**ONCE SOCIAL GROUP CONTRIBUTION TO THE CALL FOR SUBMISSIONS BY THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES CONCERNING ITS DRAFT GENERAL COMMENT ON CRPD ARTICLE 27 (THE RIGHT TO WORK AND EMPLOYMENT)**

December 2021

ONCE Social Group welcomes the call for submissions by the Committee on the Rights of Persons with Disabilities in relation to its draft General Comment on article 27 on the right of persons with disabilities to work and employment.

1. **WHO ARE WE?**

ONCE Social Group is a public corporation under Spanish law whose main mission is the social inclusion of blind and partially sighted people in all areas of life. In 1988 ONCE, the Spanish National Organisation of the Blind, set up ONCE Foundation, thus expanding its commitment to solidarity to include people with disability in general. To achieve this, ONCE Foundation delivers actions focusing on training, employment and universal accessibility by and for people with disabilities, approximately four million Spanish citizens.

ONCE Social Group’s main sources of income, which is reinvested in its entirety in the delivery of our social services, is the sale of responsible lottery products, as well as the revenues obtained from the activity of ILUNION, the group’s socially-conscious business arm, founded with the goal of creating employment for persons with disabilities. Moreover, ONCE Foundation’s training and employment programmes for persons with disabilities, developed in partnership with the European Social Fund since 2000, are considered an example of best practice by the European Union; more than 400 million Euros have been invested and over 64 000 jobs for persons with disabilities have been created - 50% of them being women with disabilities.

Overall, ONCE Social Group has a workforce of around 72 000 employees, 58% of whom have a disability. We are, as a group, the fourth biggest private employer in Spain, as well as the biggest employer of persons with disabilities worldwide.

1. **ONCE SOCIAL GROUP INCLUSIVE EMPLOYMENT AND SOCIAL ECONOMY MODEL FOR PERSONS WITH DISABILITIES**

ONCE is a corporation under Spanish public law that delivers specialised social services to people who are blind or partially sighted and supports other persons with disabilities. ONCE, funded through the sale of responsible gaming products, promotes social enterprises. ONCE Social Group is composed of ONCE, ONCE Foundation and Ilunion, our business group. With over 72 000 employees, ONCE Social Group is the fourth largest employer in Spain and the largest in terms of number of employees with disabilities; 58% of the total workforce, that is to say approximately 42 000 people.

The outstanding feature in ONCE’s social model is its commitment to social inclusion and inclusion in employment for persons with disabilities. We believe employment is not only a means to achieve this, but also the ultimate goal to secure full engagement in society. For this reason, all economic activities within ONCE Social Group’s three executive areas focus, along with funding the social services we deliver, on generating jobs for persons with disabilities rather than any financial objective. This is the social economy perspective which we as an organisation are proud to be part of.

To achieve these goals, ONCE Social Group employs successful tools which have been tried and tested throughout our 80 years’ experience. These solutions are primarily responsible, social-purpose lotteries which, in addition to securing direct funding for our initiatives and social services, provides employment to around 20 000 people with disabilities in Spain, all of whom enjoy working conditions – salaries included – above the current average for persons with disabilities in Spain.

Moreover, ONCE Foundation delivers INSERTA, its specialised job placement service for persons with disabilities which is used by ONCE Social Group to support persons with disabilities in their efforts to become active in the labour market, receive training and find employment in the open market. Introduced over 20 years ago now, this successful initiative, developed and implemented with co-funding from the European Social Fund, is considered an example of good practise by the European Commission because of its characteristics and outcomes. INSERTA has a data base of more than 300 000 persons with disabilities; over 143 000 learners with disabilities have trained and acquired skills through INSERTA; and over 105 000 people have secured a job thanks to INSERTA.

Ilunion, our business arm, stands out due to its firm belief in the employability of persons with disabilities in the open, competitive labour market. It has over 45 000 employees of whom around 40% are persons with disabilities, a figure which is constantly rising. Active in more than 50 profitable and sustainable lines of business, Ilunion shows society a tangible example of how persons with disabilities can and should be part of the most competitive workforces in any sector, whether it be industrial laundries, the hospitality industry and tourism, strategic consulting or the circular economy.

