-based discrimination in recruitment, promotion and retention of employees;**

**(b) Take effective and affirmative measures to ensure the employment of persons with disabilities in the public and private sector and ensure that the open labour market is inclusive and accessible, and that reasonable accommodation is available and that duty of provision of reasonable accommodation is explicitly prescribed for in the legislation.**

## **Haiti**

48. The Committee notes with concern:

(a) The lack of a legal obligation to provide reasonable accommodation in the work place and lack of monitoring mechanisms of the Act on the Inclusion of Persons with Disabilities (2012) on “appropriate accommodation”;

(b) The extremely low level of employment of persons with disabilities in the public and private sectors resulting in a higher rate of poverty among persons with disabilities;

(c) The lack of a designated body for monitoring and sanctioning non-compliance of labour quotas, in the public and private sectors, the absence of specific measures to improve employment of persons with disabilities, both in the public sector and in the private sector and delays in the establishment of the national solidarity fund;

(d) The absence of official data on persons with disabilities in the labour market.

**49. In line with the Convention and in view of target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party take legal and other measures to ensure non-discrimination against persons with disabilities in their right to work and, in particular:**

**(a) Clarify the legal obligation to provide reasonable accommodation in the workplace and take measures to ensure the effective monitoring of its implementation, with appropriate remedies for the denial of requests;**

**(b) Adopt measures, such as a long term plan with defined objectives and timeframe, to increase the employment of persons with disabilities, particularly women and young persons with disabilities, in the private and public sector, in the open labour market;**

**(c) Designate an entity for monitoring and sanctioning non-compliance of labour quotas in both the private and public sectors, expedite the implementation of the national solidarity fund, provide vocational and professional training and provide incentives for the self-employment of persons with disabilities, particularly women with disabilities;**

**(d) Collect disaggregated data on the number of persons with disabilities in the labour market.**

## Nepal

39. The Committee is concerned at the lack of information on the effectiveness of the employment quota for persons with disabilities in the civil service and how these posts are filled by persons with disabilities, particularly by persons with intellectual and/or psychosocial disabilities including those from indigenous backgrounds.

**40. The Committee recommends that the State party take appropriate measures to gather data and develop criteria to fill the five per cent quota for civil service positions that are reserved for persons with disabilities including undertaking a comprehensive evaluation of these jobs in terms of quality, and the extent to which persons with intellectual and/or psychosocial disabilities, including those from indigenous backgrounds, have benefitted from this quota against those who remain unemployed.**

## Oman

47. While welcoming the establishment of the Committee for Training and Employment of Persons with Disabilities, the Committee is, however, concerned about:

(a) The low employment rate of persons with disabilities, particularly women with disabilities, and gender-based discrimination in the labour market, including failure to provide paid maternity leave;

(b) The failure to provide accessible and adapted work places including the provision of reasonable accommodation, especially for persons with disabilities with motor impairments;

(c) The lack of protection and compensation afforded to migrant workers, especially domestic workers, who have acquired an impairment as a result of their work in the State party;

(d) The absence of statistical data on persons with disabilities currently employed, disaggregated by age, gender, type of impairment and geographical location.

**48. The Committee recommends that the State party:**

(a) **Promote the employment of persons with disabilities in the private and public sectors, including through affirmative action, and the adoption of laws and policies on reasonable accommodation, including by amending the Labour Act, as well as ensure implementation of the law requiring private enterprises with more than 50 employees to reserve at least two percent of positions for persons with disabilities, and also provide data on persons with disabilities currently employed in the open labour market, disaggregated by age, gender, type of impairment and geographical location;**

(b) **Adopt a strategy for the employment of persons with disabilities in line with Sustainable Development Goal 8 (target 8.5), especially women with disabilities, in the open labour market and adopt measures for the elimination of intersectional discrimination;**

(c) **Adopt effective measures for making the physical environment of work places accessible and adapted for persons with disabilities, including reasonable accommodation, especially for persons with disabilities with motor impairments and provide training to employers at all levels to respect the concept of reasonable accommodation;**

(d) **Ensure that migrant workers, especially domestic workers are fully and equally protected by the labour law, and that such workers who have acquired an impairment as a result of their work in the State party receive appropriate treatment, rehabilitation and compensation.**

## Russian Federation

53. The Committee is concerned that the denial of reasonable accommodation for persons with disabilities is still not legislated as a ground for discrimination. The Committee is also concerned about the lack of sufficient information on 'special posts' and the labour market programmes for persons with disabilities, those with intellectual and/or psychosocial

disabilities in particular, as well as on transparent and formalized trainings and assistance in providing reasonable accommodation for person with disabilities at workplaces.

**54. The Committee recommends that the State party legislate the concept of the denial of reasonable accommodation as a ground for discrimination in accordance with the Convention, and the concept of reversal of burden of proof to the employer. It also recommends that the State party improve the available and standardized support in providing reasonable accommodation at workplace.**

**55. The Committee also recommends the State party to be guided by the Convention in the implementation of target 8.5 of the Sustainable Development Goals.**

## Seychelles

45. The Committee is concerned about:

(a) The persistence of sheltered workplaces that promote the charity approach and preserve the segregation of persons with disabilities in the labour market, especially of persons with intellectual disabilities, qualifying them as 'unemployable';

(b) The exposure of persons with disabilities to the risk of losing their income when getting self-employed;

(c) The lack of implementation of the employment quota system, the absence of reasonable accommodation in the workplace, and the asymmetric requirements for quotas in the public and private work sectors.

**46. The Committee recommends that the State party:**

**(a) Adopt measures aimed at promoting an inclusive, open and accessible labour market in all sectors for all persons with disabilities;**

**(b) Create specific incentives for employers and provide reasonable accommodation for persons with disabilities, particularly for persons with intellectual disabilities, aimed at facilitating their inclusion in the open labour market;**

**(c) Ensure the safeguard of all incomes, including disability pensions for self-employed persons with disabilities;**

**(d) Ensure equal requirements for employment quotas in the public administration and information services and other work sectors, and monitor their implementation. The State party should collect data on the compliance of the quota system and ensure adequate sanctioning in case of non-compliance.**

## Slovenia

45. The Committee is concerned about:

(a) The persistence of sheltered workplaces that promote the charity approach and preserve the segregation of persons with disabilities in the labour market, especially of persons with intellectual disabilities, qualifying them as 'unemployable';

(b) The exposure of persons with disabilities to the risk of losing their income when getting self-employed;

(c) The lack of implementation of the employment quota system, the absence of reasonable accommodation in the workplace, and the asymmetric requirements for quotas in the public and private work sectors.

**46. The Committee recommends that the State party:**

**(a) Adopt measures aimed at promoting an inclusive, open and accessible labour market in all sectors for all persons with disabilities;**

**(b) Create specific incentives for employers and provide reasonable accommodation for persons with disabilities, particularly for persons with intellectual disabilities, aimed at facilitating their inclusion in the open labour market;**

**(c) Ensure the safeguard of all incomes, including disability pensions for self-employed persons with disabilities;**

**(d) Ensure equal requirements for employment quotas in the public administration and information services and other work sectors, and monitor their implementation. The State**

**party should collect data on the compliance of the quota system and ensure adequate sanctioning in case of non-compliance.**

## Sudan

53. The Committee is concerned about the absence of adequate and enforceable measures to ensure compliance with policies and strategies to promote livelihood and employment opportunities in the public and private sector regarding the employment of persons with disabilities.

