Inclusive Futures
Promoting disability inclusion

Equalizing access to the labor market for persons with disabilities

A technical paper on implementing Article 27 of the UN Convention on the Rights of Persons with Disabilities

June 2022

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1   The IDA fellowship program has a dual objective of providing support to IDA members' operational capacity to advance the rights of persons with disabilities and to build the capacities of individual disability rights activists as contributors to the disability rights movement. It provides a unique combination of opportunities for learning, mentorship, exposure to different policy, advocacy and monitoring processes and contribution to initiatives aimed at advancing the rights of persons with disabilities in the global South.

GLOSSARY

ADD	Action on Disability and Development
ADF	African Disability Forum
BBCMA	BBC Media Action
BDN	Business and Disability Network
CIG	Country Implementation Group
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
D&I	Diversity and Inclusion
DFID	UK Department for International Development
DID	Disability Inclusive Development
DSi	Down Syndrome International
ESG	Environmental Social Governance
FGDs	Focus Group Discussions
FUE	Federation of Ugandan Employers
GC	General Comment
GDS	Global Disability Summit
HI	Humanity and Inclusion
IDA	International Disability Alliance
IDS	Institute of Development Studies
i2i	Innovation to Inclusion
IFHOH	International Federation of Hard of Hearing People
II	Inclusion International
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IW	Inclusion Works Program
JLOS	Justice, Law and Order Sector
JONAWPD	The Joint National Association of Persons with Disabilities
KII	Key Informant Interview
LMA	Labour Market Assessment
MDAs	Ministries Departments and Agencies
MEL	Monitoring, Evaluation, and Learning

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MGLSD	Ministry of Gender, Labour and Social Development
NCPD	National Commission for Persons with Disabilities
NGO	Non-Governmental Organization
NITA	National Industrial Training Authority
NOAC	National OPD Advisory Committee
NPAC	National Programme Advisory Committee
NUDIPU	The National Union of Persons with Disabilities of Uganda
OHCHR	Office of the High Commissioner for Human Rights
OPDs	Organizations of Persons with Disabilities
OPD EOs	OPD Engagement Officers
SCB	Standard Chartered Bank
SDGs	Sustainable Development Goals
SitAn	Situational Analysis
S2S	Skills to Succeed
SHA	Sustainable Hospitality Alliance
TVET	Technical and Vocational Education and Training
UBDN	Uganda Business and Disability Network
UDPK	United Disabled Persons of Kenya
UHRMA	Uganda Human Resources Managers Associations
UN	United Nations
UNAD	Uganda National Association of the Deaf
UNDESA	United Nations Department of Economic and Social Affairs
UNDIS	United Nations Disability Inclusion Strategy
UNSDG	United Nations Sustainable Development Group
WBU	World Blind Union
WFD	World Federation of the Deaf
WFDB	World Federation of the Deafblind
WGQ	Washington Group Questions
WNUSP	World Network of Users and Survivors of Psychiatry
YCI	Youth Career Initiative

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1. Introduction

The right to work as enshrined in the UN Convention on the Rights of Persons with Disabilities (CRPD) Article 27 states that:

> *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 labor market and work environment that is open, inclusive and accessible to persons with disabilities.*[2]

However, despite significant focus and attention to inclusive employment, persons with disabilities continue to be disproportionately excluded from the labor market. The UN Disability and Development Report reports that across the world the employment to population rate for persons with disabilities aged 15 years and older is 36% on average, compared to 60% for persons without disabilities.[3]

In addition, some groups of persons with disabilities face greater barriers in exercising their right to work. For example, women with disabilities present even lower employment rates compared to men with disabilities, other women and other men.[4]

Further, current estimates show that the number of people with intellectual disabilities who have some form of paid employment is very low, ranging from 9% to 40% across different countries.[5]

Persons with deafblindness are less likely to work than people without disabilities and people with other disabilities.[6]

Over the past few decades, several approaches have been adopted to support persons with disabilities in accessing the formal labor market and waged employment. This includes creating dedicated placement services for jobseekers with disabilities, creating incentive schemes for employers to hire persons with disabilities, quotas, and organizing job fairs, among others. These approaches are underpinned by the assumption that there is a gap between the supply side (jobseekers with disabilities) and the demand side (employers). However, as the evidence suggests, despite efforts, persons with disabilities continue to face barriers accessing waged employment of any nature. It is therefore important to reflect on what more needs to be done to equalize opportunities for jobseekers with disabilities and ensure that they retain those jobs.

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2   UNDESA, Convention on the Rights of Persons with Disabilities
3   UNDESA, Disability and development report
4   UNDESA, Disability and development report
5   Ellenkamp, Brouwers, Embregts, et al., "Work environment-related factors."
6   WFDB, At risk of exclusion from CRPD and SDGs implementation

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Too often, employment of persons with disabilities has been approached through a narrow lens of placing people into jobs, without securing preconditions for inclusive employment such as inclusive workplace culture, provision of reasonable accommodation, and accessible transportation to work. Worse, persons with disabilities have often been supported to access only a limited range of jobs based on prevailing stereotypes, usually low-wage and perceived low-skill roles, thereby perpetuating stigma and prejudice about what persons with disabilities can or cannot do. This is particularly the case for most marginalized groups, such as persons with intellectual disabilities. Against this background, there is an urgent need to move the needle on inclusive employment from merely placing people into jobs to true inclusion. This will require system-level changes across all aspects of the labor market: laws and policies, skill building, recruitments, investing in an accessible workplace, creating support services that are critical for persons with disabilities to access the labor market, and more. This means moving away from identifying jobs that persons with disabilities can do and towards identifying and addressing their requirements to access and perform employment on an equal basis with others – in other words, not fitting a person to a particular job but rather adapting how the job is done to the requirements of the individual, while simultaneously addressing system-level issues by supporting workplaces and employers themselves to practice inclusion.

This paper emerged from a need to formulate an understanding of CRPD-based inclusive employment, driven by the International Disability Alliance's (IDA's) role in the Inclusion Works (IW) consortium program in Bangladesh, Kenya, Nigeria and Uganda. The Inclusion Works program, under the Inclusive Futures initiative and funded by UK Aid, aims to show that system change to realize inclusive employment is possible. It does so by trying to answer the question, "**How can persons with disabilities be included in/access formal waged employment in line with the UN Convention on the Rights of Persons with Disabilities (CRPD)?**" The IW program has been implemented by a consortium of 11 organizations led by Sightsavers, of which IDA is an executive partner.[7]

This paper draws from the experiences and learnings generated with the IW program, focusing on inclusive employment as per Article 27 of the CRPD, as well as other sources of learning such as the IDA Article 27 fellows' work. In particular, the paper is informed by the work of IDA and its members and guided by the IDA Inclusive Livelihoods Task Team, comprising representatives from the African Disability Forum, Down Syndrome International, International Federation of Hard of Hearing People, Inclusion International, World Blind Union and World Federation of the Deaf. The paper is framed within the jurisprudence of Article 27 and how it translates into inclusive employment.

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7   IW consortium partners: International Disability Alliance, Action on Disability and Development (ADD), Institute of Development Studies (IDS), BBC Media Action (BBCMA), Development Initiatives, Benetech, Sustainable Hospitality Alliance (SHA), Standard Chartered Bank (SCB), Humanity and Inclusion (HI) and Inclusion International (II).

The paper includes data from interviews with OPDs and partners and case studies, bringing it all together for a practical approach and recommendations.

This paper is not an in-depth presentation of all the complexity of inclusive employment but rather an overview of the current situation, focusing on the four participating countries of IW and the reflections and learnings from the program as expressed by the stakeholders interviewed for the paper. The paper focuses only on the formal labor market, given that this was also the focus of the Inclusion Works program. It should be noted that the paper is not an evaluation of the IW project, its implementation or partners but rather a presentation of key factors and recommendations for advancing the agenda on CRPD-based inclusive employment, and possible pathways to advance the right of persons with disabilities to employment, particularly in future inclusive employment programming.

1.1 The Inclusion Works program

The Inclusion Works (IW) program, launched in July 2018, is a four- year program funded by UK Aid Connect Fund. It aimed to contribute to the global evidence base for demonstrating how to include women and men with disabilities in employment. As one of its goals, IW sought to "**leverage increased action and investment from private, public and civil society actors to enable economic inclusion for women and men with disabilities through employment; in line with CRPD and SDG 8**."

The program included one year of co-creation with partners including OPD representatives at the national level. Based on this participatory co-creation process the consortium decided that a system strengthening approach, which sought to bring together the different parts of the labor market to collaborate more effectively, would be the most impactful and sustainable approach in the longer term.

This includes:

- Women and men disabilities, as jobseekers (labor market supply)
- Employers (labor market demand)
- OPDs, other civil society (supporting structures within labor markets)
- Government (labor market rules and regulations)

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The program aimed at finding solutions to address the "missing middle" by creating linkages between the supply (jobseekers) and the demand (employers).

The program followed four interdependent pathways to achieve this:

- Pathway 1: Influencing legislative and policy interventions – **Governments increasingly ensure implementation of CRPD-compliant employment legislation/policy, and facilitate incentives for inclusive employment**
- Pathway 2: Building the employment readiness of jobseekers – **Women and men with disabilities take active part in employment and income generation opportunities**
- Pathway 3 – Building disability inclusion among employers – **Individual employers (private, public and third sector) have more inclusive practice, which aligns to CRPD Article 27**
- Pathway 4 – Building the capacity of supporting functions in the labor market to hold the system accountable – **National and local OPDs and other CSOs have the structures and capacity to engage and support women and men with disabilities and private sector in developing inclusive practice**

The cross-cutting elements underpinning all pathways are meaningful engagement of persons with disabilities and OPDs, including those from underrepresented groups, and developing new partnerships between all stakeholders. Across these pathways, the IW program has used innovative approaches to generate evidence of how a labor market system can make it easier for persons with disabilities to access jobs.

As a partner in the Inclusive Futures initiative comprising IW and the Disability Inclusive Development (DID) consortia, IDA supports both consortia to align with the principles and values of the CRPD and to ensure meaningful engagement of persons with disabilities and OPDs, including underrepresented groups, across all levels and stages of the program.

1. **F**raming CRPD compliant practices
2. **R**epresenting perspectives of persons with disabilities
3. **A**dvocacy for system-level changes
4. **M**onitoring OPD engagement
5. **E**mpowering the disability movement

The work of IDA and the IDA Inclusive Livelihoods Task Team in the consortium consisted of framing practices for CRPD compliance, representing the perspectives of persons with disabilities, advocating for system-level changes and supporting empowerment of OPDs, summarized as "F.R.A.M.E." This is done through a twin-track approach, which combines:

- dedicated activities implemented by IDA and its members at the global, regional or national levels;
- and support towards adopting inclusive approaches as enshrined in the CRPD by disability organizations, International NGOs (INGOs) and others.

As part of its commitment to inclusive programming and meaningful engagement of OPDs, the Inclusion Works program piloted new roles of OPD Engagement Officers, who were pivotal in coordinating and channeling the views of persons with disabilities to provide feedback to project implementation at country level. In addition to this, disability activists representing diverse constituencies of the movement were engaged through the IDA fellowship program, which was not directly linked to the Inclusion Works program but provided valuable data on barriers and facilitators to persons with disabilities' access to employment. The case studies of nine Article 27 fellows are included in this report. These generated evidence for programmatic intervention as well as for advocacy by OPDs.

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2. Disability and Employment

2.1 Discrimination in access to employment on an equal basis with others

The International Labour Organization's (ILO) Decent Work[8] Agenda highlights the significance of work. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent in terms of fair and equitable access to work for all who want to work, work free of discrimination or harassment and work that is safe and secure and provides adequate compensation. Such work is also situated as a human rights and social justice issue central to people's well-being.[9]

The benefits of decent work apply across the world and across an intersection of gender, ethnicity, sexual orientation and disability status. However, the majority of persons with disabilities of working age still experience low participation rates in the open labor market. When they are employed, in comparison with their peers without disabilities they are less likely to be in full-time jobs and more likely to be in low-paid jobs open to exploitation with poor working conditions and poor prospects for promotion. Persons with disabilities have lower relative income levels and have a higher likelihood of living in poverty.[10] In turn, impoverished conditions leave people with few resources to obtain the social and financial capital needed to navigate education and training opportunities, and ultimately to gain access to a competitive open labor market.[11] Further, the exclusion from the labor market is not the same for different groups: among others, persons with intellectual disabilities, persons with psychosocial disabilities and persons with deafblindness experience the most exclusion from the labor market.[12]

There is a significant cost of this exclusion. An example can be seen in a study from Bangladesh, where an estimated 700,000 and more persons with disabilities were employed, and nearly 2 million people who otherwise would have been employed are not employed due to their disability.

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8   Decent work entails fair and equitable access to work for all persons who want to work, and access to work that empowers and offers social protection for the individuals and their families. Workers should be free of discrimination or harassment, and they should have opportunity to exercise voice and participation. Working conditions should be safe and secure, include adequate free time and rest, respect family and social values, and provide adequate compensation and benefits such as health care (ILO, ILO Declaration on social justice for a fair globalization).