**3. ONCE SOCIAL GROUP CONTRIBUTIONS TO THE DRAFT GENERAL COMMENT ON CRPD ARTICLE 27 (THE RIGHT TO WORK AND EMPLOYMENT)**

**Introduction**

**Proposal No. 1: paragraph 3**

Add the text highlighted in red to the wording:

3. Decent, meaningful work and employment are essential to a person’s economic security, their physical and mental health, personal wellbeing and sense of identity. […]

**Rationale:**

The concept of decent work must appear in this section with the full meaning and principles as defined by the ILO: “…opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”

**Proposal No. 2: paragraph 3**

Modify the text as follows:

3. […] Ableism is the foundation of social prejudice and leads to inequality and discrimination against persons with disabilities, as it informs legislation, policies and segregating practices ~~such as segregated employment, for example ’sheltered workshops’,~~ or can result in involuntary participation in the informal economy.

**Rationale:**

Segregating practises can occur in many settings, as the General Comment itself points out, and even in additional situations which are not referenced specifically, such as in horizontal and vertical segregation. We believe it is preferable to include a reference which covers all segregating practises.

**Proposal No. 3: paragraph 4**

Modify the text as follows:

4. […] Persons with disabilities face lower levels of training, high inactivity and unemployment rates, lower wages, occupational segregation, instability, lower standards in hiring conditions, lack of accessibility to the work environment, and the fact that they are also less likely to access managerial positions when they are formally employed, situations that are exacerbated for women with disabilities. […]

**Rationale:**

Of particular concern is not only the high unemployment rate but also the high number of persons with disabilities who do not have a job and are and remain forcibly inactive. People who do not have either a formal or informal job and who are not seeking employment, on many occasions because they are dismayed by the scarcity of job opportunities and failed attempts to secure a job or keep it over time.

Vertical and horizontal occupational segregation due to disability is also a barrier and a situation of inequality which has additional consequences for the perpetuation of other inequalities in labour markets, such as salary levels, career advancement, etc.

**III Normative content**

**Proposal No. 4: paragraph 14**

Add the following to the current wording:

14. Despite some progress, the lack of employment opportunities, the exclusionary dynamics of the labour market, access to the open labour market and segregation continue to be greatest challenges for persons with disabilities. […]

**Rationale:**

In the past years and to add to the long-standing discrimination and lack of equal opportunities faced by persons with disabilities, there is a growing social gap due to increasing inequalities, the lack of employment and the precarious nature of jobs, deregulation in labour relations, the transformation and polarisation of jobs, etc. These are new realities that make access to employment and holding down a job in equal conditions even more difficult for persons with disabilities. The inherent dynamics of the job market are increasingly becoming obstacles that hinder and/or limit the right to employment for persons with disabilities and other vulnerable groups.

**Proposal No. 5: paragraph 17**

Add the following to the current wording:

17. The Committee observes that certain models of ~~sheltered~~ workshops include a variety of practices and experiences, which are characterized by at least some of the following elements:

a. They segregate persons with disabilities, that is, they separate them from the rest of the society and bring them together on their own, trapping them in structures which do not truly participate in the market and are not part of the real productive fabric;

b. They are organized around certain specific activities that persons with disabilities are deemed to be able to carry out and which do not correspond with the overall occupational structure;

[…]

h. They are not freely chosen or accepted and they do not respect the labour rights, including the collective rights, of employees;

i. They are the only employment option for persons with disabilities, who cannot access other types of Jobs, thus causing segregation and denying freedom of choice in employment.

**Rationale:**

Employment in labour market structures and the real productive fabric, freedom of choice in the manner in which it is interpreted in this General Comment and respect for labour rights are issues which must be addressed when characterising sheltered workshops.

**Proposal No. 6: paragraph 18**

Modify the current wording as follows:

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 composed of persons with disabilities, other social enterprises promoting labour inclusion, or jobs created in business initiatives promoted, organized or run by persons with disabilities or their representative organisations in which labour laws are ~~generally~~ respected and which form part of the social and solidarity-based economy.