**54. The Committee recommends that the State party take effective and affirmative measures to ensure the employment of persons with disabilities in the public and private sector and ensure that the open labour market is inclusive and accessible, and that reasonable accommodation is available.**

55. The Committee notes that article 24 paragraph 7 of the National Public Civil Service Act of 2007 establishes a two per cent quota for the employment of persons with disabilities, but is concerned that this provision is not legally or administratively enforceable and it allows for exceptions based on the “nature of the job and the nature of the disability”.

**56. The Committee recommends that the State party review article 24 paragraph 7 of the National Public Civil Service Act of 2007 to remove exceptions to the quota system based on the “nature of the job and the nature of the disability” and to make the two per cent quota administratively and legally enforceable.**

## Latvia

46. The Committee is concerned about the:

- (a) Lack of progress in improving employment for persons with disabilities in the open labour market, particularly for those with intellectual disabilities;
- (b) Continuity of the subsidized employment measures after termination of support from European structural funds.

**47. The Committee recommends that the State party:**

- (a) Ensure support for the employment of all persons with disabilities in the open labour market in inclusive employment settings on an equal basis with others;**
- (b) Pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.**

## Luxembourg

46. The Committee is concerned about the low level of employment of persons with disabilities in the public and private sectors and the segregation of persons with disabilities in sheltered workshops. It is also concerned about:

- (a) The lack of a designated body for monitoring and sanctioning non-compliance of labour quotas, particularly in the private sector;
- (b) The lack of monitoring of the provision of reasonable accommodation.

**47. The Committee recommends that the State party adopt measures to phase out sheltered workshops, with a time-bound schedule and plan for transfer of those currently employed in sheltered workshops into the open labour market, and increase the level of employment of persons with disabilities in the open labour market, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals, and that it ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party:**

- (a) Designate an entity for monitoring and sanctioning non-compliance of labour quotas in both the private and public sectors;**
- (b) Take measures to ensure the effective monitoring of the provision of reasonable accommodation, with appropriate remedies for the denial of requests;**

**(c) Provide vocational and professional training and provide incentives for the self-employment of persons with disabilities, particularly women with disabilities.**

## Montenegro

48. The Committee is concerned about the lack of information on the effective protection of employees with disabilities from dismissal. It is also concerned about:

- (a) The fact that persons with disabilities, especially women, are particularly affected by unemployment;
- (b) The lack of information on subsidies or any measures, beyond the obligation for employers who do not respect the minimum quota for the employment of persons with disabilities, to contribute to the Fund for the Professional Rehabilitation and Employment of Persons with Disabilities;
- (c) The insufficient provision of reasonable accommodation in workplaces;
- (d) The use of the medical model of disability to assess people's capacity for work, which is in conflict with the Convention;
- (e) Insufficient comprehensive data on the situation of persons with disabilities in employment, particularly in the private sector.

**49. The Committee recommends that the State party analyse and remedy any disincentives to employment for persons with disabilities, and further promote employment in the open labour market in the public and private sectors, with particular emphasis on women, in close consultation with persons with disabilities and their representative organizations. It also recommends that the State party:**

- (a) Introduce legislation providing for effective sanctions against employers who fail to provide reasonable accommodation in the workplace;**
- (b) Collect disaggregated statistical data on the employment rate and situation of persons with disabilities, disaggregated by sex, age, type of employment and salary;**
- (c) Reform the assessment procedures in the employment context in line with the human rights model of disability prescribed by the Convention.**

## Morocco

50. The Committee is concerned about:

- (a) The high rate of unemployment among persons with disabilities: 67.75 per cent, as indicated in the 2014 national survey on disability;
- (b) Discrimination against persons with disabilities in the workplace, including the absence of measures to provide reasonable accommodation;
- (c) The practice of reserving a list of positions for persons with disabilities, which is against the principle of open employment and hinders equal access by persons with disabilities to employment.

**51. The Committee recommends that the State party:**

- (a) Adopt a long-term plan to ensure access by persons with disabilities to the open labour market, and set up specific targets and measures concerning access to employment for women and young persons with disabilities. The State party should include in those measures the establishment of public-private partnerships with cooperatives and the private sector in order to increase the employability of persons with disabilities;**
- (b) Establish the legal duty of employers in all sectors of the economy to provide reasonable accommodation for persons with disabilities in the workplace;**
- (c) Cease the use of lists of positions reserved only for persons with disabilities, and ensure that persons with disabilities receive training for and are able to access all types of employment on an equal basis with others;**
- (d) Pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goal, with a view to achieving full and productive employment and decent work for all, including persons with disabilities.**

## Panama

52. The Committee is concerned at the failure to achieve the 2 per cent quota, the limited participation of persons with disabilities in the labour market and the scarcity of statistical data on the wages of persons with disabilities. The Committee regrets the lack of mechanisms to ensure that persons with disabilities are not discriminated against in the open labour market and of measures to ensure that reasonable accommodations are made in the workplace.

**53. The Committee recommends that the State party put in place specific strategies to implement the 2 per cent quota and to increase the employment of persons with disabilities in the public and private sectors, including through mechanisms to ensure that reasonable accommodations are made and to prevent discrimination against persons with disabilities and their families in the open labour market. It also recommends that the State party be mindful of the linkages between article 27 of the Convention and target 8.5 of the Sustainable Development Goals, and that it ensure productive and decent work for everyone, including persons with disabilities, in accordance with the principle of equal pay for work of equal value.**

## United Kingdom of Great Britain and Northern Ireland

56. The Committee is concerned about:

- (a) The persistent employment gap and pay gap for work of equal value affecting persons with disabilities, especially women and persons with psychosocial and/or intellectual disabilities, as well as persons with visual impairments;
- (b) The insufficient affirmative action measures and provision of reasonable accommodation to ensure that persons with disabilities can access employment on the open labour market, despite the obligations contained in European Union Directive 2000/78/EC on non-discrimination in the workplace;
- (c) The process related to the Employment and Support Allowance and the fact that the Work Capability Assessment emphasizes a functional evaluation of skills and capabilities, rather than recognizing the interactions between impairment and barriers in society faced by persons with disabilities;
- (d) The State party's upholding of its reservation to article 27 of the Convention, which disproportionately affects persons with disabilities who are actively involved in military matters.

**57. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, and in line with the Committee's report on its inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out under article 6 of the Optional Protocol to the Convention:**

- (a) **Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities, bearing in mind the State party's target of 1 million jobs for persons with disabilities, and ensure equal pay for work of equal value, focusing especially on women with disabilities, persons with psychosocial and/or intellectual disabilities and persons with visual impairments, and monitor those developments;**
- (b) **Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation;**
- (c) **Ensure that the legal and administrative requirements of the process to assess working capabilities, including the Work Capability Assessment, are in line with the human rights model of disability, that those who conduct the assessments are qualified and duly trained in that model, and that the assessments take into consideration work-related as well as other personal circumstances. The State party must ensure that the adjustments and**

support necessary to access work, as well as financial support, are provided and that they are not subject to sanctions or conditional upon carrying out job seeking activities;

(d) Withdraw its reservation to article 27 of the Convention;

(e) Bear in mind the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.