9   ILO, ILO Declaration on social justice for a fair globalization and Decent work for persons with disabilities

10   Bredgaard and Salado-Rasmussen, "Attitudes and behaviour."

11   Blustein, Kenny, Di Fabio, and Guichard, "Expanding the impact."

12   Khayatzadeh-Mahani, Wittevrongel, Nicholas, and Zwicker, "Prioritizing barriers and solutions"; Ellenkamp, Brouwers, Embregts, et al., "Work environment-related factors."

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The impact of this underemployment on the Bangladeshi economy was estimated to be US$891 million.[13]

> **— Unequal access to labor market system**
>
> The case study done by the Article 27 fellow from the World Blind Union (WBU) in Nigeria found that participation in the formal labor market is low for persons with disabilities and that participation is not equal across different constituencies of persons with disabilities. For example, "persons with disabilities are seriously underrepresented in the manufacturing sector, though the sector uses both skilled and unskilled workers." Further, the case study reports that in the view of interviewees from OPDs, persons with intellectual disabilities tend to have less access to employment opportunity. Persons with visual impairments, even if they have access to education are not able to secure more formal sector jobs.[14]

2.2 The right to work and employment

Several international frameworks enshrine the right to work for persons with disabilities. The Universal Declaration on Human Rights recognizes that everyone has the right to work, to free choice of employment, to favorable work conditions and to protection against unemployment. The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Civil Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families also guarantee the right to work. Several regional instruments such as the European Social Charter and the African Charter on Human and Peoples' Rights also include the rights to work.[15]

Most notable among the international frameworks guaranteeing the right to work for persons with disabilities is the UN Convention on the Rights of Persons with Disabilities (CRPD). Article 27 of the UN Convention on the Rights of Persons with Disabilities (CRPD) sets out the right to work for persons with disabilities. This includes the right to be paid on an equal basis with others, the right to reasonable accommodation within the workplace, the prohibition of discrimination on the basis of disability in the workplace and the assurance that people with disabilities are equally protected by labor rights, among others.

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13   Thompson, "Bangladesh Situational Analysis."
14   Adamu Article 27 fellow, World Blind Union (WBU), Nigeria, 2021.
15   OHCHR, Thematic report on work and employment of persons with disabilities

Image 1: Sulayman AbdulMumuni Ujah is a deaf person and works as a teacher at the Abuja School for the Deaf, a school owned by the government.

Article 27 notes the need for people with disabilities to be included in both the public and the private sectors, and secures the right of people with disabilities to access vocational training, trade unions and other spaces within the labor market. This article also calls for countries to achieve this right through adopting positive measures to promote employment for people with disabilities, by aligning national standards and practices for employment with the CRPD and adopting all appropriate measures for implementing the right to employment. CRPD, its jurisprudence and their impact on inclusive employment are detailed in a later section of this paper.

— Article 27 wants the States Parties to:

→ **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;

→ **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;

→ **Ensure that persons with disabilities are able to exercise their labor and trade union rights** on an equal basis with others;

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> → **Enable persons with disabilities to have effective access to general technical and vocational guidance programmes**, placement services and vocational and continuing training;
>
> → **Promote employment opportunities and career advancement for persons with disabilities in the labor market**, as well as assistance in finding, obtaining, maintaining and returning to employment;
>
> → **Promote opportunities for self-employment, entrepreneurship, the development of cooperatives** and starting one's own business;
>
> → **Employ persons with disabilities in the public sector**;
>
> → **Promote the employment of persons with disabilities in the private sector** through appropriate policies and measures, which may include affirmative action programs, incentives and other measures;
>
> → **Ensure that reasonable accommodation** is provided to persons with disabilities in the workplace;
>
> → **Promote the acquisition by persons with disabilities** of work experience in the open labor market;
>
> → **Promote vocational and professional rehabilitation, job retention and return-to-work programs** for persons with disabilities.

The CRPD recognizes 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 labor market and work environment that is open, inclusive and accessible to persons with disabilities. It further reiterates the prohibition of discrimination, the right to reasonable accommodation, and equal pay, among others. States parties are to ensure the progressive realization[16] of the right to work and to take deliberate, concrete and targeted measures towards the full realization of the right to work and employment. While the right to work is subject to progressive realization, non-discrimination is an immediate obligation.

Article 4(1) states that some rights required immediate realization. It requires states parties "To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities" and "To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise."

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16   Progressive realization is described in the CRPD Article 4(2), which states that "With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

This means that States parties are obligated to ensure that employers cannot discriminate against persons with disabilities in the hiring and employment processes. The obligation to fulfill the CRPD requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards ensuring work environments are open, inclusive and accessible.

The jurisprudence of the CRPD Committee also speaks to the interrelatedness of Article 27 with other provisions of the Convention. In its General Comment No. 1 regarding Article 12, the Committee recalled that legal capacity "is indispensable for the exercise of civil, political, economic, social and cultural rights. It acquires a special significance for persons with disabilities when they have to make fundamental decisions regarding their health, education and work."[17] In its General Comment No. 2 on accessibility, the CRPD Committee explained that accessibility is important, as it "is a precondition for persons with disabilities to live independently and participate fully and equally in society." The access to the physical environment, to public services and to information and communications is indispensable for persons with disabilities to have equal opportunities for participation in society. Accessibility is also a leading principle of the CRPD as it is necessary to guarantee the exercise of other rights, and its implementation is unconditional.[18]

It went on to say that the lack of an adequate monitoring mechanism to ensure the practical implementation of accessibility standards and relevant legislation could be an obstacle to make the labor market more accessible and inclusive for persons with disabilities.[19]

> ## — "Workplaces therefore have to be accessible…
>
> **A refusal to adapt the workplace constitutes a prohibited act of disability-based discrimination. Besides the physical accessibility of the workplace, persons with disabilities need accessible transport and support services to get to their workplaces. All information pertaining to work, advertisements of job offers, selection processes and communication at the workplace that is part of the work process must be accessible through sign language, Braille, accessible electronic formats, alternative script, and augmentative and alternative modes, means and formats of communication. All trade union and labor rights must also be accessible, as must training opportunities and job qualifications..."[20]**

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17   OHCHR, "General Comments, CRPD," General comment No. 1 (2014) Article 12: Equal recognition before the law at para. 8

18   OHCHR, "General Comments, CRPD," General comment No. 2 (2014) Article 9: Accessibility at para.1, 14 and 25.

19   OHCHR, "General Comments, CRPD," General comment No. 2 (2014) Article 9: Accessibility at para. 10

20   OHCHR, "General Comments, CRPD," General comment No. 2 (2014) Article 9: Accessibility at para 37

In General Comment No. 5 on living independently, the Committee recalled that affirmative actions include the establishment of specific services for persons with disabilities in their particular circumstances and in accordance with their requirements, such as services for employees. The existence of individualized support services, including personal assistance, often is a precondition for effective enjoyment of the right to work and employment. Furthermore, persons with disabilities should also become employers, managers or trainers in disability-specific support services. Implementing Article 19 will help to phase out sheltered employment.[21]

In General Comment No. 6 on equality and nondiscrimination, the Committee expressed its concern that the laws and policies of States parties still approach disability through a charity and/or medical models, which are incompatible with the Convention.[22] This is relevant in the context of the right to work and employment, since in many of its concluding observations, the Committee has observed that some legislations still define lack of capacity to work for persons with disabilities.[23] Likewise, in some concluding observations it has been asserted that disability is negatively associated with lack of efficiency in the workplace, which provokes the perception that employment of persons with disabilities is a charitable action, which may lead to lower salaries in comparison to the salaries and positions occupied by persons without disabilities,[24] as well as the segregation of persons with disabilities in the labor market.[25] This observation is quite pivotal to the shift that is needed to equalize access to the labor market for persons with disabilities.

Previously and to some extent still, persons with disabilities were seen as "problems" who were dependent and in need of either a cure or care. This medical model of disability also legitimized excluding persons with disabilities from labor market participation. In Liliane Gröninger et al. v. Germany, the CRPD Committee found that the policy on labor still considered disability as something that can be cured or as something transitional.[26]

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21   OHCHR, "General Comments, CRPD," General comment No. 5 (2017) on living independently and being included in the community at para. 91

22   OHCHR, "General Comments, CRPD," General comment No. 6 (2018) on equality and non-discrimination at para. 2

23   OHCHR, "Concluding Observations," Concluding observations on Albania (CRPD/C/ALB/CO/1) at para 43

24   OHCHR, "Concluding Observations," Concluding observations on Myanmar (CRPD/C/MMR/CO/1) at para 51

25   OHCHR, "Concluding Observations," Concluding observations on Australia (CRPD/C/AUS/CO/2-3) at para 49

26   OHCHR, Liliane Gröninger et al. v. Germany, at para. 6.2

The CRPD reiterates and protects the human rights of persons with disabilities. It follows the International Bill of Rights, which established human rights as fundamental and unconditional.[27] This means that rights cannot be gained or taken away from an individual or a group, and human rights do not require a certain health status or a condition of functioning – that is, human rights do not require the absence of impairment.[28] With the human rights model, each individual is deemed to be of inestimable value, and nobody is insignificant. People are valued not because they are economically or otherwise useful or productive, but because of their inherent self-worth.[29] The social model of disability puts access to meaningful work at its center and argues that (un)employment of persons with disabilities cannot be understood without considering factors such as education, infrastructure, accessibility, and culture, among others.

The shift to look at disability-inclusive development programs, including those focused on employment, from a human rights lens rather than charity is central to achieving the right to work. Towards that, it is important to reiterate the principles that underpin the human-rights-based approach. This approach is built on the human rights principles of universality, indivisibility, equality and non-discrimination, participation and accountability.[30] The role of OPDs, therefore, is essential in implementing the right to work. It is emphasized in the jurisprudence of the CRPD through Article 4.3, where States parties commit to "**closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations**" in the development and implementation of legislation and policies to implement the Convention.[31]

The CRPD Committee in its General Comment No. 7 on Article 4.3 and 33.3 further reiterated the imperative to ensure full and effective participation of persons with disabilities and their representative organizations. The General Comment No. 7 emphasizes that participation is both a right and an obligation. However, while progress is significant in terms of engaging OPDs, IDA finds that it takes a lot more effort to turn these promises into action, and initiatives often fail to engage and consult with persons with disabilities themselves. This significantly reduces the relevance and impact of disability-inclusive investments and perpetuates paternalistic approaches whereby persons with disabilities are only recipients of aid.[32]

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27   UN, Universal declaration of human rights
28   Degener, "A human rights model of disability."
29   Degener, "A human rights model of disability."
30   UNSDG, "The human rights based approach."
31   UN, Convention on the rights of persons with disabilities
32   GDS Discussion Paper, Promoting engagement of organizations of persons with disabilities in development and Humanitarian Action

Within the Inclusion Works program, the critical importance of meaningful participation of OPDs in implementing the right to work for persons with disabilities was recognized early on. To operationalize meaningful engagement of OPDs, the IW program, supported by IDA, applied a multipronged approach. This included: (1) an open process for identifying OPDs to be engaged at the national and sub-national level, including those from underrepresented groups, (2) the recruitment of OPD Engagement Officers (OPD EOs) who provide guidance to consortium partners on the CRPD and meaningful engagement of persons with disabilities, and (3) the creation of OPD-led advisory bodies call National Programme Advisory Committees in each country to forge a connect between the program and the larger disability movement. This practice was recently recognized as one of the case studies selected in the 2022 Global Disability Summit Discussion Paper on OPD Participation.[33]

2.3 International frameworks supporting the right to work

The 2030 Agenda for Sustainable Development under Goal 8 calls for "full and productive employment and decent work for all." Targets 8.3 and 8.5 of the SDGs explicitly mention disability:

- **8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services;**
- **8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.**

Both the CRPD and the SDGs are aligned, as the Convention sets out the principles and standards of the right to work and employment for persons with disabilities and provides the basis for states parties to meet their obligations under the SDGs.

The Global Disability Summit (GDS)[34] provides another international mechanism to drive the agenda of inclusive employment and to hold governments and other stakeholders to account. It brings together governments, donors, multilateral and bilateral bodies, INGOs and OPDs to collect ambitious commitments critical to achieving real change for persons with disabilities.

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33 GDS Discussion Paper, Promoting engagement of organizations of persons with disabilities in development and Humanitarian Action

34 Global Disability Summit

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The first GDS in 2018, co-hosted by the then UK Department for International Development (DFID), the Government of Kenya, and IDA, was a historic event that inspired unprecedented number of commitments to help deliver Agenda 2030 vision to "leave no one behind." In total, 171 national governments, multilateral agencies, donors, foundations and private sector and civil society organizations made 968 individual commitments around the four central themes of the Summit (ensuring dignity and respect for all, inclusive education, routes to economic empowerment, harnessing technology and innovation), as well as two cross-cutting themes (women and girls with disabilities, conflict and humanitarian contexts), and data disaggregation. There were 121 commitments made under the theme of "routes to economic empowerment." However, the GDS+2 Progress Report shows that commitments made under this theme had the highest number of reported delays.[35] At the 2022 GDS, 207 commitments were made under the theme of inclusive livelihoods and social protection. Among the IW program countries, the governments of Bangladesh, Kenya and Uganda made commitments in 2022 under this theme.

