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**Submission**

**the UN Committee on the Rights of Persons with Disabilities**

**General Comment on the right of persons with disabilities to work and employment**

**CRPD General Comment Art. 27**

**Ref: Sheltered Workshops in German system of rehabilitation**

General Comment:   
Introduction 1 No. 3  
Normative Content No. 15,16,17 &18

IV. Implementation No. 97

**German sheltered workshops as specialized facilities for vocational rehabilitation according to Article 26** **UNCRPD**German sheltered workshops provide rehabilitation services to the people with disabilities. They are different to other workshops in European countries. They are not-for-profit institutions who are not primarily focused on industrial production.

The main aim of maintain sheltered workshops is the vocational rehabilitation according to the Article 26. The German model of sheltered workshops is unique regarding the group of people with severe disabilities.

The people with severe disabilities are excluded from the labor market in Germany. All these people have the right to use the service in sheltered workshops to participate in working life and to participate in the rehabilitation process. These people with severe disabilities have no access to participation in working life in Germany, but they have right to rehabilitation in workshops.

The people with disabilities are free to choose the workshop and participate in the rehabilitation activities.   
  
German sheltered workshops are highly specialized facilities of vocational education (27 month) and rehabilitation. The people with severe disabilities, who are not, not yet or again not able to work on the open (first) labour market. The rehabilitation concerns in the department of vocational education and department of work in workshops.

In another European countries, this group of people is usually looked after in day care centers or living facilities.

Considering these conceptional and legal aspects of German sheltered workshops it is very important to develop these services according to the wishes of people with disabilities for more participation in the labour market.

Article 26 UNCRPD is the legal reference for German sheltered workshops.

**German sheltered workshops in the light of Article 27 UNCRPD**

Article 27 UNCRPD concerns on the right of people with disabilities to participate on the first labor market. The sheltered workshops in Germany do not belong the open labor market. There are other labor service belonging to the first labor market (services for integrations – Integrationsfachdienste, enterprises for inclusion – Inklusionsbetriebe).

Sheltered workshops are social welfare facilities. They organize the workshops as vocational rehabilitation services and cooperate with enterprises on the first labor market.

German sheltered workshops provide the services as follows:

* vocational education
* structured daily works according to the individual competences
* medical rehabilitation and therapy
* individual support for individual development
* leisure activities
* support for the transition into the labour market

Considering all these services it is important to reflect the sheltered workshops as rehabilitation facilities, not as members of the first labor market.

The people in sheltered workshops are not employees. They have a legal “employee-like-status”, it means, they have all legal rights, but not the same duties as employees. They have no employment contracts, but contracts with sheltered workshops concerning vocational rehabilitation.

Apart from this, German sheltered workshops face several challenges concerning eg allowing more permeability from the sheltered workshops to the first labour market for people who have the ability to meet the requirements of the first labour market, or developing a fairer, adequate and more modern wage system. These challenges are taken very seriously.

**Conclusion:**

With reference to all these legal regulations in the sheltered workshops the employment of people with severe disabilities can not be judged only in the light of Article 27 UNCRPD. The implementation of sheltered workshops with regard to the Art. 27 is too short. The legal basis for sheltered workshops is Article 26 UNCRPD. The General Comments have to take into account both articles 26 and 27 concerning the professional standards and German normative contents.

Berlin, December 6th 2021

Eva-Maria Welskop-Deffaa, President

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