## Armenia

47. The Committee is concerned about the significant unemployment rates among persons with disabilities and the lack of adequate employment policies and programmes to complement the use of quotas to enable persons with disabilities to participate effectively in the open labour market.

**48. The Committee recommends that the State party mainstream the rights of persons with disabilities into national employment policies and programmes and enforce the implementation of the Law on employment, including the mandatory quotas and incentive measures for employers in the public and private sectors. The Committee also recommends that the State party support the employment of persons with disabilities in the open labour market, including through the provision of vocational training programmes and reasonable accommodation in the labour sector, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals.**

## Bosnia and Herzegovina

46. The Committee is concerned about the lack of data on efficient protection of employees with disabilities from dismissal and about the insufficient provision of reasonable accommodation. The Committee is also concerned that there are no data on the situation of persons with disabilities in terms of employment in the public sector.

**47. The Committee recommends that the State party amend its legislation by including the definitions of “reasonable accommodation” and “universal design” in line with the Convention and that it provide guidance and training to the public and private sectors on these concepts in order to make sure that disability cannot constitute an excuse for non-employment if the person with disability in question is qualified for the relevant job and can effectively perform his or her job with reasonable accommodation.**

48. The Committee is concerned about the fact that the number of sheltered workshops has doubled since 2009 and that there is a lack of data on measures to motivate persons with disabilities effectively, including veterans of war with disabilities, and their employers, towards their employment in the open labour market.

**49. The Committee recommends that the State party promote among employers the right of persons with disabilities, including veterans of war with disabilities, to employment on an equal basis with others, and reinforce measures to support the effective transition of all persons with disabilities into formal employment in the open labour market.**

## Canada

47. The Committee is concerned at the high number of persons with disabilities who are unemployed and at the lack of programmes to retain the jobs of persons with disabilities in periods of economic crisis. It is further concerned about the absence of strategies to end models of sheltered workshops and ensure access to the open labour market for persons with disabilities, in particular women and young persons with disabilities. The Committee notes that there is a steady increase in both the number and proportion of complaints of discrimination in employment related to disability.

**48. The Committee recommends that the State party:**

**(a) Adopt a policy on the employment of persons with disabilities, including indigenous persons with disabilities, that guarantees access to employment, promotes work in open, inclusive and accessible markets and environments, equal opportunities and gender equality and provides for reasonable accommodation for persons with disabilities at work;**

- (b) Develop strategies aimed at providing decent job opportunities for women and young persons with disabilities, including the provision of reasonable accommodation, flexible time arrangements, appropriate training for work and measures to prevent harassment and other forms of discrimination at the workplace;
- (c) Implement binding affirmative action measures, including the allocation of targeted funding to promote the employment of persons with disabilities in the public and private sectors;
- (d) Bear in mind article 27 of the Convention in its efforts to achieve target 8.5 of the Sustainable Development Goals.

## Cyprus

53. The Committee is concerned by the high level of unemployment and lack of gender, age and disability disaggregated data regarding employment of persons with disabilities, and about the insufficient measures to promote their inclusion into the open labour market regardless of the type of impairment.

**54. The Committee recommends that the State party ensure access to employment in the open labour market, including by ensuring that the private sector is also covered by a quota system and by ensuring equal pay for work of equal value in all settings for all persons with disabilities being guided by target 8.5 of the Sustainable Development Goals. It furthermore recommends that the State party collect data on the employment of persons with disabilities, disaggregated by gender, age and type of impairment.**

## Honduras

57. Al Comité le preocupa los altos niveles de desempleo de las personas con discapacidad. También preocupa al Comité la falta de seguimiento al cumplimiento de las cuotas laborales en el sector público. Le preocupa asimismo que en los programas Con Chamba Vivís Mejor, Chamba Comunitaria y Chambita Plus no se incluya el número representativo de personas con discapacidad.

**58. El Comité recomienda al Estado parte que implemente estrategias específicas para elevar el nivel de empleabilidad de las personas con discapacidad en el sector público. El Comité recomienda que el Estado parte preste atención a los vínculos entre el artículo 27 de la Convención y la meta 8.5 de los Objetivos de Desarrollo Sostenible, y asegure el logro de un empleo productivo y decente para todas las personas, incluyendo personas con discapacidad en línea con el principio de igual remuneración por un trabajo de igual valor.**

## Iran (Islamic Republic of)

50. The Committee notes with concern:

- (a) The low compliance with the 3 per cent quota of employment of persons with disabilities in the public sector;
- (b) The lack of recognition of reasonable accommodation for persons with disabilities at the work place;
- (c) That measures to promote employment of war veterans are not implemented for other persons with disabilities; and
- (d) Gaps in the participation of persons with disabilities in the open labour market, and that persons with disabilities remain in 'sheltered workshops'.

**51. The Committee recommends that the State party:**

- (e) Adopt measures to comply with the quota of employment of persons with disabilities in the public sector, and provide accessibility and reasonable accommodation in the workplace so as to increase employment rate of persons with disabilities;
- (f) Increase its efforts to create job opportunities for persons with disabilities, including through affirmative action programmes, entrepreneurship, appropriate age training for work; loans, microcredits, and technical assistance for business management; and

**(g) Bear in mind the linkages between article 27 of the Convention and target 8.5 of the SDGs, and ensure that persons with disabilities obtain productive and decent employment, in line with the principle of equal pay for work of equal value.**

## Jordan

49. The Committee notes with deep concern the high unemployment rate (76 per cent) of persons with disabilities in the State party. It is concerned about the perpetuation of discriminatory legislation and regulations, including article 13 of the Labour Law of 2010, annex (No. 1) of the System of Medical Committees law (No. 58 of 1977) and its regulation (No. 13 of 2014). and article 4 of the Civil Service regulation (No. 30 of 2007) which prevent persons with certain impairments from accessing employment. It is concerned about the discriminatory attitudes towards hiring persons with disabilities, particularly women with disabilities.

**50. The Committee recommends that the State party:**

**(a) Repeal discriminatory legislation and regulations in order to eliminate the concept of “medical fitness” and ensure individualized assessments are conducted to determine suitability for bona fide occupational requirements;**

**(b) Raise awareness among employers and the general public on the right of persons with disabilities to work;**

**(c) Promote the employment of persons with disabilities in the private and public sectors, including through affirmative action and the adoption of regulations governing reasonable accommodation.**

## Republic of Moldova

48. The Committee is concerned about significant unemployment and economic inactivity rates among persons with disabilities, and the fact that national employment strategies and relevant agencies do not adequately facilitate and promote the employment of persons with disabilities or implement the minimum 5 per cent mandatory employment quota for persons with disabilities. The Committee is also concerned that the employment of persons with disabilities is generally oriented towards segregated workplaces.

**49. The Committee recommends that the State party:**

**(a) Mainstream the rights of persons with disabilities and affirmative action into national employment strategies and respective agencies, enforcing the implementation of Law No. 60 regarding employment, including the mandatory quota and incentive measures for employers;**

**(b) Support the employment of persons with disabilities in the open labour market, in line with the Convention and in the light of target 8.5 of the Sustainable Development Goals.**

## Bolivia

61. The Committee is concerned at the failure to implement labour quotas and at the high rates of unemployment among persons with disabilities. It is also concerned that the measures to promote the employment of persons with disabilities do not include in-service training and conform to the “specialized” and segregated employment model. The Committee is further concerned that, owing to the lack of labour mobility of persons with disabilities and their families, employers are discouraged from hiring them.