— Government of Uganda's commitments on inclusive livelihoods & social protection[36]

→ Review/develop a costed recruitment policy that provides for affirmative action and reasonable accommodation for persons with disabilities

→ Conduct a study on the employment status of persons with disabilities to inform the quota system for work place placements for persons with disabilities

→ Conduct a capacity assessment exercise to inform appropriate economic empowerment models for persons with disabilities

→ Develop and roll out a disability management information system

→ Develop guidelines for Ministries Departments and Agencies (MDAs) and other workplaces on reasonable accommodation for persons with disabilities, including recruitment of sign language interpreters in four sectors of health, education, Ministry of Gender, Labour and Social Development (MGLSD) and Justice, Law and Order Sector (JLOS)

→ Increase coverage of disability grant from 800 groups of persons with disabilities (approx. 8000 people) per year, to 1600 groups (approx. 16,000 people) per year

→ Increase the number of students with disabilities accessing vocational skills to 150 per year

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35   Global Disability Summit + 2 Years

36   Global Disability Summit, Commitments, 2022

3. Inclusion Works Countries Context

The Inclusion Works (IW) program is being implemented in four countries: Bangladesh, Kenya, Nigeria and Uganda. The country contexts vary in terms of legislation, labor market and economic conditions, partner OPDs and relevant present INGOs, employers and other stakeholders, as outlined below based on the Situational Analyses (2020) and Labour Market Assessments (2019, refreshed in 2021) done by the Inclusion Works program.[37]

Bangladesh:

Disability prevalence ranges between 1.4% and 31.9%.[38] Most adults with disabilities (15 years and older) are unemployed compared to those without disabilities.[39] The country ratified the CRPD in 2007 and has domesticated the Convention into national legal frameworks such as the Rights and Protection of Persons with Disabilities Act, 2013, and the National Disability Action Plan, 2019, though some laws need to be amended or repealed to ensure legal capacity, provision of reasonable accommodation and education for all learners with disabilities, among other details. Bangladesh has expressly prohibited disability-based discrimination and has provided for remedies in the form of compensation and/or penalties. The National Disability Action Plan calls for a 2% quota for persons with disabilities in NGOs and INGOs, and 10% in the private sector. The Finance Act 2020 includes incentives available for employers who employ persons with disabilities. There is no umbrella OPD in Bangladesh but the disability movement is strong and vibrant and OPDs work collaboratively to advance the CRPD and SDGs.

Kenya:

The country ratified the CPRD in 2008. There have been processes to align laws with the CRPD including ongoing process to amend the Persons with Disabilities Act, 2003.[40] The 2019 Kenya Population and Housing Census showed that disability prevalence in Kenya is at 2.2%,[41] of which only 1% are in the active labor market. The Act includes a quota of 5% in all casual, emergency and contractual positions in the public and private sectors for persons with disabilities and also stipulates incentives for the implementation of this quota system for private employers.

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37   This paper will not include a focus on country-specific activities. These are detailed in IW country program documents. The overview is not an analysis of the legislation but is based on the Inclusion Works situational and labor market analysis for each country and the opinions expressed by the stakeholders interviewed for this paper.

38   Thompson, "Bangladesh Situational Analysis."

39   UNDESA, Disability and development report

40   Inclusion Works, "Kenya Labour Market Assessment," p. 17

41   Rohwerder, "Kenya Situational Analysis."

In terms of partner OPDs to the IW project, the umbrella OPD, United Disabled Persons of Kenya (UDPK), is the lead implementing OPD and works hand in hand with five other OPDs at the county level. There are other partners working in the area of inclusive livelihoods including those within the recently concluded Innovation to Inclusion (i2i) program. Employer Federations include the Kenya Private Sector Alliance, the Federation of Kenyan Employers, the Central Organization of Trade Unions and the recently established Kenya Business and Disability Network.[42]

Uganda:

The National Population Census 2014 shows persons with disabilities make up 12.4% of the population. Of this, 22% are unemployed while 1.3% employed are in arts and recreational sectors. Uganda ratified the CRPD in 2008.[43] The Person with Disabilities Act 2006 was amended in 2020 to align with the Convention. This 2020 Act under section 9 states that the minister, in consultation with the National Council for Persons with Disabilities (NCD) and employers' organizations, will determine the quota of persons with disabilities workforce for employers, and by statutory instrument publish the agreed quota at least once in every two years, with the punishment for non-compliance set at below 2 million Uganda shillings or imprisonment not exceeding 1 year or both. Currently, no statutory instrument to implement this provision has been issued by the government.[44] The National Union of Persons with Disabilities of Uganda (NUDIPU) is the umbrella OPD in Uganda and is a lead OPD partner of the IW program. NUDIPU works together with six other sub-national OPDs through the Steering Committees formed under the Districts Unions of Persons with Disabilities. Important stakeholders include INGOs such as Sightsavers, ADD International, Light for the World, the Federation of Ugandan Employers (FUE), Uganda Business and Disability Network (UBDN), Uganda Human Resources Managers Associations (UHRMA), Trade Unions, Ministry of Labour, Local Government Associations and the NCD.

Nigeria:

The 2018 National Demographic and Health Survey reported that 7% of the population have some difficulty with regards to various domains of disability, and 1% have a lot of difficulty or cannot function in at least one domain.[45] Unemployment rates of youths were 77.3% for persons with disabilities compared to 49.2% for persons without disabilities. Unemployment rates of adults were 62.5% for persons with disabilities compared to 21.5% for persons without disabilities.

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42   Rohwerder, "Kenya Situational Analysis."
43   Rohwerder, "Uganda Situational Analysis."
44   Inclusion Works, "Uganda Labour Market Assessment."
45   Thompson, "Nigeria Situational Analysis."

The proportion of people employed in informal sectors was 13% for persons with disabilities compared to 30% for persons without disabilities.[46] The proportion of persons with disabilities in managerial roles is thought to be close to zero, compared to 0.9% for persons without disabilities.

Nigeria ratified the CRPD in 2010 but its domestication is currently ongoing with the setting up of the National Commission for Persons with Disabilities and the domestication at the provincial level. The Nigerian Constitution states that all citizens should have the opportunity to work without discrimination, although a loophole means that enforcement of this right is challenging. Policies and programs to enable persons with disabilities to gain employment in Nigeria are limited[47]. The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 require at least 1% quota for persons with disabilities by employers who have not less than 100 people as workforce.[48] The Joint National Association of Persons with Disabilities (JONAWPD) is the national umbrella OPD. However, they were not part of the IW program as implementing partners due to a legal issue. The IW program in Nigeria worked with five sub-national OPDs selected through an open call for expression of interest to engage with the program. Towards the end of the program and upon resolution of the legal challenge, JONAPWD was included in the Country Implementation Group (CIG), which is the national level governance of the IW program, but without any implementing role.

Tables 1, 2 and 3 in the annexure give an overview of key aspects in terms of disability, employment and legislation for each country.[49]

Certain challenges cut across the four countries regarding the realization of Article 27. These were also identified IDA Article 27 fellows and IW OPDs and stakeholders, and the work of IDA members, as elaborated below.

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[46]   Thompson, "Nigeria Situational Analysis."
[47]   Inclusion Works, "Nigeria Labour Market Assessment."
[48]   Thompson, "Nigeria Situational Analysis."
[49]   The overview is not an analysis of the legislation but is based on the Inclusion Works situational and labor market analysis for each country and the opinions expressed by the stakeholders interviewed for this paper.

3.1 Legislative and policy framework

Insufficient domestication of the CRPD and implementation the national legal framework on disability

The four IW program countries' governments all signed and ratified the Convention in the early years after its adoption, and developed or updated national policies on disability within eight years after ratifying the CRPD. OPDs in the four IW countries found that progress had been made in the respective national legislation to align it with the principles of the CRPD. However, the national OPDs and IDA members are still raising concerns on significant gaps that exist, such as discrimination on the grounds of disability not being sufficiently addressed in the legislation, in particular for persons with intellectual and persons with psychosocial disabilities.[50] The WBU Article 27 fellow in Nigeria found the following regarding the implementation of policies regarding disability:

> *National and sub-national disability laws and policies which regulate inclusion of persons with disability to work environment are quite recent and have not been fully and properly implemented. As such, respondent with disabilities indicated that various places of work are largely inaccessible to them. None of the [study] participants provided evidence of employers providing reasonable accommodation. The Human Right Commission in Nigeria is not in the driving seat of monitoring the implementation of the rights of persons with disabilities as envisaged by the UNCRPD in Article 33.*

Despite the governments having developed national policies on disabilities, stakeholders from all four program countries report challenges in their implementation. As one fellow from Uganda notes, the government does not have a well-established mechanism to identify and penalize acts of discrimination against persons with disabilities.[51] The WBU Article 27 fellow in Uganda sums up the analysis of the legal framework in Uganda the following way: "There is a substantive legal and policy framework supporting disability inclusion in Uganda; however, the disability-related legislation has been poorly communicated to the national and local stakeholders, and there is a lot of ambiguity around interpretation of policies and laws. The analysis found significant gaps in accountability, at all levels: there is a lack of agreed definitions, regulatory mechanisms and guidance for implementation creating further uncertainties and variability in policy actions."[52]

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50 This paper provides a brief overview of the national legislative frameworks and is based primarily on the views and experiences of national OPDs and IDA member organizations interviewed for the development of this paper. This paper does not include an analysis of the legislative frameworks or national practices and does not make conclusions regarding national legislation's alignment with the CRPD.

51 Kirungi, Article 27 fellow, WBU, Uganda, 2021.

52 Kirungi, Article 27 fellow, WBU, Uganda, 2021.

Implementing specific measures to promote employment and career advancement: quotas, targets and incentives

A challenge reported by OPDs across the four countries was the structure and implementation of quotas, targets and incentives related to employment of persons with disabilities. For example, the IW partners in Bangladesh highlight how quotas and tax rebates are not necessarily contributing to the advancement of employment of persons with disabilities. This is in part due to employers not being aware of the legislation, and consequently not complying or making use of the incentives available to them. Another reason for the lack of effect of quotas and incentives is the way these have been structured. In order for Bangladeshi employers to qualify for a 5% tax rebate, 10% of their employees need to be persons with disabilities. According to IW partners, no open labor market employers have succeeded in reaching 10% employees with disabilities.[53] IW OPDs in Bangladesh find that it would be more beneficial for the tax rebate to start at 2% and be given on a sliding scale[54] to incentivize progressive realization.

Incentives like tax rebates and quotas may be a way to open doors to the labor market for persons with disabilities. However, underrepresented groups such as persons with intellectual disabilities rarely benefit from the cross-disability quota systems.[55] Quotas may also reinforce the charity case on employment of persons with disabilities and positioning persons with disabilities as less valuable and productive workers as compared to their peers without disabilities. The Office of the High Commissioner for Human Rights (OHCHR) has noted that the practice of implementing quotas has raised three main issues that need to be addressed; these challenges also resonate in the IW country contexts:

- "Reserved posts" that can only be filled by persons with disabilities are sometimes used. They are commonly perceived as low-quality and low-skilled jobs and often link specific vocations with specific groups of persons with disabilities (e.g., licenses for blind massage therapists). These reflect low expectations and reinforce stereotypes and prejudice against persons with disabilities, limiting their career choices and development.
- A low level of monitoring and a lack of effective enforcement mechanisms sometimes allow employment quotas to remain unfilled. For example, companies may opt to pay fines for non-compliance rather than making efforts towards the inclusion of employees with disabilities.
- The filling of quotas benefits specific groups of persons with disabilities; those with fewer support requirements tend to be disproportionally benefited over others.[56]

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53   Key Informant Interview, Bangladesh, 2021
54   Focus group discussions, OPDs, Bangladesh, 2021
55   IDA submission for the Day of General Discussion on Article 27 of the CRPD, 2021
56   OHCHR, Policy guidelines

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Insufficient disaggregation and quality of data on disability

Common to all four IW countries is the limited availability of comprehensive and quality data disaggregated on disability. Having accurate and comprehensive data on disability is essential in order to design, plan, budget, implement, monitor and evaluate interventions on disability. Therefore, data on disability has been a focus area of the IW program. Development Initiatives, a partner in the consortium, assessed and analyzed data to support IW interventions. Key points raised through their work are:

- Access to data on disability is a challenge
- Qualitative data on disability is low
- There is significant inconsistency of data in terms of indicators and measurements both on disability and on employment

Image 2: Boniface Owino of Development Initiatives presenting their work on disability data to participants at the Learning & Exchange Workshop on Inclusive Employment and Inclusive Programming in Kenya.

Disability prevalence data and other data that does include a focus on disability may vary in terms of how disability is defined. In addition, a common problem occurs when data is disaggregated for disability, but grouped together without further disaggregation for other demographics, socio-economic factors or needs. The same challenges are found in terms of data on employment and (un)employment rates, as "employment" is defined differently across different organizations and countries and regions. At times employment is very broadly defined by a person having been paid within the last seven days, whereas in other cases employment is defined by a formal contract. This is why IW partner and data expert Development Initiatives calls for a contextual definition of employment that, for example, considers the economies and labor markets factors of the Global South as well as the factors influencing persons with disabilities' participation in the labor market.[57]

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57   Key Informant Interview, IW partner, 2022.