**Rationale:**

New “economies” and alternative types of companies (social enterprises) are currently being fostered within the framework of the social and solidarity-based economy, and they hold their own values and principles which put the person before profit, deliver solutions to overcome the inequalities generated by the system and guarantee individual and collective rights for employees. We can observe a wide range of formulas developed in differing national and social welfare contexts and with common values, features and goals. They combine sustainable economic activity with a positive social impact. United Nations acknowledges the role of these enterprises as a driving force for sustainable development and, through its Inter-Agency Task Force on Social and Solidarity Economy (UNTFSSE), fosters regulatory environments which are conducive to this model.

Within the area of these social enterprises and the social and solidarity-based economy is collective entrepreneurship by persons with disabilities themselves (co-operatives and alternative social economy formulas) and by the organisations representing them and/or their families. These initiatives pursue decent employment, offer productive job opportunities and salaries commensurate with the job being performed and the job sector (no lower than the minimum salary), ensure safety and protection in the workplace, provide opportunities for advancement, ensure the engagement of the employee in decisions affecting the individual, guarantee the full provision of reasonable accommodations and promote equal opportunities and equal treatment.

**Proposal No. 7: paragraph 40**

Add the following to the current wording:

40. All workers with disabilities have the right to equal opportunity for promotion through fair, merit based and transparent processes, including those who use technologies based on artificial intelligence. States parties should conduct analysis of direct and indirect barriers to career advancement of persons with disabilities, in particular, women with disabilities. Vocational training referred to under article 27(1)(d) should also extend to workers with disabilities who participate in training to advance their careers. The courses are to be accessible and provide reasonable accommodation.

**Proposal No. 8**

Add a new paragraph after paragraph 42:

The promotion of employment opportunities must also consider “new, emerging enterprises” in the framework of the social and solidarity-based economy as forms of collective entrepreneurship advanced by persons with disabilities themselves (co-operatives and other social economy formulas) or by organisations representing persons with disabilities and/or their families (social enterprise formulas) the pursue decent employment, offer productive job opportunities and salaries commensurate with the job being performed and the job sector, ensure safety and protection in the workplace, provide opportunities for career and personal advancement, foster the engagement of the employee in decisions affecting the development of his or her career and guarantee the full provision of reasonable accommodations and equal opportunities and equal treatment.

**Rationale:**

Labour markets and employment environments vie for values such as inclusion and diversity but their own dynamics, in many cases, mean they are more and more exclusive and leave behind more groups such as older persons, persons with no training, vulnerable groups, etc. In this context, social economy and social enterprise formulas that provide solutions to the challenge of employment for the most disadvantaged groups, generate job opportunities by “doing business” differently, with their own set of values and principles that put the person before profit, offer solutions for the inequality generated by the system and ensure the individual rights the market does not create are particularly relevant. There is a wide range of formulas developed in differing national and social welfare contexts and with common values, features and goals and they combine sustainable economic activity with a positive social impact.

**Proposal No. 9: paragraph 50**

Add the following to the current wording:

50. The duty to provide reasonable accommodation is a cooperative and interactive process applicable from the moment a request for accommodation is received and requires the employer to enter into dialogue with the employee. Its provision is limited by the concept of ‘disproportionate or undue burden’. This requires an objective analysis of the ‘proportional relationship between the means employed and its aim’ - enjoyment of the right to work and employment – which refers to the specific person with disabilities, the job in question and the technologies and solutions available at that precise time.

**Rationale:**

This additional text aims to highlight that an assessment of the proportionality of accommodations may become obsolete with time due to technologies and developments, and especially considering the speed at which technological transformation is happening and the fact that this transformation is opening up numerous areas for improvement in assistive technologies.

**Proposal No. 10: paragraph 66**

Add the following to the current wording:

66. In order to fulfil (facilitate) the right to work and employment for persons with disabilities, States Parties are required to take positive measures to enable and assist persons with disabilities to undertake technical and vocational education and training in skills for employment including soft, technical and vocational skills, and to implement ~~technical and vocational~~ education plans in skills for employment including soft, technical and vocational skills, to facilitate access to employment. States Parties are also obligated to undertake and promote research on and availability of new technologies—information and communication technologies, mobility aids, devices and assistive technologies—and giving priority to technologies at an affordable cost.