**62. The Committee recommends that the State party adopt a policy on the employment of persons with disabilities that guarantees access to employment, that promotes work in open, inclusive and accessible markets and environments, equal opportunities and gender equality, and that provides for reasonable adjustments for persons with disabilities. The Committee also urges the State party to effectively implement binding affirmative action measures to promote the employment of persons with disabilities, in both the public and private sectors. It also recommends that the State party be guided by article 27 of the Convention in its efforts to achieve target 8.5 of the Sustainable Development Goals.**

## Colombia

60. The Committee is concerned that, in addition to the obvious intersectional inequalities, efforts to promote the inclusion of persons with disabilities in the labour market have been limited and of little impact. It is also concerned about the persistence of discrimination based on disability and the lack of regulation of reasonable accommodation.

**61. The Committee recommends that the State party:**

**(a) Take steps to expedite the full employment of persons with disabilities in the open labour market by adopting affirmative action measures and combating discrimination based on disability;**

**(b) Adopt regulations governing reasonable accommodation in the area of employment;**

**(c) Bear in mind the linkages between article 27 of the Convention and target 8.5 of the Sustainable Development Goals to ensure that all persons, including persons with disabilities, obtain productive and decent employment, in keeping with the principle of equal pay for work of equal value.**

## Ethiopia

59. The Committee is concerned that the rate of employment of persons with disabilities is very low, which increases the risk of poverty and segregation. It is also concerned about the absence of affirmative measures to enhance the employment of persons with disabilities, both in the public and private sectors.

**60. The Committee recommends that the State party:**

**(a) Take effective and affirmative measures to ensure the employment of persons with disabilities in the open labour market, including by increasing vocational training opportunities;**

**(b) Ensure that the open labour market is inclusive and accessible and that reasonable accommodation and support is provided in the workplace;**

**(c) Be guided by article 27 of the Convention in implementing target 8.5 of the Sustainable Development Goals.**

## Guatemala

63. The Committee is concerned that the majority of persons with disabilities are not in formal employment and do not have real and effective means of obtaining the reasonable accommodation that they require in the workplace. It is also concerned by the lack of monitoring of compliance with employment quotas in the public sector and the lack of affirmative action to accelerate the achievement of de facto equality for persons with disabilities who face the greatest difficulties in accessing the labour market, such as women and indigenous peoples, especially in rural communities.

**64. The Committee recommends that the State party promote Bill No. 4796 on the inclusion of persons with disabilities in the world of work, together with an appropriate mechanism to monitor its implementation, and ensure the provision of reasonable accommodation as required by workers with disabilities and the implementation of affirmative action to support the groups that face the greatest difficulties in accessing the labour market. It also recommends that the State party set up a mechanism for monitoring compliance with employment quotas, with penalties for non-compliance. The Committee further recommends that the State party be guided by article 27 of the Convention in its implementation of target 8.5 of the Sustainable Development Goals.**

## Italy

69. The Committee is concerned about the high levels of unemployment among persons with disabilities, and inadequate provisions to promote their inclusion in the open labour market, in particular women with disabilities. The Committee is concerned that persons with disabilities in the State party may be restricted to the performance of certain professions on the grounds of their disability.

70. The Committee recommends that the State party be guided by article 27 of the Convention in implementing targets 8.5 of the Sustainable Development Goals; and that it ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. In addition, the State party must implement special measures to address the low level of employment for women with disabilities. It also recommends that the State party remove any legislation limiting the rights of persons with disabilities to perform any profession on the grounds of their disability.

## United Arab Emirates

49. The Committee is concerned about:

- (a) The lack of inclusive employment policies and the low employment rate of persons with disabilities in spite of a quota system, in particular regarding women, whose participation in employment may, in practice, be conditional on the consent of a male guardian;
- (b) The insufficient placement services and continuing training opportunities for persons with disabilities;
- (c) The lack of protection and compensation under the labour law for migrant workers, especially domestic workers, subjected to the kafalah system, who have acquired an impairment as a result of their work in the State party.

**50. The Committee recommends that the State party:**

- (a) Take measures to eliminate discriminatory practices on the basis of impairment and gender and adopt the policies and measures necessary, including affirmative action, to significantly increase the employment rate of persons with disabilities, especially women, in the open labour market, in both the public and private sectors;**
- (b) Intensify its efforts to develop placement services and continuing training, as well as self-employment and entrepreneurship opportunities;**
- (c) Ensure that migrant workers, especially domestic workers and including those with disabilities, are not subjected to the kafalah system and are fully and equally protected by the labour law;**
- (d) Ensure that all migrant workers, including domestic workers, who have acquired impairment as a result of their work in the State party receive appropriate compensation;**
- (e) Be guided by article 27 of the Convention in the implementation of target 8.5 of the Sustainable Development Goals.**

## Uruguay

57. Al Comité le preocupan los altos niveles de desempleo de las personas con discapacidad. También preocupa al Comité que no se cumpla la cuota para facilitar el empleo de las personas con discapacidad en la función pública. Preocupa también la falta de información sobre los puestos de trabajo y la pirámide salarial de las personas con discapacidad en el sector privado.

**58. El Comité recomienda al Estado parte que implemente estrategias específicas para elevar el nivel de empleabilidad de las personas con discapacidad desempleadas en el sector público, incluyendo a través de programas vocacionales. También le recomienda recoger los datos de empleabilidad en el sector privado en el mercado laboral abierto. El Comité recomienda que el Estado parte se guíe por el artículo 27 de la Convención en la implementación de la meta 8.5 de los Objetivos de Desarrollo Sostenible, y asegure el logro de un empleo productivo y decente para todas las personas, incluyendo personas con discapacidad en línea con el principio de remuneración igual por trabajo de igual nivel.**

## Chile

57. El Comité se encuentra preocupado por la brecha de inclusión laboral en detrimento de las personas con discapacidad en el Estado parte y la ausencia de estrategias específicas para promover la vinculación de las personas con discapacidad en el empleo.

58. El Comité recomienda que el Estado parte acelere la adopción de la legislación sobre inclusión laboral de las personas con discapacidad, y adopte una estrategia amplia con indicadores y plazos específicos en la materia, incluyendo a las mujeres y los jóvenes con discapacidad. El Comité recomienda que el Estado parte preste atención a los vínculos entre el artículo 27 de la Convención y la meta 8.5 de los Objetivos de Desarrollo Sostenible, y asegure el logro de un empleo productivo y decente para todas las personas, incluyendo personas con discapacidad en línea con el principio de remuneración igual por trabajo de igual valor.

## Lithuania

51. The Committee is seriously concerned at the commonly applied concept of “working incapacity”, which results in a low employment rate among persons with disabilities, and at a singular focus on segregated work environments, such as social enterprises, to which European Union funds are being directed.

**52. The Committee recommends that the State party, in close collaboration with representative organizations of persons with disabilities, eliminate the concept of “working incapacity” of persons with disabilities and develop and implement efficient strategies and programmes aimed at increasing the employment rate of persons with disabilities in the open labour market, by eliminating segregated work environments and investing in promoting vocational training, access to appropriately adjusted workplaces, the provision of reasonable accommodation and the training of private and public employers, as set out in target 8.5 of the Sustainable Development Goals.**

## Portugal

50. The Committee is concerned by discrimination against and inequalities in employment and working conditions for persons with disabilities, and in particular women, and by the fact that the State party’s Labour Code does not oblige employers to provide reasonable accommodation. It is also concerned about the working conditions faced by persons with disabilities in occupational activity centres, including the average salary, and by the fact that these segregated environments are the most common situation for persons with intellectual disabilities and autism when exercising the right to work and employment.