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3.2 Employment readiness of jobseekers

Lack of access to education and vocational training

There is a close relation between access to education and vocational training and the opportunity to access employment in the open labor market. It has been found that on average among 41 developing countries, 75% of persons with disabilities between the ages of 15 and 29 have ever attended schools, as opposed to 87% of persons without disabilities. In ten of these countries, the gap between youth with and without disabilities is higher than 15%.[58]

The situational analyses from the four IW program countries found that already from primary level, children with disabilities are at a disadvantage compared to their peers without disabilities. This disadvantage sets persons with disabilities behind from an early age.

In Bangladesh,

of adolescents aged 15–18, those with disabilities are 40% less likely to have completed primary school than their peers without disabilities.

In Nigeria,

several million children with disabilities are confined to a few hundred special schools[59] with very limited and inadequate infrastructure, facilities and manpower, resulting in 95% of children with disabilities being denied access to basic education. Special schools are in contravention of the CRPD as also reinforced in General Comment No. 4 of the CRPD Committee.

In Kenya,

44% of persons with disabilities completed primary school, in comparison to 60% of persons without disabilities, and 17% of persons with disabilities completed secondary school, in comparison to 27% of persons without disabilities.

In Uganda,

61.3% of people with disabilities attended school, in comparison to 68.1% of persons without disabilities, and only 18% of children with disabilities completed primary school, in comparison to 32% of children without disabilities.

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58   UNDESA, Disability and development report

59   It must be noted that the CRPD Committee in GC 4 states that special or segregated settings are not compliant with the CRPD. IDA in its position on Article 24 also states that it does not support any segregated or special form of education.

> *I went through deaf schools at both primary and secondary levels in the central part of Kenya. After high school I struggled to join a higher institution of learning and was denied by one of the universities because I am deaf. They sent me to another university away from home in western Kenya. Unfortunately, I did not manage to go.*[60]

Attending school is one aspect, and another is the level and quality of the education received by persons with disabilities. Persons with disabilities struggle to access formal education and vocational training at the same level and quality as their peers without disabilities, despite a legal framework on inclusive education.

In Bangladesh, for example, the legal framework includes inclusive education; however, the government still allocates budgets for special education and very limited allocations for realizing inclusive education.

The jurisprudence of the CRPD enshrined in Article 4 on the right to inclusive education involves access to and progress in high-quality formal and informal education without discrimination. However, the CRPD Committee is concerned that profound challenges persist and many millions of persons with disabilities continue to be denied the right to education.[61]

The IDA Global Report on Inclusive Education noted similar concerns and found that States have failed to deliver quality education and inclusion for the vast majority of children with disabilities, with a continued emphasis on special education policies and schools. Special education policies have often diverted attention, efforts and resources away from required investment in improving the overall quality of teachers, reforming the curriculum and teaching methods and providing required support to learners in schools of their communities. Special education policies and schools have also resulted in legacies that undermine effective transformation towards inclusive education systems.[62]

This inequality persists from primary and secondary schooling into post-school education and training. For example, in Uganda the lack of reasonable accommodation, disability sensitive training materials and trainers impedes the participation of persons with disabilities in Technical and Vocational Education Training (TVET) programs.[63]

60   Michael, Article 27 fellow, World Federation of the Deaf (WFD), Kenya, 2021.

61   OHCHR, "General Comments," CRPD Committee General Comment No. 4, 2016

62   IDA, What an inclusive, equitable, quality education means to us

63   Kirungi, Article 27 fellow, WBU, Uganda, 2021.

The IW Engagement Officer in Kenya reported the following example of discrimination in access to training opportunities:

> *A local government institution had the mandate to admit learners with disabilities for a vocational training course for a couple of months. Two potential learners with visual impairments could however not be admitted into the institution on account of inaccessibility of course materials; for example, no computers were fitted with screen readers, nor were other course materials in accessible formats including Braille; hence the learners were told by the institution that they could not immediately join the program. The present case demonstrates that an act of discrimination occurred in that learners could not, on equal basis as others, access the government institution to take their preferred course.*

The lack of equal access to quality education and vocational training in mainstream training institutions perpetuates persons with disabilities' low level of market-related qualifications.

As a result, the only other option for persons with disabilities is segregated schools and training institutions, which do not necessarily provide accredited training or even a certificate of their skills. This situation further adds barriers in accessing the labor market. Discrimination in accessing education fuels discrimination in accessing employment.

The challenges related to persons with disabilities' access to relevant and quality training and vocational training are found in all four IW program countries.

> *Participants in focus group discussion with OPDs in Nigeria found that most people with disabilities attend special schools where the quality of education is extremely poor, often without any formal certification. This limits the opportunities that persons with disabilities have to access meaningful employment.*

Government established a vocational training program to equip persons with disabilities with employable skills. However, these programs are limited in scope and no longer meet current market demand for skills[64].

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64   Kirungi, Article 27 fellow, WBU, Uganda, 2021.

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3.3 Disability inclusion among employers

Lack of awareness on disability among employers

Misconceptions and a lack of understanding among employers on disability were highlighted as barriers to inclusive employment across all four countries. In Bangladesh, employers said a key barrier that prevented them from hiring persons with intellectual disabilities was that they did not understand what an intellectual disability was or how to work with persons with disabilities. One employer described persons with intellectual disabilities as "those who cannot work properly."[65] In Uganda, hard of hearing people expressed that they are being overlooked or passed over because of the negative perception that they cannot perform as well as their hearing counterparts.[66] Similar challenges were found among deaf jobseekers, who felt that most employers believed deaf persons are unable to work successfully in an open labor market.[67] Despite evidence that employers lack this understanding of disability, employment interventions often focus on supply-side solutions such as vocational training and are less likely to focus on equipping employers with the knowledge and skills to deliver meaningful inclusion in the workplace.

A common approach to hiring persons with disabilities has primarily focused on interventions at the individual level, namely placing persons with disabilities into jobs. IW partners found that at times OPDs and employers mainly focus on the "low-hanging fruit," meaning that organizations often focus on solely reasonable accommodation at the workplace for individuals with disabilities.[68] While reasonable accommodation is one essential step towards inclusion for an individual jobseeker or employee, these interventions do not help address the lack of employer knowledge about inclusion and do not result in creating inclusion at all levels within a business. Interventions by employers cannot stop at recruitment of people with disabilities and facilitating reasonable accommodation; they must extend to building an inclusive workplace through inclusive policies and a culture of inclusion within the company – not only in senior management and in the human resources department, but at **all** levels of the organization. Giving employers the knowledge and the tools to implement inclusion holistically across the organization or business helps to eliminate the employer misconceptions and hesitation that can result in workplace exclusion.

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65 Mia, Article 27 fellow, DSi, Bangladesh, 2021.
66 Serwadda, Article 27 fellow, IFHOH, Uganda, 2021.
67 Michael, Article 27 fellow, WFD, Kenya, 2021.
68 Key Informant Interview, IW partner, 2021

Discrimination and stigmatization in the workplace

The jurisprudence of the CRPD stresses that States parties must ensure that there is no discrimination on the grounds of disability in connection to work and employment. International human rights practice identifies four main forms of discrimination, which can occur individually or simultaneously: direct, indirect, denial of reasonable accommodation and harassment. OPDs in all four IW countries report that persons with disabilities continue to face discrimination in the labor market.

Hiring practices

Barriers to employment for persons with disabilities begin at the point of the recruitment process itself, including access to information about vacancies. Advertisements are put in newspapers and websites that are not accessible to most persons with disabilities.[69] Even if persons with disabilities are selected for interviews, the interview process is not inclusive or accessible. For example, most companies do not provide sign language interpreters during interviews.[70] Persons with intellectual disabilities in Bangladesh, in particular, report how they feel discriminated against in recruitment and employment processes. There is a perception that persons with intellectual disabilities cannot work productively or will cause a disruption to the workplace. Employers raise value for money as a critical concern due to a misconception that employing persons with intellectual disabilities would cost more than the value of their work. Some persons with intellectual disabilities reported not applying for work, as they felt they would be rejected because of their disability.[71] For women and youths with psychosocial disabilities, negative stereotypes mean that disclosing their disabilities during interviews may lead to less chance of being hired, despite qualifying for the job.[72] IW OPDs also shared that sometimes people using assistive technology or with support needs are often discouraged from applying for jobs.

> **All the prospective employees reported that they are searching for employment, even those who are self-employed. Some of them have been searching for employment for four years, with more recent graduates for six months. Most of them have applied several times in different organizations and have experienced several rejections. They felt that communication barriers contributed to the rejections. One of the respondents stated that she has tried looking for jobs many times but for now she feels like giving up although she continues to look for work.[73]**

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69   Kirungi, Article 27 fellow, WBU, Uganda, 2021.
70   Michael, Article 27 fellow, WFD, Kenya, 2021.
71   Mia, Article 27 fellow, DSi, Bangladesh, 2021
72   Nakato, Article 27 fellow, WNUSP, Uganda, 2021;
73   Wanyana, Article 27 fellow, IFHOH, Uganda, 2021

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> **For persons with deafblindness, a difficulty is our ignorance of existence of job opportunities in the market because jobs are being advertised in inaccessible formats. In Uganda, there are no jobs that have ever been advertised in an accessible manner. People use radio or billboard, which are inaccessible, therefore we don't know about opportunities.[74]**

Harassment and bullying at the workplace and lack of redressal mechanism

A case study by Down Syndrome International in Bangladesh states that interviews with persons with intellectual disabilities and their families revealed stories of ridicule, harassment or dismissiveness at the workplace.[75] Inclusion International also found similar cases in Bangladesh, including reports of harassment leading to physical violence.[76] Instances of bullying have been shared by OPDs during the focus group discussion. Interaction between OPD Engagement Officer and employees with disabilities reveal that they are often not aware of their rights and the protection that they are accorded by law against harassment. In some cases, there is no process in place for employees to seek redress.

Deaf employees reported similar unfair treatment and poor working conditions. Case studies show that despite acquiring more academic credentials or being the senior most staff in a department, deaf employees are overlooked for promotion.[77] Two case studies indicated instances where individuals had their disabilities questioned and were told they were pretending because their disabilities **are not visible**.[78]

Unequal or low pay

Low or unequal pay has been highlighted as an issue across all four countries and also in the case studies of the Article 27 fellows. There are blatant examples of persons with intellectual disabilities being paid less than their counterparts. In Bangladesh, employees with intellectual disabilities are sometimes paid less than 25% of the wage of a person without an intellectual disability doing the same job.[79] In Kenya and Nigeria, a study shows some people with intellectual disabilities are only being paid 1/10th of the standard wage.

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74   Abukito, Article 27 fellow, WFDB, Uganda, 2021.
75   Mia, "Case study."
76   Bialik and Mhiri, "Barriers to employment."
77   Michael, Article 27 fellow, WFD, Kenya, 2021.
78   Nakato, Article 27 fellow, WNUSP, Uganda, 2021; Wanyana, Article 27 fellow, IFHOH, Uganda, 2021.
79   Mia, Article 27 fellow, DSi, Bangladesh, 2021.

Employers also ask persons with intellectual disabilities to work voluntarily without any pay, or may ask their family members or caregivers for payment in exchange for hiring their family member with an intellectual disability.[80] This discrimination also extends to promotion at work. The study by the WNUSP Article 27 fellow found that most employers deny persons with psychosocial disabilities promotional opportunities, claiming to protect them from mental health relapses, instead of providing adequate support to enable them to execute their duties on equal basis with others.

Gendered unequal treatment

Parents of girls and women with intellectual disabilities are often only willing to teach their daughters skills that will be useful in maintaining a household, not skills that will help them gain or perform well in paid work.[81] In Uganda, for example, a significant percentage of women with disabilities are engaged in domestic work, which is in most cases unpaid work.[82]

While male children, even the ones with disabilities, tend to get an education, females with disability are not encouraged and supported to get education and training. The result of this is lower literacy levels, low self-esteem and low employment chances, especially in the formal sector, among women with disabilities.[83]

Eighty-seven percent of the persons interviewed by the WNUSP Article 27 fellow said that women and youth with psychosocial disabilities are not given equal promotion opportunities nor equal pay to others without disabilities. Women with deafblindness who are in employment are listed as earning below the rest of the employees without disabilities.[84]

Lack of accessibility and reasonable accommodation

The lack of accessibility of infrastructure, including public transportation, information, etc., is a significant barrier for persons with disabilities not only to access jobs but also to retain them. Often, this larger environmental and systemic inaccessibility can be addressed by providing reasonable accommodation. However, employers do not have an understanding of what this entails and more attention is needed to create that awareness. In Uganda, 10 out of 19 employers who were interviewed did not have an understanding of the reasonable accommodation needs for persons with hearing loss.[85] Additionally, employers are unwilling to incur the extra costs to meet these needs.

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80   Bialik and Mhiri, "Barriers to employment."
81   Mia, Article 27 fellow, DSi, Bangladesh, 2021.
82   Kirungi, Article 27 fellow, WBU, Uganda, 2021.
83   Kirungi, Article 27 fellow, WBU, Uganda, 2021.
84   Abukito, Article 27 fellow, WFDB, Uganda, 2021.
85   Wanyana, Article 27 fellow, IFHOH, Uganda, 2021.

