

Future General Comment on the right of persons with disabilities to work and employment: The contribution of sheltered workshops

About Access to Work Europe

Access to Work Europe is a cooperation of organisations of service providers throughout Europe representing the services of sheltered workshops. Access to Work Europe promotes the recognition of the value of work for people with disabilities and their right to work in compliance with the United Nations' Convention on the Rights of People with Disabilities (UNCRPD).

Employment possibilities of people with disabilities

This contribution wants to highlight the current situation with regards to employment for people with disabilities. Not only since the financial crisis of 2008 and the current Corona pandemic, people with disabilities face huge barriers when it comes to employment. As long as the current system and the related competitive labour market excludes and leaves behind people whether with or without disabilities, this is not going to change.

The current Corona pandemic has a negative impact on employment opportunities in Europe and in other regions of the world. People with disabilities will most certainly be particularly affected by the rise in unemployment as in Europe their unemployment rate is already almost twice as high as that of the general population despite the policies implemented by the various European countries.

The influential and decision-making bodies must therefore now more than ever support the social structures and services that allow people with disabilities in their respective life situation to be supported in their efforts to access to work. The future general comment needs to play an important role by pushing and supporting the UNCRPD member states to:

- sustain already existing social infrastructure such as sheltered workshops as a basis of a comprehensive and permeable system of support measures and services for people with disabilities;
- further develop the services for people with disabilities in compliance with the UNCRPD.

The role of vocational (re)habilitation

When it comes to the goal of full inclusion for people with disabilities, the most difficult and sensitive issue that remains to be resolved is the participation in working life and the right to work, as enshrined by Art. 27 of the UNCRPD. Even in countries with recruitment quotas and penalties, people with disabilities face huge difficulties in finding a suitable working environment. In view of these circumstances, it seems unrealistic, discriminating and dangerous to demand the closing of all facilities currently supporting people with disabilities, who have no access to work in open labour market conditions. This is even more true when it comes to people with severe disabilities who need long term support.

Art. 27 UNCRPD should be read together with the general principles of the UNCRPD stated in Art. 3 UNCRPD, which always have to be taken into consideration when interpreting the UN-CRPD's individual articles.

Art. 3 (a) calls for “the respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”. Therefore, people with disabilities should have all the rights listed in Art. 27 CRPD and must not be restricted in their right to choose between all the possibilities of participation in working life offered by an inclusive labour market. People with disabilities need as many options as they can possibly get.

Accordingly, Art. 24 UN-CRPD enshrines their right to education. Lifelong learning is the key to opening opportunities for everyone – and even more for people with disabilities.

Additionally, Art. 26 UNCRPD states that there shall be “comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of [...] employment [and] education” to enable them to attain and maintain full inclusion and participation in all aspects of life.

Vocational (re)habilitation – A contribution towards enabling freedom of choice

To safeguard that an individual can make his or her own choice, he or she must be enabled both to explore and recognize opportunities. People with disabilities often need person-centred and individual-tailored support for this. That is why services of vocational (re)habilitation are crucial.

Vocational (re)habilitation is a process which enables persons with health, functional, psychological, developmental, and cognitive disabilities to overcome barriers to accessing, maintaining or returning to work and other meaningful occupation.

People with disabilities, who due to the severity of their disabilities need particularly intensive support to perform in any kind of working process, or who primarily need a structured daily routine, are supported in daycare centres. These can be connected to or integrated in sheltered workshops, so that people who are able and willing to participate in working processes can transfer to the services of sheltered workshops.

People with disabilities can acquire skills in various vocational fields through measures of vocational education that are strictly person-centred and individually tailored. The goal is to identify and nurture talents and show every person with disabilities his or her individual occupational options. In some countries vocational education takes place within the services of sheltered workshops, in others it is a separate service.

Sheltered workshops provide a range of services that help people with disabilities, who cannot (or cannot yet) engage in any kind of employment on the open labour market, to participate in working life. The services of sheltered workshops give them the opportunity to be trained in several vocational fields, both through vocational education and practical experiences.

A supervised internship or an integrated workplace gives them the chance to see if they want, and are able to, work more independently. Other options include the services of supported employment or working in an inclusive enterprise. Those measures can be and are already carried out on the basis of the services provided by sheltered workshops.

Supported employment stands for providing support to people with disabilities, or other disadvantaged groups, to help them obtain and maintain paid employment in the open labour market. In many countries, this service is provided primarily to people with disabilities who do not need support over a long period.

Inclusive enterprises are usually small businesses (sometimes founded by sheltered workshops). Here, people with disabilities, sometimes former sheltered workshops users, who feel ready to work under everyday conditions, are employed and work together with people without disabilities. The share of people with disabilities among the employees must be at least 30 per cent.

The above-mentioned measures have to work seamlessly hand in hand to create a permeable system. Every offer is an important component of the system of vocational (re)habilitation providing that each person with disabilities can decide freely, in a selfdetermined way.

There is a wide range of opportunities for people with disabilities to participate in working life. From daycare centre to job without any support, all together they create an inclusive labour market. To safeguard that every individual can find the appropriate offer for his or her status and every step of his or her development, the services of vocational rehabilitation are indispensable.

Conclusion

The general discussion aiming at preparing the elaboration by the Committee of a General Comment on the right of persons with disabilities to work and employment, cannot ignore the role of sheltered workshops and their social impact in the Member States to provide adapted solutions and access to the right to work for people with disabilities who freely turn to these services.

The general comment, on the one hand provides guidance to States parties to the Convention on the measures, they should adopt to ensure full compliance with their obligations regarding Art. 27 UNCRPD. At the same time, the general comment needs to address the realities of the competitive labour market.

Even if these services are not clearly mentioned in Art. 27, the UNCRPD negotiations on this article have shown that they are rightly included in the systems of vocational (re)habilitation in a lot of countries. As indicated in this submission, these services address concrete solutions to persons who may need during a period of their life individual support to access their right to work.