**Submission of Access to Work Europe to the future General Comment on Art. 27 UNCRPD**

**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 persons with disabilities and their right to work in compliance with the United Nations’ Convention on the Rights of Persons with disabilities (UNCRPD).

**Employment possibilities of persons with disabilities**

The draft general comment contains many good approaches which, if implemented quickly and sustainably, could greatly advance the rights of persons with disabilities, and increase their choices.

Not only since the financial crisis of 2008 and the current Corona pandemic, persons with disabilities face huge barriers when it comes to employment. The unemployment rate of persons with disabilities in Europe is already almost twice as high as of the general population despite the policies implemented by the various European countries. In addition, some types of disabilities are perceived by employers as the most difficult to integrate into the workplace. This is particularly true of intellectual and psychological disabilities.

The ongoing Corona pandemic will additionally have a negative impact on employment opportunities for persons with disabilities in Europe.

There are people who cannot achieve their desired employment because of sheer accessibility barriers. Others have made the transition to employment on the open labour market but return to sheltered workshops or other support structures because they did not receive the needed or ongoing support and/or because bullying and harassment took place.

However, these circumstances and realities cannot be blamed on support structures in place for persons with disabilities who are suffering from the current labour market conditions. Instead, sheltered workshops provide a range of services that support persons with disabilities to participate in working life, who do not (or not yet) have been provided an opportunity to engage in any kind of employment on the current conditions of the open labour market.

**Vocational (re)habilitation – A comprehensive system with the goal to enable freedom of choice**

We believe that sheltered workshops are part of a global system of vocational (re)habilitation, that can allow persons with disabilities to have real freedom of choice. We want to turn the committee’s attention to mechanisms put in place to do so.

To safeguard that an individual can make his or her own choice, he or she must be enabled to benefit in practice of those opportunities. However, it must not be forgotten that there are many persons with severe intellectual and psychological disabilities who often need person-centred and individual-tailored support for this.

On the other hand, there already exists a variety of different support schemes and services for persons with disabilities in order to provide a wide range of choices. Sheltered workshops are one part of a whole system.

Persons 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 in many countries 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.

They can acquire skills in various vocational fields through measures of vocational training 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 training takes place within the services of sheltered workshops, in others it is a separate service.

The services of sheltered workshops give them the opportunity to be trained in several vocational fields, both through vocational training and practical experiences. They provide their services based on the abilities and the preferences of every individual.

Sheltered workshops have been developing over the years a specific expertise in supporting persons with severe disabilities in working and vocational education and training by adapting their working and learning environments to their individual needs. This kind of expertise will be needed when it comes to any kind of transition into an inclusive labour market.

Also, sheltered workshops work more and more community-based. They are developing and have been developing their services, providing participation in social life and relationship opportunities for example by opening cafes, retail stores, libraries, and so on. They cannot be seen anymore as segregated employment settings. These working opportunities often lead to the next step which can be an internship or vocational training schemes.

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 persons 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 persons with disabilities who do not need support over a long period.

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

The above-mentioned measures and support services and all other alternatives for persons with disabilities in the field of work and employment must work seamlessly hand in hand to create a permeable system. Flexibility, person-centered individualised support and an appropriate working environment is key, when it comes to enhancing the opportunities for persons with severe disabilities to find work on the open labour market. Yet, there are many legal and structural obstacles in place hindering a person to develop and seek for the best option in his or her current situation.

**Proposals for more flexibility and person-centeredness**

Sheltered and supported employment often are described as conflicting measures. However, also often, they are either inseparable or have been shown to be most effective when working closely together.

In many countries there are more and more possibilities to support persons with disabilities on the job. However, one of the biggest problems of supported employment schemes still is, that they are reserved for too few beneficiaries or are time limited, due to a lack of resources. A disability cannot be cured, it does not go away – especially persons with severe intellectual, physical, and psychological disabilities are very likely to need ongoing support throughout their working lives. In addition, advancing age very often leads to an evolution of the disability, on the physical, cognitive and/or psychological level.

A successful transition to the open labour market is often hindered by the fact that either the previous e.g. sheltered employment structure and the new supported employment structure do not cooperate closely enough or that even the entire support setting changes. This disadvantage can be overcome by the development of integration advisors or job coaches who act as a link between these structures.

Another great barrier for persons with disabilities on their career path is the fact that it is in practice very hard to flexibly switch from system to system or from service to service or even obtain different services at the same time.

On the other hand, this is often needed. Persons with disabilities often need the security to be able to come back to a familiar support setting if another choice does not work out. Also, it must be possible to obtain different measures at the same time. This often cannot be provided due to different administrative responsibilities or for cost reasons.

**Real freedom of choice**

Finally, removing one choice – the choice to work in a sheltered workshop, calling it a *false choice* and blaming a bundle of services under the name sheltered workshop, which can be completely different from country to country or even from region to region and all this without hearing the people who benefit from the variety of services provided there, will make the problem worse, not better.

Many people express the choice of working in a sheltered workshop, for many reasons of their own. These reasons must be heard and respected.

And it must be taken into account that there are persons who need a reliable, yet flexible support system, sometimes through all their lives from the beginning of their career paths to the end of working life.

The administrative structures of many countries often impede this by rigid rules instead of person-centered support. On the other side social services in this field face an increasing lack of financial and time resources when it comes to provide and develop the needed support.

**Conclusion**

Therefore, we strongly oppose the statement that sheltered workshops were a result of ableism and to choose their services was a *false choice*.

An inclusive labour market has not been achieved. There are many legal, structural, and societal barriers which hinder persons with disabilities to develop all their potentials in working life.

This is why the services of sheltered workshops exist. It is not their goal to “shelter” persons with disabilities from the society or from the open labour market but to shelter them from having no chance to work at all. As long as this is the case, they provide working opportunities in line with the UNCRPD.

Furthermore, we believe that any structure that respects the principles of the convention, which is the case for many sheltered workshops, and responds to the needs and expectations of persons with disabilities, is inclusive by nature.

We agree that the labour market conditions have to be enhanced urgently in order to provide more choices to persons with disabilities but removing an existing choice that meets the needs of many persons with disabilities will only keep them permanently or lastingly out of work.

Our suggestion is to request the national states to revise all legal and structural provisions which hinder the freedom of choice and the respective national authorities in charge to focus on the huge group of persons with disabilities and their potentials rather than sorting them out as unable to work.