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Reasonable accommodations such as sign language interpreters are provided only on a temporary basis and poor terms of service, hampering the performance of deaf employees.[86] The cost of hiring sign language interpreters or captioners is raised by employers as an issue. For hard of hearing persons, sometimes in place of captioning notetakers are provided. OPDs reported that persons with visual impairments were not finding employment, as employers are unwilling to provide support persons or any other reasonable accommodation. This is closely linked to the issue of extra cost of disability and the lack of social protection measures to cover disability-related costs compatible with work including health insurance. The lack of social protection compounded by the unwillingness of employers to provide reasonable accommodation was flagged as one of the reasons for low employment rates.[87]

3.4 Meaningful engagement of persons with disabilities

A rights-based approach to disability-inclusive development requires significant roles for OPDs as representative organizations of persons with disabilities to ensure that interventions are relevant to and guided by the priorities of the diversity of persons with disabilities. While there is no commonly acknowledged definition of what 'meaningful engagement of OPDs' mean, IDA draws the following understanding based on the IDA Global Survey on OPD Participation:[88]

> *"Meaningful participation that respects, values and considers the unique role and perspective of OPDs as organizations representing the diversity of persons with disabilities, and enables their regular and effective engagement, by ensuring equal opportunities to contribute to decision-making. (…) Meaningful participation as expected from OPDs is participation that seeks the highest levels of shared decision-making on all issues that concerns persons with disabilities, whether for domestic issues, through international cooperation or in situations of risk and humanitarian emergencies."*

As per the UN Disability Inclusion Strategy, meaningful participation is also about: "Recognizing that engaging with persons with disabilities and their organizations is a two-way exchange, not just telling them what is being done. It means there is genuine interest in listening to OPDs' contributions, discussing their priorities and concerns, and being willing to act upon them.

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86   Michael Article 27 fellow, WFD, Kenya, 2021.

87   Adamu Article 27 fellow, WBU, Nigeria, 2021; Nakato, Article 27 fellow, WNUSP, Uganda, 2021.

88   International Disability Alliance (2020). Increasingly Consulted but not yet Participating: IDA Global Survey on Participation of Organisations of Persons with Disabilities in Development Programmes and Policies, 2020.

It is about building a dynamic relationship based on partnership and not considering consultation as a one-off event." [89]

In the four implementing countries of IW, the disability rights movement generally have had limited opportunities to get involved with employment policy reform. Moreover, OPDs shared that very few employment projects funded through international cooperation usually gave any role meaningful to OPDs.

Persons with disabilities as a group are clearly marginalized and underrepresented in the formal labour market across all IW countries. However, amongst persons with disabilities some groups are further underrepresented, and enjoying less visibility in decision making processes. The disability movement, like other social movements, is not homogenous. Persons with deafblindness, persons with intellectual disabilities, persons with psychosocial disabilities, persons with autism or deaf people, women with disabilities, indigenous persons with disabilities among others, have had comparatively fewer opportunities to engage. This may differ in different countries, culture and contexts.

Working with OPDs as key partners in transforming access of persons with disabilities to employment was a key component of the systemic approach embraced by IW.

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[89]   United Nations Disability Inclusion Strategy, 'Guidelines, Consulting Persons with Disabilities', (May 2021), page 17

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4. Key Lessons on Access to the Labor Market for Persons with Disabilities

The Inclusion Works program was built on the understanding that interventions to advance the right of persons with disabilities to employment must be framed in keeping with the need for broader system-level transformation. To be inclusive of persons with disabilities, the labor market system requires the removal of barriers to employment and a fundamental shift in the way that businesses conduct recruitment, support their employees, and create inclusive environments for all persons with disabilities. This section outlines learning from the project in its attempt to advance the implementation of Article 27 in Bangladesh, Kenya, Uganda and Nigeria.

4.1 Domesticating the Convention on the Rights of Persons with Disabilities

Legal harmonization

International frameworks and national legislation are an important element in advancing the rights of persons with disabilities nationally and locally and in the labor market through regulatory and incentive measures. While the national legislations in the program countries were drafted in keeping with the CRPD to a certain extent, the broader national policy frameworks still lack specifics to meet the general obligations of the CRPD and the obligations listed in Article 27 for inclusive work and employment.[90] Stronger anti-discrimination provisions and doing away exploitative practices and segregated workplaces are still needed. Persons with disabilities and their representative organisations need to be engaged throughout the process of domestication of the Convention at policy development level, implementation and monitoring, which may not be the case at present.

Lesson learned:

It is critical that both jobseekers with disabilities and employers build their capacity to understand national laws and international obligations, and to review gaps between the domestic legislation and what is needed to ensure consistency with the CRPD.

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[90] Focus group with OPDs in Bangladesh, Kenya, Uganda and Nigeria and Key Informant interviews, 2021 & 2022.

Enforcement and monitoring of the legislative framework

Policies will not drive the transformation of the labor market on their own, but they are an essential factor for implementing the CRPD. Despite a legislative framework based on a human rights approach and, in some cases, incentive-driven employment policies, a general picture across the IW countries is that policies are not being sufficiently enforced for implementation to drive the changes intended and the implementation of Article 27.

With limited monitoring of the implementation of disability and employment policies and no consequences for not meeting the legal requirement on employment of persons with disabilities, the policies have to a large extent been left on paper.

Within the IW program, the National Programme Advisory Committees (NPACs) have acted as a bridge between the IW program and the larger disability movement, as well been active in supporting disability rights advocacy in implementing national legislative and policy frameworks. For example, the National OPD Advisory Committee (NOAC) – as the NPAC is called in Bangladesh, contributed to the parallel report on CRPD implementation developed by the national CRPD Platform. Members of the NOAC organized a consultation meeting to develop their inputs on the implementation of Article 27 of the CRPD in Bangladesh. The findings of the consultation were shared with the Bangladesh CRPD Platform.

A key factor critical to the domestication of the CRPD is the allocation of budgets to support the legislative framework for implementation and impact. For example, the Persons with Disability Act of Uganda (2006), amended in 2019, established the Uganda National Disability Council as an important tool to facilitate persons with disabilities political and civil participation. However, there has been no budget allocation for the National Disability Council to implement its mandate of monitoring and setting standards for disability-related interventions in the country and currently the Council is very limited in its functioning.[91]

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Lesson learned:

> Monitoring, reporting and evaluation structures, including clear roles for OPDs, are essential to support the effective implementation impact of policies and optimize their impact. These mechanisms should be supported with clear budget allocation.

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91   Focus Group with OPDs in Uganda, 2022.

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Disaggregated data on disability

Comparable and reliable data are intrinsically linked to the implementation and monitoring of laws and policies. In IW countries, as elaborated earlier, while some data on employment of persons with disabilities are available, these are not always reliable or comparable. These are often collected using national data collection tools that are based on the medical model of disability.

To demonstrate how employment data can be disaggregated, the IW program developed data collection tools on jobseekers and employers based on the Washington Group Questions. The intention was to support the generation of robust and comparable evidence on enhancing access to the labor market for persons with disabilities through the different pathways. However, during the initial stages of the program, data collection was undertaken based on national classification or definition of disability rather than the Washington Group short set of questions. This meant the data collected in the initial period was not entirely comparable across all program countries. More importantly, the program was not able to track which groups were being excluded in the program activities. The MEL Working Group of the IW program acknowledged this gap and took a decision for a consistent set of additional classification list to use for participant tracking tool to have better disaggregation of data.

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Lesson learned:

Addressing gaps in employment data disaggregated by disability is critical to gather evidence on discrimination faced by persons with disabilities and inform policy making. Advocacy planned and implemented along with OPDs can ensure buy-in and acceptance of the larger disability movement. Project monitoring can be a platform for INGOs and OPDs to learn and develop methods for collecting data disaggregated by disability and monitor the project's impact on all groups of persons with disabilities.

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4.2 Technical skill building of jobseekers with disabilities

Access to skills training

As seen in the reports from the IW program countries and from OPDs and employers, the level, quality and relevance of technical skills amongst persons with disabilities significantly determine their access to inclusive employment. This is true especially for formally recognized technical skills which are often a challenge as persons with disabilities face barriers in accessing formal skills development programs due to limited availability of accessible training venues and material, inclusive teaching and learning approaches and lack of accommodation in assessment formats and criteria. In a highly competitive labour market employers often use formal qualifications as a screening method for large numbers of job applications. This will make it difficult for many persons with disabilities to stand out and compete with their peers without disabilities. Steps must be taken to ensure that persons with disabilities have equal access to inclusive formal skills development in mainstream education and training.

Lesson learned:

> Measurable and feasible objectives, clear timeframes, human and financial resources and transparent monitoring and evaluation mechanisms are key elements of policies or strategies for inclusive trainings, including through TVETs. Targeted training sessions for persons with disabilities (if needed) can be a useful support on the side of mainstream vocational programs. Accessibility features and accessible materials in TVET programs should correspond to the requirements of different groups of persons with disabilities. For persons with disabilities who want to seek self-employment, inclusive vocational trainings should be flexible enough to contribute to developing entrepreneurial competencies and knowledge.[92]

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92   IDA submission for the Day of General Discussion on Article 27 of the CRPD, 2021

Developing soft skills to apply for jobs

Image 3: Subrata, 35, a jobseeker with disabilities in Bangladesh, completed the 10,000th module of the Inclusive Futures and Accenture pilot employability training programme.

Interaction with IW OPDs have shown that many consider the skill building opportunities provided by the program as a step in the right direction. For example, the Accenture Skills to Succeed Learning Exchange, which are a range of short online modules on employability skills such as career planning, CV and cover letter writing, interview preparation and networking was great learning experience on how to adapt existing trainings for persons with disabilities. Till April 2022, around 1200 persons with disabilities were active on the platform. This intervention also made efforts to include a diversity of groups, though participation of underrepresented groups has been very minimal.

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Lesson learned:

From IW's experience, some of the steps that supported skill building programs to be more inclusive of all persons with disabilities include: collection of disability disaggregated data on a weekly basis; eligibility criteria being made flexible especially for persons with limited access to formal education; peer support provided by IW staff and OPDs; following up with trainees particularly those that dropped out to understand how they can be supported to return.

It is equally important to work with employers to advocate for job descriptions to clearly identify the essential functions of the job to enable matching skills (formal and informal) of jobseekers with disabilities and job functions rather than focusing on formal certifications that most persons with disabilities may not have.

The use of artificial intelligence (AI) in recruitment processes can be discriminatory for applicants with disabilities and should be carefully considered.[93]

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[93] For further elaboration on IDA's position and recommendations for the use of AI in relation to Article

— Designing Jobseeker Soft Skills Training[94]

This has been extracted from the IDA Inclusive Livelihoods Task Team's paper on Article 27 to show how inclusive trainings can be designed.

→ **STEP 1**
Review your budget for the training. Ensure that you have built in consultancy fees for OPDs to validate the training content and ensure its CRPD-compliance and accessibility and budget lines for reasonable accommodation. The training cannot move forward without these resources secured.

→ **STEP 2**
Consider the timeline – assess if you have built in enough time in your schedule for (1) OPDs to review the training module for accessibility, inclusive methodologies, and CRPD-compliant content, (2) OPDs to support the training organization with necessary adaptations, (3) training for facilitations, (4) a diverse recruitment process, and (5) at least two weeks advanced notice for all participants? If not, re-evaluate your timeline to ensure you have time for each of these steps. Consult OPDs on how long some of these steps will take.

→ **STEP 3**
OPDs will play an essential role in identifying the needs of jobseekers with disabilities, mobilizing participants, and ensuring the delivery of accessible sessions - set aside financial resources to ensure meaningful engagement of OPDs. Part of ensuring meaningful participation of OPDs requires providing the resources for them to engage. This may take the form of consultancy fees or contributions to administration and staff time. This resourcing is even more particular for underrepresented groups, which are chronically under-resourced and may need more support to engage in project work.

→ **STEP 4**
Bring OPD partners on board the planning process from the very beginning – before making decisions about the need for jobseeker training, consult OPDs on the current barriers to employment for people with disabilities. OPDs will determine the needs of the community, and may want to do downstream consultations with individual people with disabilities to help have a better understanding of the specific job seeker needs. Do not limit your consultations with OPDs on the need for training to the national umbrella bodies – it is essential to seek out OPDs representing underrepresented groups to ensure you also have an understanding of their needs before making decisions on content.

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94   IDA Inclusive Livelihoods Task Team, "An introduction to Article 27."

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→ **STEP 5**

Make decisions in partnership with OPDs about what types of training are needed, using the consultations as the basis for that decision making. Take the roster of soft skill needs you identified as the training content and go back to the OPDs representing underrepresented groups to ensure that the needs of their communities are accurately reflected.

→ **STEP 6**

Scope existing training programs that are consistent with the needs identified by OPDs. Where there are existing programs, acknowledge that just because there is a training provider that has existing content in a specific subject area, that does not mean it is necessarily well suited to the program. If considering an off the shelf training module or an organization to engage as the trainer, an accessibility audit must be undertaken to ensure the training content is designed to be inclusive and identify anything that needs to be adapted. OPDs representing underrepresented groups must be included in this process. It is important to manage expectations of potential training providers from the beginning, and be clear that the program will need to be scrutinized by OPDs to ensure accessibility and that they may be asked to make adaptations if they have included non-CRPD compliant content or if their methodologies are not accessible.