**51. The Committee recommends that the State party, in close consultation with organisations which represent persons with disabilities, review its labour legislation, both in the public and in the private sectors, to bring it into line with the Convention, and take measures to enforce the rules and sanctions stipulated in its legislation in the event of non-compliance. The Committee also recommends that the State party eliminate segregated working environments, including a review of legislation governing occupational activity centres from a human rights approach to comply with the Convention, and step up its efforts to promote access for persons with intellectual disability and autism to the open labour market. Furthermore, it recommends that the State party promote corporate social responsibility with regard to the employment of persons with disabilities. The Committee recommends that the State party pay attention to the links between article 27 of the Convention and SDG 8, target 8.5 to ensure achievement of full and productive employment and decent work for all including persons with disabilities and equal pay for work of equal value.**

## Serbia

53. The Committee is concerned about insufficient legal protection of employees with disabilities against dismissal and the insufficient provision of reasonable accommodation. The Committee is also concerned that persons with disabilities virtually cannot establish their representative trade union in the open labour market due to their low representation and that despite the provision of multidisciplinary committees, assessment of working capacity continues to be based on a medical model of “incapacity”.

**54. The Committee recommends the State party review the practice of the application of law, to make sure legislation is not disadvantageous for persons with disabilities in terms of employment and labour market participation, and guarantee the provision of reasonable accommodation at the workplace. It further recommends the State party to review the assessment of working capacity to eliminate the medicalised approach and to promote the inclusion of persons with disabilities in the open labour market. The Committee also recommends that the limit of establishing trade union for persons with disabilities at an employer shall be changed and that the State party pay attention to the links between article 27 of the Convention and Sustainable Development Goal 8, target 8.5.**

55. The Committee is concerned about the persistence of sheltered workshops for persons with disabilities, and that the measures to promote the employment of persons with disabilities in the open labour market are not effective.

**56. The Committee recommends the State party to promote the right to employment on an equal basis with others among employers, and strengthen measures to support the transition of all persons with disabilities that are currently in sheltered workshops into formal, open labour market employment, ensuring the respect of all rights, in compliance with the Convention.**

## Slovakia

73. The Committee is concerned about the large number of persons with disabilities employed in sheltered workshops and the lack of efficient measures taken to encourage employment in the open labour market.

**74. The Committee recommends that the State party step up efforts on the transition from sheltered workshops to an open labour market for all. The process must include an action plan, timetable, budget and training for public and private sector employers, including on the provision of reasonable accommodation. The Committee also recommends that the State party pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.**

## Thailand

53. The Committee is concerned at the low employment rate among persons with disabilities, particularly among women. It is also concerned about the prejudice against persons with disabilities, their lack of opportunities for training to gain access to employment, and employers' preference to pay a levy to the National Fund for the Empowerment of Persons with Disabilities rather than recruit persons with disabilities. It is also concerned that only a limited amount of the Fund's loans are concretely allocated to supporting the empowerment of persons with disabilities and that its effectiveness is constrained by public regulations.

**54. The Committee recommends that the State party:**

**(a) Increase employment opportunities in the open labour market for persons with disabilities, particularly women, including through awareness-raising campaigns targeting employers and the public at large to eliminate prejudice against persons with disabilities;**

**(b) Implement training and skills development programmes to facilitate the recruitment of persons with disabilities and self-employment opportunities;**

**(c) Provide access to supported employment measures in the open labour market, ensure the transparent and accountable management of the National Fund**

**(d) for the Empowerment of Persons with Disabilities, and include persons with disabilities within its administration;**

**(e) Pay attention to the links between article 27 of the Convention and Sustainable Development Goal 8, target 8.5, to ensure the achievement of full and productive employment and decent work for all including persons with disabilities and equal pay for work of equal value.**

## Uganda

52. The Committee is concerned about the few opportunities open for employment for persons with disabilities, in particular young men and women with disabilities, as well as the dismissal of persons who acquire an impairment in the course of their employment. It is also concerned about the lack of provisions to ensure persons with disabilities have equal pay for work of equal value.

**53. The Committee recommends that the State party:**

**(a) Adopt a strategy and incentive measures to facilitate access to the open labour market to persons with disabilities, in particular young men and women, including through the provision of training, and accessible information on job vacancies, and ensure that persons with disabilities receive equal pay for work of equal value;**

**(b) Take measures to ensure accessible and adapted workplaces in the open labour market, including provision of reasonable accommodation regardless of disability;**

**(c) Pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.**

## Brazil

48. The Committee is concerned at discrimination against persons with disabilities in the realm of employment, especially women with disabilities, and continue reliance on sheltered workshops. It is also concerned about the low levels of compliance with the quota system applying to private businesses with 100 or more employees.

**49. The Committee recommends that, in consultation with organizations representing persons with disabilities, the State party develop and implement a coordinated strategy to increase employment of persons with disabilities in the open labour market, including specific measures for women with disabilities. It is further recommended to take immediate action to create possibilities for transition from segregated employment to the open labour market.**

## European Union

64. The Committee is concerned about the high unemployment rates for persons with disabilities, especially women with disabilities and persons with intellectual and/or psychosocial disabilities, in comparison with other groups of population in the European Union.

**65. The Committee recommends that the European Union take effective actions to measure the employment of persons with disabilities and to increase their employment rate in open labour market, including by providing training for Member States on reasonable accommodation and accessibility in the context of employment.**

EU Institutions compliance with the Convention (as public administrations)

88. The Committee is concerned that European Union institutions do not play a role model with regard to employment of persons with disabilities.

89. The Committee recommends that the European Union increase employment of persons with disabilities across all European Union institutions.

## Gabon

58. The Committee is concerned by the low employment rate of persons with disabilities, the lack of inclusive employment policies and provision of reasonable accommodation, including in recruitment procedures, and the certification process used to declare if persons with disabilities are 'fit for employment'.

**59. The Committee recommends that the State party implement Act No.19/95 and adopt the necessary policies and measures, including of a legal nature, to further promote employment in the open labour market in public and private sectors beyond the current quota system, and the provision of reasonable accommodation and training on it. It also**

recommends that it increase vocational training and adopt legislation with effective remedies and sanctions with respect to disability-based discrimination in recruitment, promotion and retention of employees.

## Kenya

47. The Committee is concerned at the very low employment rate among persons with disabilities of about 1%. It is also concerned about the stereotypes and lack of training for persons with disabilities to access to employment opportunities.