**Rationale:**

The intention is to underline the relevance of soft skills, which are considered by experts in the future of employment to be the key to sustainable employability over time.

**Proposal No. 11: paragraph 72**

Add the following to the current wording:

[…]

c. Promote –

[…]

iii. In keeping with target 8.3 of Sustainable Development Goal No. 8, promote the creation of decent jobs for persons with disabilities through development-oriented policies that support general productive activities and activities led by persons with disabilities or their representative organisations by fostering individual or collective entrepreneurship.

**Rationale:**

The declaration of the United Nations Economic and Social Council[[1]](#footnote-1) is the rationale for adding this text: “*We are convinced of the urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development. An environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities. Opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensuring the eradication of hunger and poverty, the improvement of the economic and social well-being for all, the achievement of sustained economic growth and sustainable development of all nations, and a fully inclusive and equitable globalization.*”

**Proposal No. 12: paragraph 87**

Modify the current wording as follows:

87. Article 18 on liberty of movement includes ensuring that the right to work for persons with disabilities is not restricted to their place of residence, for instance by ensuring ~~that supports to promote people’s employment are not tied to government bodies with specific geographic reach.~~ that affirmative action measures to promote geographic mobility are adopted.

**Rationale:**

As a particular example is being referenced, we believe it is more appropriate to mention an affirmative action that can have a positive impact on fostering geographic mobility for employees with disabilities.

**Proposal No. 13: paragraph 88**

Add the following to the current wording:

88. Article 19 on living independently and being included in the community – requires States parties to provide individualized support, including personal assistance allowing persons with disabilities to perform work activities. Furthermore, personal assistance provided as support for independent living should be recognized at work and in training processes throughout the entire career lifespan, including in situations where it is provided by family members or other associates of persons with disabilities. State parties should allocate resources and progressively realize public provision of individualized support services, including personal assistance.

**Rationale:**

If needed, this type of support should also be available to enjoy an equal opportunity to engage in training processes during the career lifespan in order to promote access to employment and for job retention, career advancement and the acquisition of new professional skills and competences.

**Proposal No. 14: paragraph 93**

Modify the current wording as follows:

93. […]

iv. Disability-related social protection must not be limited to benefits solely based on means-tests, such as disability benefits only available for persons with disabilities in poverty. ~~These create a disincentive to work, and i~~In cases where they are tied to health benefits or other essential supports, these can create a disincentive to work and make pursuing work inviable.

**Rationale:**

The initial statement may not be generally accurate, and it will largely depend on how benefits are designed. Nevertheless, the other consequence may occur more frequently.

**Proposal No. 15: paragraph 97**

Add the following to the current wording:

97.

[…]

g. Expeditiously phase out sheltered workshops, meaning those which carry out practises such as those described in paragraph 17 of this General Comment, having previously analysed their actual configuration as such and safeguarding those realities which are not in line with this system of employment, by adopting concrete action plans, with resources, timeframes and monitoring mechanisms that ensure the expeditious transition from sheltered workshops to inclusion in the labour market. For persons with disabilities who remain in sheltered workshops, the States parties should:

[…]

**Rationale:**

In this General Comment certain practises and experiences have been described, beyond the names themselves we understand, as characteristic of sheltered workshops. Furthermore, attention has been paid to other realities which should not be confused with sheltered workshops. The requirement to gradually eliminate these workshops must include a preliminary step to determine if the features of their construction of identity are present and the clear differentiation from other realities.

The goal is to focus on practises and attempt to “generalise” in regard to identifying sheltered workshops that adopt different models depending on the country in question. In Spain Special Employment Centres could be considered sheltered workshops, whereas in the context of Spain the practises which are mentioned are not applied in Special Employment Centres.

1. <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_wp_sdg_1_en.pdf>. [↑](#footnote-ref-1)