→ **STEP 7**

When delivery partners and OPD partners have made a decision about a training module or organization to work with to deliver the training, connect the organization with OPDs to support making any necessary content or methodological changes to the program to ensure accessibility. It is essential that OPDs representing underrepresented groups be among the organizations doing this piece of work. This auditing and adaptation by OPDs is a substantial amount of work and must be built in project budgets and treated as a consultancy.

→ **STEP 8**

Identify the facilitators of the training, which should include people with disabilities. The pool of trainers must go through a training session on inclusive facilitation practices in advance of any session delivery led by OPDs. Because the content should have already been adapted in the previous step and all of the methodologies, activities, and worksheets have been redesigned or adapted to ensure accessibility, this training with OPDs can focus specifically on inclusive facilitation techniques. Individuals who have undergone BRIDGE CRPD-SDGs training will be an important asset, and OPDs representing underrepresented groups (such as people with intellectual disabilities) must be given time during the training session to provide technical advice on inclusion and good practice for facilitation.

→ **STEP 9**
Select a date for the session, select an accessible venue, and ensure any materials for the training are available in accessible formats. Seek advice from OPDs on accessible venues.

→ **STEP 10**
Recruit participants – ensure all of the advertisements and the application for the training program are available in plain language and other accessible formats, and that they are advertised in a variety of spaces (including with OPDs). Ensure that a question about support and accessibility needs is asked in the application. Create many ways to apply – for example, if a person does not find an online application accessible, can they apply by phone? Can they come and apply in person?

→ **STEP 11**
Review applications for participants, and assess the diversity of your participant base. Set targets for the number of participants from marginalized groups to ensure good representation (for example, at least 51% women participants and 15% participants with intellectual disabilities). If you do not get enough candidates from underrepresented groups, seek advice from OPDs on where to find participants, re-open the application, and seek out participants with specific backgrounds.

→ **STEP 12**
Review the support needs that people indicated in their application (e.g. support person attends with them, extra time, sign language interpretation, etc.) and confirm that all access needs are met.

→ **STEP 13**
Communicate the date of the training to participants at least two weeks in advance. Provide the agenda at this time, provide the key topics in advance, and provide any key questions participants will be asked to discuss so people can prepare in advance with their supports if they need to.

→ **STEP 14**
Deliver the training!

→ **STEP 15**
Seek feedback from participants and OPD representatives on the strengths and weaknesses of the training, any missteps in accessibility and inclusive methodologies, or other suggestions for improvement. Build these into your plan for future job seeker trainings.

Confidence building among jobseekers and employees with disabilities

Due to the marginalization and discrimination faced by persons with disabilities from early ages in the communities, in educational institutions and in the labor market, many persons with disabilities have internalized this marginalization, resulting in low self-esteem and low self-confidence. Further, many persons with disabilities have not had exposure to formal workplaces and have limited work experiences and therefore also limited knowledge of procedures in a formal work environment.

Lesson learned:

Persons with disabilities needs to be supported in countering the real and internalized marginalization to develop personal and professional confidence as jobseekers and employees.

A woman with a disability from Uganda gave feedback to the OPD Engagement Officer on how she became more self-confident with support from the IW program.

"When I joined the Inclusion Works program, I was very shy. I did not know how to address my needs as a deaf person and I feared to sign in the presence of people. I joined talks for female jobseekers with disabilities and got peer support from the consortium partners. I am now very confident in my new job as a teacher, the job I got through IW intervention on disability inclusion awareness training."

In Bangladesh soft skills development training was provided to build confidence among jobseekers with disabilities. The sessions included focus on legal rights and remedies against discrimination on the ground of disabilities in the recruitment process and at the workplace. The training included practical examples on complaint drafting, filling and disposal procedures and provided participants with relevant laws and policies in accessible formats.

The participants reported to the OPD Engagement Officer that the training gave them more confidence, as they came to know for the first time that they have legal remedies against discrimination and how to take action.

4.3 More inclusive employers

While more employers are now increasingly looking at employing persons with disabilities, and there are examples of employers within the IW program who have taken a lead in being inclusive, nobody has fully succeeded in reaching policy quotas or targets.[95] This measure is not a full representation of the complexity of inclusive employment, but it does reflect how the focus has predominantly been on the supply side of the labor market – i.e., upskilling persons with disabilities and making them "employable" – whereas the focus on transformation of workplaces for inclusion has been much less.

The disability sector does not expect that the companies they target for employment of persons with disabilities are immediately ready to hire and accommodate persons with disabilities from day one. Rather, the experiences from the IW have very strongly shown the critical importance of the mindset of employers – that they need to be open and willing to engage in transformation and changes in their workplace to become inclusive. While this transformation will be realized progressively, it is equally important to reinforce that non-discrimination is an immediate obligation on employers.

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Lesson learned:

Putting a strong focus on relationship building with employers and employers' organisations is essential in moving the agenda on inclusive employment forward to ensure an open, accessible and inclusive labour market through systemic level transformation. Focusing on inclusive company policies and procedures is a very important and concrete approach to developing inclusive workplaces. Equally important is focusing on the organisational culture of the company to develop an inclusive work environment for all.

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95   Key Informant Interview, IW partner, 2021

Image 4 : Tabie Kioko of Safaricom presenting their work on disability inclusion at the workplace at the Learning & Exchange Workshop on Inclusive Employment and Inclusive Programming in Kenya.

Safaricom is a mobile network operator headquartered in Nairobi, Kenya. It is the largest telecommunications provider in Kenya and operates in east Africa. The company has taken a lead in inclusive employment on the continent through working with Sightsavers, United Disabled Persons of Kenya (UDPK) and other OPDs in the IW program.

The company has also decentralized the mandate of inclusive employment making local departments equally responsible for employment of persons with disabilities and reaching the overall company-wide inclusion targets.

"We have set an aggressive target that 5% of our workforce will comprise persons with disabilities by 2025. Even though we had hoped to have recruited a larger number of persons with disabilities during the year, we anticipated that progress would be slow. Much like the challenge of gender representation, this is a multi-dimensional challenge that we are unable to solve on our own. Creating a pipeline of persons with disabilities to recruit starts long before they arrive for an interview at Safaricom. As a result, we have spent a good deal of time putting the foundational pieces in place. We have been creating relationships with around 40 disability-related organisations so that we can start identifying and supporting potential candidates at earlier stages. We are optimistic that this hard work will start to pay dividends in the near future." [96]

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[96]   KII with IW stakeholders in Kenya, 2022; Safaricom, Resilience through transition and Standing

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— Designing Disability Sensitization Training for an Employer[97]

This has been extracted from the IDA Inclusive Livelihoods Task Team's paper on Article 27 to show how trainings for employers can be designed.

→ **STEP 1**
When planning any activity related to people with disabilities, partners must set aside financial resources to ensure meaningful engagement of OPDs. Part of ensuring meaningful participation of OPDs requires providing the resources for them to engage. This may take the form of consultancy fees or contributions to administration and staff time. This resourcing is even more particular for under-represented groups, which are chronically under-resourced and may need more financial support to engage in project work.

→ **STEP 2**
Once resources are set aside, OPDs should be involved from the beginning, prior to the discussions with the private sector or any specific employer begin. OPD engagement could begin with supporting the Labour Market Assessment process that would clearly define the need among employers, or engaging in needs assessments with employers directly, and OPDs can support with the use human rights approaches to determine the path forward with employers. Any questionnaires or needs assessment must be developed hand in hand with OPDs, and must be framed from the human rights based perspectives.

→ **STEP 3**
When determining what type of activity is needed for sensitization of employers, OPDs should be a core part of the team for the analysis and decision-making about the direction the activity should take. OPDs should be involved in the analysis of any needs assessments or questionnaires, which will ensure that the activities that the project team decides to implement in response to the needs assessments are not only informed by the questionnaire, but also by OPD's experiences of the barriers to formal sector employment and strategies for sensitization.

→ **STEP 4**
When the planning stage reaches the point of outreach to employers, meetings and communication with these companies must at the very least have in copy representation from OPDs. This ensures that from the very beginning, these companies are aware that they are also reaching out directly to OPDs and that OPD representatives are being positioned to employers as content experts.

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97 IDA Inclusive Livelihoods Task Team, "An introduction to Article 27."

→ **STEP 5**

When working with the employer to design the content for the sensitization training, the employer may ask for specific content and resources, which should be incorporated into the training with the OPD lens – the messaging must always be vetted by OPDs, and OPDs representing underrepresented groups must also be consulted to ensure the specific barriers they face are included and that employers are also being trained to understand and respond to these barriers.

→ **STEP 6**

Select a date for the session at least a week or two in advance, select an accessible venue, and ensure any materials for the training are available in accessible formats to model good practice in communications for the employer. Ensure that interpreters, including sign language interpreters, are arranged for well in advance if anyone involved in the session needs this accommodation. Accessibility should be at the forefront of every activity.

→ **STEP 7**

Engage people with disabilities from different impairment groups as facilitators of the training – ensure their access needs are met, and do not limit their engagement as facilitators to only sharing their lived experiences with employers.

→ **STEP 8**

Make it clear to employers that OPDs are the technical experts in workplace transformation for inclusion and support a continued dialogue between OPDs and the employer to ensure ongoing support with the transition to inclusive workplaces. Create channels that help them maintain that connect, and access ongoing support!

→ **STEP 9**

Co-develop the monitoring and evaluation mechanisms with OPD representatives.

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Understanding of reasonable accommodation

The experience from IW has shown that there is a lack of understanding of reasonable accommodation among employers and the critical role they play to prevent discrimination of persons with disabilities. While becoming a fully inclusive employer is a progressive journey, reasonable accommodation is an immediate adaptation that enables jobseekers with disabilities to enter the labor market in the absence of support mechanisms and accessible environment. This particularly impacts access to employment for persons with high support requirements or those from underrepresented groups.

> **A major part of reasonable accommodation is the attitudinal dimension, that is, the willingness of people to accommodate and respect persons with disabilities in places of work.[98]**

For example, persons with psychosocial disabilities are denied reasonable accommodation in workplaces because there is great lack of clarity regarding the provision of reasonable accommodation for persons with psychosocial disabilities.[99]

> **Women and youths with psychosocial disabilities are denied reasonable accommodation in employment, which amounts to discrimination. 75% of the key informants interviewed said they were denied reasonable accommodation.[100]**

There are many misconceptions surrounding the resources needed to provide reasonable accommodation, with many of the adjustments low cost and easy to implement. For instance, while all persons with intellectual disabilities are different, common forms of reasonable accommodation they need include support to learn new tasks, additional time to complete tasks and flexibility with working hours.[101] For persons who are hard of hearing, there is a lack of understanding of the kinds of accommodations that hard of hearing persons could benefit from in the workplace.[102] Based on the data gathered from her interviews, the WFD Article 27 fellow found that the majority of the respondents do not have reasonable accommodation that can promote positive growth at the workplace.[103]

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98   Adamu Article 27 fellow, WBU, Nigeria, 2021.

99   Holness, "The invisible employee."

100   Nakato, Article 27 fellow, WNUSP, Uganda, 2021.

101   Mia, Article 27 fellow, DSi, Bangladesh, 2021.

102   Serwadda, Article 27 fellow, IFHOH, Uganda, 2021.

103   Michael, Article 27 fellow, World Federation of the Deaf (WFD), Kenya, 2021.

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Lesson learned:

> Unpacking what reasonable accommodation means, and how it can be ensured for the diversity of persons with disabilities is critical to support employers in providing adequate measures as a priority step to prevent and combat discrimination.

— What does reasonable accommodation for persons with psychosocial disabilities look like?
Extracted from the case study by Dorothy Nakato, WNUSP

This is not an exhaustive list but is used to demonstrate what reasonable accommodation at work could look like for persons with psychosocial disabilities.

→ Flexible working hours with a focus on work deliverables

→ Provision of a job coach/mentor (this may help with the idea of difficulty in responding to change)

→ Offering a welcoming non-judgmental space where the job seeker with a psychosocial disability would freely request for reasonable accommodation such as a work space set-up that would support their meaningful delivery of tasks

→ Workplace/staff who are well sensitized on support requirements of persons with diverse disabilities, inclusive those with psychosocial disabilities

→ Access to peers

Moving away from a business case approach to employment of persons with disabilities

In the discourse on inclusive employment focused on the demand side, the business case for disability is often highlighted. Reports show that more inclusive companies achieve higher revenue, double net income, and show a higher economic profit margin on average.[104] Elements often mentioned in the business case for employment of persons with disabilities are high retention rates and hardworking and loyal employees.[105] However, an undue focus on profits often disguises the fact that inclusion requires investing in systemic transformation, making employers hesitant to hire persons with disabilities that have high support requirements.

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104 ILO Global Business and Disability Network and Fundación ONCE, An inclusive digital economy for people with disabilities

105 Focus group with OPDs and IW stakeholders in Bangladesh, Kenya, Uganda and Nigeria.

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It may also lead to stereotypes about people with disabilities being more loyal and hardworking employees, taking away the spotlight from the fact that most often that is because they do not have the same freedom to leave a job, since their options in the labor market are limited if not non-existent.

