Written Submission

of Bundesarbeitsgemeinschaft Inklusionsfirmen (bag if) to

„CRPD Draft General Comment on art. 27”

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## Introduction

Bundesarbeitsgemeinschaft Inklusionsfirmen e.V. (bag if) appreciates the opportunity to submit these written comments to the Committee on the Rights of Persons with Disabilities (CRPD Committee) regarding its Draft General Comment on the right of persons with disabilities to work and employment (DGC).

bag if is a German umbrella organisation and represents the interests of inclusive enterprises in Germany. Together with our federal state working groups (lag if), we form a nationwide network of inclusive enterprises and advocate for the interests of people with severe disabilities in working life. We support, strengthen and promote social entrepreneurship in which economic action is guided by a sense of social responsibility.

bag if represents the interests of around **1,000 inclusive businesses and 30,000 employees at national level**. We inform, support and interlink inclusive enterprises with the aim of shaping inclusive participation in Germany in sustainable ways. As founding member of the European organisations *Social Firms Europe CEFEC* and *European Confederation of Inclusive Enterprises (EuCIE)* we are committed to the fulfilment of article 27 of the CRPD at **European level**. Our vision is an inclusive labour market that recognises people with disabilities as an indispensable resource in the corporate diversity strategy.

bag if appreciates that the CRPD Committee will dedicate its next General Comment to the right to work and employment under the Convention on the Rights of Persons with Disabilities (CRPD).

First of all, we would like to **express our strong agreement with the contents of the General Comment on article 27** on the right of persons with disabilities to work and employment. The bag if, as the representative of inclusive enterprises in Germany, finds the approach of inclusive enterprises reflected in all points of the General Comment.

Precisely for this reason, this submission provides **concrete suggestions** about how to amend the draft General Comment to **place an even greater emphasis on the participation of persons with disabilities in inclusive enterprises** in the general labour market.

In our view, the model of inclusive enterprises is insufficiently reflected in the proposed General Comment. **Inclusive enterprises** are an important model to create real, open and inclusive labour market opportunities for all persons with disabilities and to **fully respect and implement the human rights of art. 27 CRPD**.

For more detailed background information about these issues and relevant human rights standards, we kindly refer you to bag if´s submission to the General Discussion on article 27.

## Suggestions

## Suggested Amendment to 18. of the DGC art. 27:

*“18. 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. It is important not to confuse sheltered workshops with cooperatives, or jobs organized or run by persons with disabilities or other employment models like inclusive enterprises for persons with disabilities in which labour laws are generally respected.”*

**Comment:**

We believe that the proposed draft of this article is inaccurate as there are models such as inclusive enterprises for people with disabilities that should not be confused with practices that are not in line with the CRPD.

Inclusive enterprises are created for the employment of people with disabilities in the labour market with the following criteria: market-oriented production of goods and services to pursue a social mission; a minimum of 30% but maximum 50% of the employees in german inclusive enterprises are people with disabilities; all workers get equal pay for equal work; employees with and without disabilities are given regular employment contracts with equal rights and obligations.

## Suggested Amendment to 42. of the DGC art. 27:

*“42. The promotion of opportunities for freely chosen work requires accessible information on entrepreneurship, micro, small and medium-sized enterprises, and other forms of business models such as cooperatives or inclusive enterprises….”*

**Comment:**

As mentioned before, inclusive enterprises should always be mentioned as a business model and a model for the realisation of human rights in the field of employment.

## Suggested Amendment to 46. of the DGC art. 27:

*“46. The Committee has recommended strategies to States Parties to increase the employment of persons with disabilities in the public sector that are equally applicable to the private sector. Specific affirmative action measures such as quotas or the purchase of services from inclusive enterprises to increase the employment of persons with disabilities in the private sector may be required. At the same time, quotas alone are insufficient to promote the employment of persons with disabilities and can be resisted by persons with disabilities if the system focuses on impairment rather than ability. Quotas also raise issues of confidentiality. Other affirmative action measures could include targeted funding to promote the employment of persons with disabilities such as modifications of the working environment, apprentice wage supports, payroll tax deductions, and wage subsidies..”*

**Comment:**

We also consider quotas in the private sector as necessary to increase the employment of people with disabilities. However, quotas alone are often not enough to increase employment opportunities. Therefore, we recommend also establishing alternative measures, such as inclusion-friendly procurement, which are focused on employing people with disabilities in an inclusive labour market.

## Suggested Amendment to 72. of the DGC art. 27:

*“72. ….*

*c. Promote –*

* + 1. *the right to supported employment or employment in inclusive enterprises, including to work assistance, job coaching and vocational qualification programmes; protect the rights of workers with disabilities; and ensure the right to freely chosen employment…*

**Comment:**

It is important to emphasise again that other models such as supported employment or inclusive enterprises for persons with disabilities need to be promoted as they are in line with the CRPD and make a significant contribution to the implementation of art. 27.

## Suggested Amendment to 97. of the DGC art. 27:

*“97. ….*

* 1. *Carry out studies on barriers for accessing the right to work by persons with disabilities, and identify the specific challenges that groups of persons with disabilities face to realize that right, as well as study and highlight innovative and inclusive practices, models and solutions that emerge from safeguarding and promoting the right to work of persons with disabilities;…*

**Comment:**

We believe there is an urgent need to examine the impact of inclusive employment in inclusive enterprises in a holistic manner: impact for persons with disabilities (employee status, self-awareness), impact in society (making persons with disabilities visible in the normal world of work), impact for the state (fiscal).

*“97. ….*

1. *…*
   1. *Provide alternatives and support to them to transit from these sheltered workshops to the open labour market or employment models as inclusive enterprises that fully respect article 27;*

**Comment:**

The destination of the transition out of the sheltered workshop should also be specified. Alternatives can only be jobs in the open labour market or in employment models such as inclusive enterprises, which are assigned to the open labour market and implement the rights of art. 27 CRPD.