**48. The Committee recommends that the State party:**

**(a) Adopt immediate measures to foster compliance with the positive measures of quota for persons with disabilities in employment, including an effective enforcement mechanism and sanctions for non-compliance, in both public and private sectors;**

**(b) Adopt immediate measures to foster compliance with the positive measures of quota for persons with disabilities in employment, including an effective enforcement mechanism and sanctions for non-compliance, in both public and private sectors;**

**(c) Design work and employment programmes in the open labour market specifically oriented to persons with disabilities, which include information on job opportunities on accessible formats, and development of skills to undergo competitive selection process to access jobs;**

**(d) Support entrepreneurship among persons with disabilities including by providing training on accessing markets; and**

**(e) Collect periodically statistics and information on persons with disabilities access to work as a matter of accountability before their population.**

## Mauritius

37. The Committee is concerned that a large percentage of persons with disabilities is considered not suitable for the open labor market and remains highly discriminated in their access to work. The Committee is also concerned that the quota of 3% of the work force composed of persons with disabilities only applies to the private sector and remains inadequately enforced. Furthermore, the Committee is concerned about the prevalence of sheltered workshops and the lack of formal transition programmes to allow young persons with disabilities to find an employment in the open labour market.

**38. The Committee recommends that the State party develop effective legislative and policy measures to promote the transition from sheltered employment to the of employment of persons with disabilities in the open labour market and ensure protection from discrimination in employment, including explicit recognition of the obligation to provide reasonable accommodation. The State party should extend affirmative actions to the public sector and monitor compliance, establish programmes to facilitate inclusion of young persons with disabilities in the open labour market in close consultation with organisations of persons with disabilities and ensure that penalties are applied to employer who fail to comply with the quota.**

## Qatar

49. The Committee is concerned by the lack of inclusive employment policies and the low employment rate of persons with disabilities in spite of a quota system, in particular regarding women, whose participation in employment may be conditional upon consent of a male guardian, in practice. It is also concerned about the lack of information on available placement services and continuing training opportunities.

**50. The Committee recommends that the State party repeal discriminatory practices on the basis of impairment and gender and adopt the necessary policies and measures, including affirmative action, to significantly increase the employment rate of persons with disabilities, especially women, in the open labour market in public and private sectors. The Committee also recommends that the State party adopt measures to develop placement**

services and continuing training as well as self-employment and entrepreneurship opportunities.

## Ukraine

50. The Committee is concerned that the requirement for employment quota is not well enforced and the majority of persons with disabilities remain unemployed. Furthermore, the Committee is concerned about the lack of employment opportunities for persons with intellectual and psychosocial disabilities and absence of policies or programmes for supported employment in the open labour market.

**51. The Committee calls upon the State party to ensure effective implementation of the affirmative measures and strengthen incentives for businesses and public sector for such employments. The Committee also recommends that the State party take measures to provide for supported employment of persons with intellectual and psychosocial disabilities in the open labour market.**

## Cook Islands

49. The Committee is concerned at the low number of persons with disabilities in employment. Furthermore, the Committee is concerned that there are no formal transition programs for persons with disabilities to enter the open labour market.

**50. The Committee recommends that the State party:**

- (a) Collect disaggregated data and information on persons with disabilities in employment, vocational and transition programmes;**
- (b) Provide support for the transition from education to the open labour market which permits freedom of choice to pursue vocations according to personal will and preferences;**
- (c) Enable the public sector to serve as a role model by creating employment opportunities for persons with disabilities in the public sector.**

## Croatia

41. The Committee is, concerned that the majority of persons with disabilities are either unemployed or have low income employment.

**42. The Committee recommends that the State party develop and implement – in cooperation with organisations of persons with disabilities (DPOs) – a plan of action to increase employment of persons with disabilities in the open labour market. It recommends that the quota system is complemented with other incentives for employers to hire persons with disabilities. Disincentives to employment for persons with disabilities should be analysed and reacted upon. Reasonable accommodation – including supported employment via personal assistance - and accessibility of the workplace should be regulated and monitored.**

## Czech Republic

50. The Committee notes with concern the high unemployment rate of persons with disabilities, and the fact that unemployment rate of women with disabilities is higher compared to that of men with disabilities. Furthermore, the Committee notes with concern that close to one third of employed persons with disabilities work outside the open labor market.

**51. The Committee calls upon the State party to ensure the same wage for all persons with disabilities regardless of their disability classification, to develop measures and intensify its efforts and allocate sufficient resources to promote the employment of persons with disabilities at open labor market, and especially to promote employment of women with disabilities.**

## Dominican Republic

50. El Comité considera insuficientes las cifras de personas con discapacidad incluidas en empleos formales, lo que evidencia la ausencia de una política estatal para la no discriminación y la equiparación de oportunidades en el trabajo y el empleo de personas con discapacidad. Preocupa al Comité que no se ha regulado la obligación de proporcionar ajustes razonables y que la denegación de éstos se considere discriminatoria en cualquier etapa del empleo. También le preocupa la falta de cumplimiento de las medidas de acción afirmativa para acelerar la igualdad de facto de las personas con discapacidad en el empleo.

**51. El Comité recomienda al Estado parte adoptar las medidas para fomentar el empleo de personas con discapacidad en los sectores público y privado, incluyendo medidas de acción afirmativa y regular los ajustes razonables; asimismo, le recomienda al Estado establecer un mecanismo de seguimiento al cumplimiento de las cuotas laborales en el sector público y sanciones en caso de incumplimiento.**

## Germany

49. The Committee is concerned about:

- (a) Segregation in the labour market in the State party;
- (b) Financial disincentives for persons with disabilities preventing their entry or transition to the open labour market;
- (c) The fact that segregated, sheltered workshops fail to prepare or promote transition to the open labour market.

**50. The Committee recommends that the State party provide regulations that effectively create an inclusive labour market in accordance with the Convention by:**

- (a) **Creating employment opportunities in accessible workplaces, in line with General Comment No. 2 (2014) of the Committee, in particular for women with disabilities;**
- (b) **Phasing out sheltered workshops through immediately enforceable exit strategies and timelines and incentives for public and private employment in the mainstream labour market;**
- (c) **Ensuring persons with disabilities do not face any reduction in social protection and pension insurance currently tied to sheltered workshops;**
- (d) **Collecting data on the accessibility of workplaces in the open labour market.**

## Mongolia

41. The Committee is concerned that the sanctions for non-compliance with the legislative requirement for public and private entities with more than 25 personnel to have four percent of personnel consisting of persons with disabilities is not commensurate and results in the majority of such entities choosing to pay the low fines for non-compliance rather than employ persons with disabilities. Furthermore, the Committee is concerned that the legislation limiting the maximum number of working hours per week to 36 hours for persons with disabilities may discourage their employment.

**42. The Committee recommends that the State party review its current systems for enforcement of its requirement for the minimum four percent representation rate of persons with disabilities in employment. In doing so, the State party may wish to consider increasing the financial penalties for non-compliance with the quota. Furthermore, the Committee recommends that the State party adopt measures to improve vocational capacity of persons with disabilities to improve their employment prospects, along with other reinforcing statutory measures, such as monitoring the quota system and/or developing new disability employment policies.**

## Turkmenistan

45. The Committee is concerned about the insufficient information on the implementation of the quota system. It is also concerned about the reported practice that some persons with disabilities may be classified as “unemployable”, which prevents a person with a certain

degree of disability based on medical assessment alone without taking into account the nature of the given work.

**46. The Committee recommends that the State party ensure that the quota system significantly enhances the participation of persons with disabilities in terms of employment and diversity in workplaces within the framework of reasonable accommodation by ensuring enforcement through effective and transparent sanctions for non-compliance available in all accessible formats for persons with disabilities. The Committee further recommends eliminating the reported practice of classifying person with disabilities as “unemployable”.**

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## New Zealand

55. The Committee is concerned that the employment levels in New Zealand for persons with disabilities, and especially for Maori and Pacific people with disabilities, are still low.