Lesson learned:

> The business case approach to promote inclusive employment must be rooted in human rights and social justice to ensure that a for-profit argument does not lead to further exclusion of those with high risks of marginalization. Employers need to recognize past and present marginalization and discrimination of persons with disabilities and take active responsibility to transform the labor market to become open, accessible and inclusive for persons with disabilities. Creating this kind of critical consciousness on disability amongst employers should be done in close collaboration with OPDs building a business case for inclusive employment for the Global South.

Employers need to recognize past and present marginalization and discrimination of persons with disabilities and take active responsibility to transform the labor market to become open, accessible and inclusive for persons with disabilities. Creating this kind of critical consciousness on disability amongst employers should be done in close collaboration with OPDs building a business case for inclusive employment for the Global South.[106]

4.4 Cross-cutting areas

The Role of OPDs

Image 5: Soft skills development training for youth with disabilities in Bangladesh organised by an OPD Kapasia Upazila Protibandhi Unnayan Parishad, Bangladesh.

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106   Fischer Mogensen, Disability employment support services.

OPDs play a critical role in the realization of the right to work. However, due to the lack of knowledge on the representative mandate of OPDs, the role of OPDs in IW was initially limited to being "logistics partners" for activities or for mobilizing jobseekers.[107] IW OPDs shared that many times they were asked to share resumes of jobseekers but did not receive feedback on how these were used or if anyone found employment. OPDs, like representative bodies of any other social movement, can play different roles and bring different types of expertise. If the roles of OPDs are clarified at the beginning of a program based on their priorities, mandate and expertise, their contribution can go much beyond mobilizing jobseekers.

Through IW, examples have been developed of how active collaboration with OPDs have enhanced results and impact.[108] Meaningful OPD engagement requires governments, organisations and employers working in equal partnership with OPDs to develop interventions that align with the needs of the disability community, and ensuring that OPDs as the representative groups for persons with disabilities take the lead in directing messaging on advocacy for the transition to inclusive and accessible labour market systems .[109]

> **"Example of the role of OPDs in inclusive employment: upon discovering that an employee was a person with a psychosocial disability, the employer wanted to dismiss the employee based on the misconception that they can be dangerous. But OPDs intervened and supported the concerned employee and convinced the employer."** [110]

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Lesson learned:

When involving OPDs as part in projects aimed at advancing access of persons with disabilities to employment, it is important to consider OPDs' potential roles across all project activities, and not to limit their part to identification of jobseekers with disabilities.

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107   Focus group with OPDs in Bangladesh, Kenya, Uganda and Nigeria and Key Informant interviews, 2021 & 2022.

108   See box items on NITA and Safaricom.

109   IDA Inclusive Livelihoods Task Team, "An introduction to Article 27."

110   Nakato, Article 27 fellow, WNUSP, Uganda, 2021.

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— OPD engagement with the National Industrial Training Authority (NITA)

→ The National Industrial Training Authority is a state corporation whose mandate is to promote standards in the quality and efficiency of Industrial Training in Kenya and to ensure an adequate supply of properly trained manpower at all levels in the industry. As a public technical institution, its courses are available to all interested learners. The IW program collaborated with NITA to make this training available to persons with disabilities. Through the active role played by the United Disabled Persons of Kenya (UDPK), OPDs of persons with psychosocial disabilities and intellectual disabilities, adaptations were made to how the training recruited candidates to class setups and to how training was delivered, in an attempt to make them inclusive of and accessible to a diversity of persons with disabilities, especially those from underrepresented groups.

→ This included having learners with intellectual disabilities accompanied by their support persons during learning sessions, including during exam time, and providing them with the option to take oral exams instead of written ones. For these changes to happen, there had been engagements between UDPK and NITA trainers to understand and appreciate why the changes had to be made in supporting learners with intellectual disabilities to meaningfully take part in the class setup.

→ Aspects of accessibility as well as reasonable accommodation are also discussions that arose out of engagements with NITA. This has meant, for example, that NITA had to consider how learners with visual impairments would be meaningfully involved in the class, making necessary modifications in accessibility of course material, as well as modifications to the physical environment to make classrooms accessible.

→ OPDs have been involved through this process, especially OPDs of persons with psychosocial disabilities and intellectual disabilities who from time to time had to engage learners with these impairments to track their progress in accessing both the Bridge IT academy and the hard skills courses in NITA.

Investing in OPDs as key counterparts

The essential role of OPDs in the implementation of the CRPD and specifically on Article 27 means that OPDs themselves need to develop the capacity and capabilities to take the lead on advocacy for the transition to inclusive and accessible labour market systems. This includes strengthening their knowledge of the CRPD, of national employment legislation, developing and advocacy and advisory skills to engage with stakeholders in government, private and public employers, education and training institutions and providers.

The lack of capacity of OPDs should not be taken as a justification for limiting their roles, but it is a responsibility of the project to enable their development to acquire stronger skills and embrace roles expected from them as representative of rightsholders.

In IW, interventions were undertaken to strengthen the organisational capacities of OPDs such as on governance, safeguarding, etc. However, funding to OPDs were mostly tied to program activities. Not all OPDs had staff time or administrative costs supported which did not allow them the flexibility to participate in program activities beyond their own as funding was limited to earmarked activities. Some steps were taken to address this during the implementation stage. For example, in Bangladesh, quarterly meetings of OPD partners were supported through IW program activities which also were used by OPDs to invite board members and their membership to discuss larger organisational issues. Organisational strength of the OPDs is directly linked to their capacity to lead activities, including outreach, awareness raising of employers or advocacy, and trigger positive change.

Lesson learned:

As OPDs have often been deprived of access to learning and partnership opportunities, it is important that projects invest in a catch-up strategy to build their capacity to engage meaningfully. This includes training but also financial support to enable OPDs to operate as organizations who often do not have access to other core sources of funding.

The inclusive programming journey: towards more meaningful OPD engagement

While the roles of OPDs in project implementation are key, inclusion across the whole programming cycle (from project design to project monitoring and evaluation) is another key component of meaningful OPD engagement. The IW program has gone through a journey in this regard. While the program stated clear intentions to work with OPDs significantly, including by involving IDA in the governance of the project, these were put to the test through project implementation. Roles assigned to OPDs were initially very minimal, undermining the unique expertise they have to identify what works for persons with disabilities, as well as their unique mandate to represent and speak on their behalf. Within the IW program, meaningful engagement of OPDs was therefore built very progressively to become a cross-cutting and core area of work, impacting both the supply side (job seekers) and the demand side (employers) as well as the support functions. It required for OPDs to claim space within implementation, negotiate roles beyond those typically assigned to them such as outreach to jobseekers with disabilities.

It also required transforming relations within the consortium towards more balanced roles and acceptance that all partners had to learn from each other. Overcoming insufficient consideration for OPD engagement in the project design, it implied creating new mechanisms for OPDs to prepare and channel their contributions into the larger consortium.

IDA consistently explained and pushed for more meaningful roles for OPDs. The IW program progressively laid more focus on supporting OPDs to be able to lead the work on advancing issues that impact lives of persons with disabilities. The IW programme piloted an OPD coordination mechanism with three main pillars: establishing open processes to identify OPD partners, including those from underrepresented groups; recruiting OPD Engagement Officers to provide technical support to programme partners, including on engaging with OPDs; and establishment of OPD-led advisory bodies to foster greater buy-in from the larger disability movement of the program objectives.

Lesson learned:

Meaningful OPD engagement through projects should be done from design stage. However, even when that step is missed, inclusive programming can still be built in along the way. Creating open and accessible OPD partnership selection mechanisms, with proactive outreach to OPDs representing most marginalized groups, can open opportunities for OPDs previously excluded from project opportunities. Establishing space for OPDs to coordinate and channel their views into the project, such as through National Programme Advisory Committees (NPACs), and the key role of OPD Engagement Officers to coordinate their linkages with the consortium.

Learning from OPDs as employers

Another role that OPDs play is that of an employer, through which they have demonstrated they are valuable resources when it comes to practising inclusive employment. Case studies showed that persons with disabilities employed in OPDs felt welcomed within the workplace; they felt they are addressed in a respectful way and reasonable accommodation is provided to them.

Lesson learned:

OPDs are employers themselves. Their experience in accommodating the workplace, providing reasonable accommodation and creating an inclusive work culture can be tapped into to raise awareness with employers.

— **Good practices from TRIUMPH Kenya - An OPD employing persons with psychosocial disabilities – on what works:**[111]

→ Mentorship and job coaching

→ Appreciating the diversity and value that each one of them brings to the organization

→ Avoiding work related stress that can result in errors

→ Respecting the recovery journey using the WHO Recovery wellness plan. Here we ask "What keeps you well at work? And what causes you to become unwell? Share with the management the support that you need to be productive at work

→ Using empowering words; consistently communicating their value to the organization

→ Starting conversations from the point of strength, not just flagging areas where employee needs improvement

→ Listening without judgment

→ Not giving up on an employee with psychosocial disabilities

Proactive support to ensure persons with disabilities from underrepresented groups gain equal opportunities

The experiences from the IW program, from IDA members and the OPDs show that the need for a conscious, active and continued focus on inclusion of underrepresented groups is essential. It is key that underrepresented groups are not an afterthought in programme design, planning or implementation and that separate interventions are not being implemented for specific groups creating segregated programs such as sheltered workshops, which are sometimes defined as a form of employment[112].

The IW program intended a specific focus on underrepresented groups especially in terms of women with disabilities and persons with intellectual disabilities to address the challenges they are especially faced with in entering the labor market. However, the program struggled to fully include underrepresented groups both in the design and planning of the program and in terms of people targeted and included in the program activities. Program partners and the OPDs acknowledge that persons with intellectual disabilities, psychosocial disabilities and persons with deafblindness were not sufficiently included.

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111 Nakato, Article 27 fellow, WNUSP, Uganda, 2021

112 The rejection of sheltered workplaces as employment is stated in the jurisprudence of the CRPD and emphasized with the following from the draft General Comment 8 of the CRPD Committee: "*Sheltered workshops for persons with disabilities are not to be considered as a measure of progressive realization of the right to work, which is only evidenced in employment in an open and inclusive labour market*".

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Calling for attention to underrepresented groups has been one of the key roles played by IDA, IDA members and OPD Engagement Officers across the implementation of IW and most likely impacted by a lack of inclusive project design. Different methods have been used, such as promoting the use of Bridge CRPD-SDGs quality criteria[113] in activities in Bangladesh to reserving space for OPDs representing most marginalized groups. Improvement is however still needed in ensuring that opportunities created through the project equally benefit to all groups of persons with disabilities, including the most marginalized.

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Lesson learned:

Ensuring equal opportunities for all groups of persons with disabilities is an intention that needs to be built into the project from the design stage, including through consulting with the diversity of the disability rights movement (for example at co-creation stage). Proactive strategies need to developed to reach out, engage with and develop the leadership of OPDs representing most marginalized groups of persons with disabilities. Direct involvement of OPDs representing underrepresented groups of persons with disabilities to ensure inclusion and meeting the specific needs of each group is essential to ensure not only representation but active participation and inclusion. The below boxes show two persons with Down Syndrome, representatives from underrepresented groups, and how they advocate for their inclusion in the labor market.

Image 6: Two women holding a plaque while another woman is in the background with a mic in her hands.

We are just like everyone else - we have strengths, weaknesses, talents and skills. We have qualities you value in an employee."
(Down Syndrome International, 2021).

— Favour Onyisi Jideonwor

Image 7: Headshot of a young man in a white shirt, with glasses.

We are successful in many careers and so are capable of being employed in different organizations."
(Down Syndrome International, 2021).

— Samuel Mugabi

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113   IDA and IDDC. Bridge quality criteria, working principles and development of the Bridge CRPD SDGs training initiative

Other support functions

National Business and Disability Networks (NBDNs) are forums where companies and other organizations come together to work towards further employment and social inclusion of persons with disabilities. These are often unique spaces where companies share peer-to-peer at the same time as being linked with the disability sector and other important stakeholders.[114]

Experience from IW shows that engagement of OPDs in the work with employers, employer federations or Business Disability Networks (BDNs) varied significantly across the program countries. For example, in Bangladesh OPDs shared that they were not involved with most initiatives with employers or the Business Disability Network. However, in Kenya and Nigeria, the Business Disability Networks had strong partnerships with OPDs, with OPD representatives in key positions within the network.

While the engagement of OPDs with BDNs and employer networks progressed over time in the IW program – including through the work of the OPD Engagement Officers, stereotypes around disabilities and charity-based attitudes continue to be a challenge. For instance, perceptions that deaf workers are less distracted, or that employees with disabilities are more loyal reinforce discriminatory practices such as certain businesses unwilling to hire employees with different disabilities and only employing certain impairment groups that they perceive to be as 'better fit', or employers not investing in the professional development and well-being of employees with disabilities because they will not leave, which could be more because of the lack of other opportunities and not really satisfaction with their current job.

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Lesson learned:

> Business Disability Networks can be a powerful strategy for change as they create space for employers, OPDs and technical partners to jointly reflect on challenges and good practices to advance employment of persons with disabilities. However, they should be guided by significant investment in developing their members' awareness on the diversity of persons with disabilities and a rights-based understanding of access to employment, or they run the risk to perpetuate stigma and discrimination in hiring practices.

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114   ILO, National Business and Disability Networks

Equalizing access to the
labor market for persons
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5. Recommendations

The recommendations in this section are based on the experiences from the IW program across the four program countries and IDA members and partners' experiences within inclusive employment, guided by the work of the IDA Inclusive Livelihoods Task Team. In addition, these are informed by the menu of commitments of the 2022 Global Disability Summit[115] and enriched by the feedback from participants of the Kenya Learning and Exchange Workshop in May 2022. They bring together current successful interventions and aspects, which still need to be developed to advance the agenda of open, accessible and inclusive employment, especially in the Global South.

The recommendations are structured for each stakeholder group; however, an integrated approach where all stakeholders engage and work together in respect of their complementary mandate and expertise is a prerequisite for sustainable transformation of the labor market to be more inclusive of all persons with disabilities. In this multi-stakeholder approach, OPDs should be at the forefront and take the lead in guiding the implementation of Article 27 and the CRPD as a whole, and should be supported to secure the resources and develop the capacity to do so.

5.1 Government

1. Ensure that national legal frameworks are compliant with the provisions of Article 27 of the CRPD. Strengthen anti-discrimination and affirmative action laws and policies, including strong punitive measures, to ensure that no one is discriminated against and prevented from accessing employment on the basis of their disability, including denial of reasonable accommodation.

2. Strengthen data collection systems for increased and improved data collection and disaggregation by disability, gender, type of employment, salary level and other intersectionality to assess the situation of persons with disabilities in employment in all its complexity.

3. Undertake an analysis of public spending on disability inclusion, including inclusive employment, that is informed by reliable data, for the implementation of a CRPD-based legislative frameworks and cross-sectoral strategies on disability inclusion; and track expenditure and efforts for inclusion in national accounting and development cooperation.

4. Ensure adequate budget allocations to support disability inclusion in education, employment, social protection, among others.

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115   Global Disability Summit, "The menu of commitments for the Global Disability Summit is online!"

5. Ensure accessibility of infrastructure, including transportation, services and information, inclusive public procurement following Universal Design standards,

6. Ensure the right to reasonable accommodation for persons with disabilities, and provide a mechanism for redress in case of violation.

7. Ensure availability of and access to quality affordable assistive devices and support services, such as but not limited to sign language interpreters, guide interpreters, captioning services and peer support mechanisms.

8. Ensure disability-inclusive social protection measures that support the participation of persons with disabilities in economic activities, including employment.

9. Ensure access to quality inclusive education for persons with disabilities, including higher education, vocational training, apprenticeship and life-long learning opportunities.

10. Provide support to employers through tax breaks and incentives, including to small and medium enterprises, to promote employment of persons with disabilities.

11. Provide access to financial and banking services for all people with disabilities, particularly those from underrepresented groups, to support self-employment, including in the informal sector. This includes removing barriers to legal capacity that deny people with disabilities access to financial services.

12. Raise awareness on disability inclusion in general, and among employers in particular, to remove stigma and misconceptions.

13. Increase consultation and meaningful participation of persons with disabilities and organizations of persons with disabilities in the design, implementation, monitoring and evaluation of national policies and systems, and in international cooperation.

5.2 Employers

1. Ensure executives and top leadership visibly commit to disability inclusion through taking a conscious and active stand to develop an organizational culture for inclusive employment.

2. Develop disability-inclusive policies encompassing all areas, including recruitment, procurement, promotion, retention and retirement and employee well-being. Include disability in Diversity and Inclusion (D&I) and Environmental Social Governance (ESG) frameworks. Undertake review of Human resources (HR) policies, including developing code of conduct, setting up redressal mechanism, job descriptions etc. to make adaptations to start employing persons with disabilities.

3. Ensure accessibility of infrastructure, services and information, including software and hardware, following Universal Design standards. Establish policies and allocate budget for provision of reasonable accommodation as an immediate obligation.

4. Provide regular training and sensitization programs, ideally designed and delivered by persons with disabilities, to staff, including for top management and leadership. Appoint focal point within the human resources department to monitor the continuous review of these trainings to keep them relevant.

5. Ensure safe working environment for persons with disabilities and establish redressal mechanism for persons with disabilities to prevent workplace harassment and bullying. Organizational safeguarding policies should be disability inclusive and there should be focal points appointed to address disability-related complaints.

6. Work with NGOs and CSOs including OPDs to create company structures for developing a talent pool of persons with disabilities through skills development to meet skills needs of the company.

5.3 INGOs and development agencies

1. Undertake, with OPDs or with their active engagement, programs to promote CRPD-based inclusive employment, including creating strong demand among employers.

2. Meaningfully include a diversity of OPDs, particularly those from underrepresented groups, in inclusive employment programming, across all levels from design to monitoring.

3. Develop, along with OPDs or with their active engagement, technical resources to promote inclusive employment. Acknowledge the expertise OPDs bring to the table beyond their mobilizing capacities.

4. Adopt a twin-track approach to inclusive employment: ensuring that mainstream economic participation programs and funding are disability inclusive, while implementing disability-specific programs and funding on inclusive employment.

5. Increase access to adequate core funding for OPDs, especially those from underrepresented groups, to strengthen their operational and organizational development in order for them to fulfill their role(s) with independence, autonomy and adequate capacity.

6. Support organizational and technical capacity building of OPDs, especially those from underrepresented groups to enable OPDs to take lead on inclusive employment advocacy initiatives. This includes localization of interventions.

7. Support awareness-raising to combat attitudinal barriers, either OPD-led or with the active involvement of OPDs.

8. Take the lead as a role model in employing persons with disabilities.

5.4 OPDs

1. Develop expertise and skills on the CRPD and the rights-based approach to disability within the organizations, including board members, staff and members.

2. Strengthen diversity and representation of all persons with disabilities within the movement, including women with disabilities and other underrepresented groups, and persons with disabilities from rural and remote areas.

3. Support partnerships with other social movements to strengthen an intersectional approach to disability inclusion.

4. Raise awareness on disability issues to remove stigma and promote community inclusion.

5. Support and advise private and public-sector employers on inclusive employment, particularly including underrepresented groups in these engagements.

6. Develop technical resources and highlight good practices on implementing CRPD-based inclusive employment

7. Lobby and work with government on harmonization of national laws and policies with the CRPD and their effective implementation.

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6. Appendices

6.1 Tables

Table 1. National disability prevalence and (un)employment rates

	Bangladesh	Kenya	Uganda	Nigeria
Disability Prevalence rate	2011 national census: 1.4% World Disability Report (2010): 31.9% Household Income and Expenditure Survey (2010), using the Washington Group Questions: 9.07%	2019 census: 2.2% World Disability Report (2010): 2002–2004 World Health Survey: 10.3%	2014 National Population Census: 12.4% 2016 Demographic and Health Survey: 6.5% 2017 Functional Difficulties Survey: 16.5%	The National Demographic and Health Survey, 2018, reported that 7% of the population have some difficulty with regard to various domains of disability, and 1% have a lot of difficulty or cannot function in at least one domain
National (un)employment rate	5.3% (of 60 million people) (World Bank estimate)	The estimated unemployment rate is between 2.62% and 9.3% and the labor force participation rate is 74.7% (2019). In 2016 only 16.8% of the work force was in formal employment.	The unemployment rate is 2.3% and the labor force participation rate is 67% for females and 73.92% for males (2019). Wage and salaried workers made up 20% of total employment in 2016/17.	The labor force participation rate is 56.3% (50.6% for women, compared to 59.8% for men). Unemployment was 23.1% and underemployment was 20.21% in 2018. Unemployment rate for the working age population is 7.5% [116]
National (un)employment rate for persons with disabilities	65.30% of persons with a disability non-employed,[117] compared to 46.37% for persons without disabilities 64% of youths with disabilities are neither in education nor in employment, compared to 43% of youths without disabilities	Persons with disabilities account for 1.18% of those employed in the public service (2018/2019)		Unemployment rates of adults were 62.5% for persons with disabilities compared to 21.5% for persons without disabilities. Unemployment rates of youths (15–25 years old) in Nigeria were 77.3% for persons with disabilities compared to 49.2% for persons without disabilities.[118]
(Un)employment rate for persons with disabilities in the formal economy		Estimated employment rate for persons with disabilities is about 1%	In 2016/17 1.3% of formal sector employees were persons with disabilities, working mainly in the arts, entertainment and recreation sector.	

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[116] ILO, 2016
[117] Non-employed typically refers to people who are not looking for employment or have given up looking for employment. Unemployed people are still looking for employment.
[118] Disability data portal

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Table 2. National legislation on disability

	Bangladesh	Kenya	Uganda	Nigeria
Sign/ratified the UNCRPD	Signed and ratified in 2007	Signed in 2007and ratified in 2008	Signed and ratified in 2008	Signed in 2007 and ratified in 2010
National Disability Act/ Policy	Rights and Protection of Persons with Disabilities Act, 2013 National Disability Action Plan, 2019	Persons with Disabilities Act, 2003 Persons with Disabilities (Amendment) Act, 2019	Persons with Disabilities Act, 2020	Discrimination Against Persons with Disabilities (Prohibition) Act, 2018
Is national legislative framework aligned with CRPD	The Bangladesh legislative framework includes bans on discrimination on the grounds of disability, quotas for employment of persons with disabilities in the public sector and tax incentives through reaching a quota for the private sector.	Kenya ratified the CPRD in 2008. There have been processes to amend the Persons with Disabilities Act 2003 to align it with the CRPD and Constitution of Kenya 2010.	The 2019 draft Persons with Disabilities Bill was criticized by representatives of persons with disabilities for not domesticating the CRPD and recommendations were made as to how to improve it.	The Nigerian Constitution (1999), the National Employment Policy (2017) and the Discrimination Against Persons with Disabilities (Prohibition) Act (2018) do not align with the definitions of persons with disabilities of the CRPD or the establishment and empowerment of institutions to implement the right to employment of persons with disabilities.

Table 3. National legislation on employment and disability

	Bangladesh	Kenya	Uganda	Nigeria
Quota for the public sector on employment of persons with disabilities	10% quota for persons with disabilities and orphans in the public sector. The National Disability Action Plan includes a provision that the government will ensure 2% employment quota in NGOs and INGOs.	5% employment quota for persons with disabilities.	Persons with disabilities Act 2006 and 2020 states that companies should have at least a 10% representation of disability in their workforces.	Discrimination Against People with Disability (Prohibition) Act. requires public institutions to reserve 5% of their workforce for people with disability, it also makes provision for the government to setup a National Commission for Persons with Disabilities (NCPD). The Commission is expected to serve as a regulatory institution, implementing the provisions of the Act as well as enforcing them.

	Bangladesh	Kenya	Uganda	Nigeria
Quota for the private sector on employment of persons with disabilities	The National Disability Action Plan includes a provision that the private sector are to include 10% employees with disabilities	5% employment quota for persons with disabilities	The 2020 Act section 9 states that the minister, in consultation with the National Council for Persons with Disabilities (NCD), and employers' organizations will "determine the quota of persons with disabilities workforce for employers, and by statutory instrument publish the agreed quota at least once in every two years," with the punishment for non-compliance set at below 2 million Uganda shillings or imprisonment not exceeding 1 year or both. Currently, no statutory instrument to implement this provision has been issued by the government, and the policy has never been implemented.	All employers with up to one hundred employees are required to reserve at least 1% of jobs for qualified persons with disability.
Economic incentives for employment of persons with disabilities	Finance Act 2020 includes a business tax incentive for inclusion of persons with disabilities in the private sector workforces (5% deduction for a 10% representation).	The Persons with Disabilities Act includes a quota of 5% in all casual, emergency and contractual positions in the public and private sectors for persons with disabilities and also stipulates incentives for the implementation of this quota system for private employers.	The Persons with Disabilities Act 2020 makes provision for an employer with employees with disabilities to be allowed deductions of up to 10% on the chargeable income, as may be provided for by the Income Tax Act	There is no clear indication on the kind of incentive given to employers who employ persons with disabilities.

IDA International Disability Alliance

Inclusive Futures

UKaid from the British people

6.2 Primary data collection

Bangladesh

Organization	Interviewees
IW partner OPDs	OPDs representatives
ADD	Project Manager
Sightsavers	Project Officer
Bangladesh Business and Disability Network	Network Coordinator

Kenya

Organization	Interviewees
IW partner OPDs	OPDs representatives
Sightsavers	Programme Manager, Inclusion Works & DID projects
National Industrial Training Authority, NITA	Manager, Industrial Training Center
Sustainable Hospitality Alliance	Partnerships Manager – Africa
United Disabled Persons of Kenya	Program Officer

Uganda

Organization	Interviewees
IW partner OPDs	OPDs representatives
ADD	Project Officer
Sightsavers	Project Officer
Development Initiatives	Senior analysist

Nigeria

Organization	Interviewee
IW partner OPDs OPDs	OPDs representatives

Global

Organization	Interviewee
Sightsavers	Global lead on inclusive economy
Inclusion International	Programme Manager