**56. The Committee recommends that further steps be taken to increase the employment levels of persons with disabilities.**

57. The Committee is concerned that under the Minimum Wage Act 1983, some 1,200 persons with disabilities are paid less than the minimum wage, under minimum wage exemption permits.

**58. The Committee recommends that the State party examine alternatives to minimum wage exemption permits in the employment of persons with disabilities.**

## Denmark

58. The Committee notes with concern that while the Act on the Prohibition of Discrimination in the Labour Market prohibits direct and indirect differential treatment on the grounds of disability, neither the general labour legislation nor collective labour agreements stipulate clear obligations on employers to afford reasonable accommodation in the labour market, which may be among the sources of a prevailing employment gap between persons with disabilities (44 per cent of whom are working) and persons without disabilities (78 per cent of whom are working).

**59. The Committee recommends that the State party take all necessary measures to significantly increase, as soon as possible, the percentage of persons with disabilities working in the open labour market, including amendments to the general labour legislation so that it imposes clear obligations on employers to afford reasonable accommodation to employees with disabilities.**

## Republic of Korea

49. The Committee is concerned that the Minimum Wage Act excludes from the benefit of the minimum wage “those who clearly lack the capacity to work” and fails to set clear standards for conducting assessments and making decisions to define the lack of capacity to work. The Committee is also concerned that, as a result, many persons with disabilities who work, especially those with psychosocial disabilities, receive compensation below the minimum wage, and that the practice of placing such workers in sheltered workshops that do not aim to prepare them for entry into the open labour market continues.

**50. The Committee encourages the State party to introduce a supplementary wage system to compensate those persons with disabilities who are excluded from the benefit of the minimum wage by the Minimum Wage Act and to eliminate sheltered workshops and seek alternatives in line with the Convention to promote the employment of persons with disabilities in close consultation with organizations of persons with disabilities.**

51. The Committee is concerned that, despite the existence of a mandatory employment quota system for persons with disabilities, unemployment is higher for persons with disabilities, and in particular for women with disabilities, than for the general population.

**52. The Committee recommends that the State party put in place measures to narrow the employment gap, paying particular attention to the employment of women with disabilities. It recommends, in particular, that the State party ensure the effective implementation of the mandatory employment quota system for persons with disabilities and the publication of relevant statistics on the achievements and results in that area.**

## Belgium

38. The Committee notes with concern the low number of persons with disabilities in regular employment. The Committee also notes the Government's failure to reach targets for the employment of persons with disabilities within its own agencies, as well as the lack of a quota in the private sector.

**39. The Committee recommends that the State party take all necessary regulatory measures and incentives to guarantee the right of persons with disabilities to employment, in both the private sector and the public sector. It should ensure that they have effective protection against discrimination, vocational training, adequate accessibility and the necessary reasonable accommodation.**

## Ecuador

42. The Committee is concerned at the low employment rate among persons with disabilities.

**43. The Committee recommends that programmes be designed to increase the employment rate of persons with disabilities and that employment programmes for persons with disabilities be developed**

## Mexico

51. The Committee is concerned at:

- (a) The low employment rate among persons with disabilities, especially intellectual and psychosocial disabilities, and the limited coverage of strategies and programmes to promote their employment;
- (b) The lack of information on the working conditions of persons with disabilities;
- (c) The particular discrimination women and indigenous persons with disabilities face in accessing the labour market;
- (d) The lack of mechanisms to achieve the 3 per cent quota of persons with disabilities in the public sector; and
- (e) The lack of regulations on the provision of reasonable accommodations for persons with disabilities in the workplace, both public and private.

**52. The Committee recommends that the State party:**

- (a) **Boost access-to-employment programmes for persons with disabilities, especially intellectual and psychosocial disabilities, by allocating resources and through measures to encourage their recruitment by private sector companies;**
- (b) **Set up mechanisms to protect persons with disabilities from all forms of forced labour, exploitation and harassment in the workplace;**
- (c) **Take corrective measures to ensure the recruitment of women and indigenous persons with disabilities;**
- (d) **Set up a mechanism to monitor the achievement of the public sector quota of persons with disabilities and roll out similar affirmative action measures in the private sector; and**
- (e) **Regulate the criteria for the provision of reasonable accommodations for workers with disabilities and allocate the necessary budget for such accommodations in the public and private sectors.**

## Sweden

49. The Committee is concerned that the trends in the employment of persons with disabilities are controversial. The recent trends are unclear, but, over all, unemployment is

higher for persons with disabilities than for the general population. Promising achievements have been made with respect to support for personal assistants and the support provided by the public employment service; however, the 100 per cent increase in the number of registered unemployed persons with disabilities since 2008, due to changes in the insurance scheme, is quite alarming. The Committee is also concerned that, with respect to employment and income, a significant gender gap remains between women with disabilities and men with disabilities.

**50. The Committee recommends that the State party take measures to improve opportunities for persons with disabilities to obtain work on the basis of the report presented by the FunkA Inquiry (FunkA-utredning). It further suggests that the State party increase measures of support, including, inter alia, personal assistance in employment, technical assistance in performing in the workplace, reduced social fees, financial support to employers, rehabilitation and vocational training, and that it put in place measures to narrow the employment and pay gender gap. The Committee recommends that the State party assess the impact of the use in the labour market of the term “people with reduced capacities or limitations” to refer to persons with disabilities, and revise it in accordance with the principle of non-discrimination.**

## Azerbaijan

42. The Committee notes that the State party has a quota system for employing persons with disabilities. However, the Committee is concerned that the number of persons benefiting from these quotas is very low. The Committee is further concerned at the lack of adequate programmes on employment to complement the use of quotas so that persons with disabilities can effectively participate in the labour market.

**43. The State party should ensure that the quota system significantly enhances the participation of persons with disabilities in the labour market by ensuring enforcement through effective sanctions for non-compliance. The State party should also expand its existing programmes, including vocational training programmes, with a view to enhancing the skills of persons with disabilities so that they can competitively participate in the open labour market. The State party should further step up its efforts in the provision and enforcement of reasonable accommodation in the labour sector.**

## Costa Rica

55. The Committee regrets the lack of data concerning compliance with the 5 per cent employment quota for persons with disabilities in the public sector. It is also concerned about the lack of measures to promote their employment in the private sector and the absence of regulations to ensure the provision of reasonable accommodation.

**56. The Committee recommends that the State party adopt the measures necessary to raise awareness among employers and promote the employment of persons with disabilities in the private sector, including affirmative action programmes and legislation on reasonable accommodation. The State party should also monitor compliance with employment quotas in the public sector.**

## Australia

49. The Committee is concerned that employees with disabilities in Australian Disability enterprises (ADE) are still being paid wages based on the Business Services Wage Assessment Tool (BSWAT).

**50. The Committee recommends that the State party:**

- (a) Immediately discontinues the use of the BSWAT**
- (b) Ensures that the Australians Supported Wage System (SWS) is changed to secure the right assessment of the wages of persons in support employment.**
- (c) Adopts initiatives to increase employment participation of women with disabilities by addressing the specific underlying structural barriers to their workforce participation.**

## Austria

44. The Committee notes with concern that approximately 19,000 Austrians work in sheltered workshops outside of the open labour market and receive very little pay.

**45. While noting that Austria has a quota system for employment of persons with disabilities, the Committee is concerned at reports that a majority of employers prefer to pay a fine rather than to comply with the quota requirement. It notes that only 22% of employers actually fulfil their obligations under the Disability Employment Act, which governs this quota system.**

46. The Committee notes with concern that there is a significant gender gap in the employment and income of women with disabilities, when compared with men with disabilities.

**47. The Committee recommends that the State Party enhance programs to employ persons with disabilities in the open labour market. The Committee further recommends that measures be put in place to narrow the employment and payment gender gap.**

## El Salvador

55. The Committee is concerned at the discrepancy in access to employment between men and women with disabilities and the fact that there are no mechanisms for monitoring equal work conditions for persons with disabilities. The Committee is concerned that providing reasonable accommodation is not an integral part of employment policies, perpetuating discrimination against persons with disabilities in that domain. The Committee is also concerned at the lack of vocational training for persons with disabilities.

**56. The Committee recommends that the State party adopt measures, including affirmative action, to ensure equal access to the labour market for women and men with disabilities. It also recommends that the State party implement programmes on access to vocational training for persons with disabilities and encourage their formal and informal training free of charge through the technical body recognized by the State for that purpose.**

## Paraguay

63. The Committee takes note of the quota system for employing persons with disabilities in the public sector, but notes with concern that there are no policies to encourage employment in the private sector. It is also concerned at the fact that employment training programmes concentrate on manual and craft work and occupations and that there is no promotion of equal employment opportunities.

**64. The Committee recommends that the State party adopt without delay policies on the employment of persons with disabilities in both the public and the private sectors, including the adoption of affirmative action measures, and opportunities for persons with disabilities to choose own-account employment by means of training in areas of their choice and access to soft loans.**

65. The Committee is gravely concerned at the fact that there is no legislation to protect persons with disabilities from discrimination, including denial of reasonable accommodation, in the labour sector.

**66. The Committee urges the State party to encourage the adoption of legislation to prohibit and effectively penalize all forms of discrimination against persons with disabilities in the labour sector, and to establish mechanisms for redress where their labour rights are violated.**

## Argentina

43. The Committee takes note of the labour law that establishes a minimum quota of 4 per cent for the employment of persons with disabilities in the public sector (Act No. 25.689) and of the various employment programmes for persons with disabilities that have been developed within the public sector. However, the Committee notes with concern that there is a lack of the disaggregated data (by, inter alia, sex, age, type of disability and geographic

location) needed to assess compliance with this quota at the national and provincial levels. The Committee is also concerned about the cultural barriers and prejudices that hinder persons with disabilities from entering the labour market, particularly in the private sector, despite the existence of tax incentives for employers. It is also disturbed about discrimination against women with disabilities in the realm of employment.

**44. The Committee urges the State party to develop a public policy to promote the inclusion of persons with disabilities in the labour market through, for example, the launch of awareness-raising campaigns targeting the private sector and the public at large which are designed to break down cultural barriers and prejudices against persons with disabilities, the implementation of reasonable adjustments in order to ensure that persons with disabilities in need of such adjustments can participate in the labour market, and the development of training and self-employment programmes. The Committee recommends that the State party reinforce its measures for monitoring and certifying compliance with the employment quota for persons with disabilities in the public sector. It also recommends that the State party undertake the systematic collection of disaggregated data as a basis for a proper assessment of compliance with the employment quota at the national and provincial levels.**

## China

41. While observing the existence of a quota system, the Committee worries that this system does not effectively address the chronic problem of unemployment among persons with disabilities or the deep-rooted causes of discrimination in employment. Specifically, the Committee is concerned that often the employment offered is only of symbolic value or that companies and government bodies frequently opt to pay the employment levy rather than employing persons with disabilities. The Committee is also concerned about the practice of reserved employment (such as the field of “blind massage”), which discriminates persons with disabilities in their vocational and career choices.

**42. The Committee recommends that the state party undertake all necessary measures to ensure the persons with disabilities freedom of choice to pursue vocations according to their preferences. It suggests that the state party create more working opportunities and enact legislature, so that companies and state organs will employ more persons with disabilities.**

## Hong-Kong

77. The Committee is concerned about the high unemployment rate of persons with disabilities in Hong Kong, China, and that their average salary ranks well below that of persons without disabilities. The Committee is also troubled by the low number of civil servants with disabilities.

**78. The Committee recommends that Hong Kong, China, introduce affirmative actions to promote the employment of persons with disabilities, inter alia prioritize the employment of persons with disabilities as civil servants.**

## Macao

96. The Committee is concerned that employees with disabilities only account for 0.3 % of the total employed population.

**97. The Committee recommends Macao, China, to introduce more affirmative action to enable persons with disabilities to find employment.**

## Hungary

43. The Committee notes with appreciation that the State party has undertaken a number of steps to promote the right to work of persons with disabilities, including through the inclusion of a provision of reasonable accommodation to persons with disabilities in the 2012 Labour Code (Law 1/2012). The Committee regrets, however, that the overall

employment rate of persons with disabilities remains lower than for other population groups despite such efforts.

**44. The Committee recommends the State party to effectively implement the disability-specific provisions of the Labour Code and develop programs to increase employment opportunities for women and men with disabilities in the public and private sectors, as recommended by the Committee on Economic, Social and Cultural Rights in 2008 (E/C.12/HUN/CO/3), through fulfilling the requirements of article 27 of the Convention, with a special view to further intensifying its efforts to include men and women with disabilities in the open labour market.**

## Peru

40. While taking note with appreciation of the State party's efforts to increase the level of employment of persons with disabilities, in particular the Supreme Decree No. 027-2007-PCM which requires institutions within the public sector to have at least 3 per cent of the total workforce composed of workers with disabilities, the Committee remains concerned at the high rate of unemployment and underemployment of persons with disabilities that, according to the State party's response to the list of issues, go up to nearly 60 per cent and 35.3 per cent respectively.

**41. The Committee urges the State party to develop new policies that promote the inclusion of persons with disabilities in the labour market which could include tax incentives for companies and persons who employ persons with disabilities, the recruitment of persons with disabilities in public administration and the development of self-employment programmes. The Committee further recommends that the State party adopt educational programmes to capacitate persons with disabilities in order to include them in the labour market.**

42. The Committee appreciates the State party's concern with the widespread poverty of persons with disabilities.

**43. The Committee urges the State party to address the negative impact of poverty by mainstreaming disability inclusive socio-economic development.**

## Spain

45. Despite a number of enabling provisions to keep persons with disabilities in employment, the Committee is concerned with the overall low rate of employment of persons with disabilities.

**46. The Committee recommends that the State party develop open and advanced programmes to increase employment opportunities for women and men with disabilities.**

## Tunisia

33. The Committee takes note of the State party's efforts to support the employment of persons with disabilities in public services. However, it remains concerned at the low level of inclusion of persons with disabilities in the private sector.

**34. The Committee recommends that the State party:**

**(a) Ensure the implementation of measures of affirmative action provided for in the law for the employment of women and men with disabilities;**

**(b) Increase the diversity of employment and vocational training opportunities for persons with disabilities; and**

**(c) Ensure the participation of persons with disabilities and their representative organizations within the Labour Inspection Office and the Conciliation Committees.**