

African Disability Forum, Arab Organization of Persons with Disabilities, ASEAN Disability Forum, Down Syndrome International, European Disability Forum, Inclusion International, International Federation of Hard of Hearing People, International Federation for Spina Bifida and Hydrocephalus, Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families, Pacific Disability Forum, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry

#

# IDA´s submission on the CRPD Committee’s draft general comment No. 8 (2021) on Article 27 of the CRPD (work and employment)

December 2021

[IDA´s submission on the CRPD Committee’s draft general comment No. 8 (2021) on Article 27 of the CRPD (work and employment) 1](#_Toc90230119)

[I. Introduction 2](#_Toc90230120)

[II. Consultation’s process: limited timeframes restrict participation, and undermine quality and legitimacy 2](#_Toc90230121)

[III. IDA’s comments on the draft general comment no 8 on article 27 (work and employment) 3](#_Toc90230122)

[**A- Need to enhance references and language connected to Article 4(3) and 33(3) of the CRPD on involvement of organizations of persons with disabilities in CRPD implementation and monitoring** 3](#_Toc90230123)

[**B- Need to contextualise the reflection on ableism and prejudice to the context of work and employment** 4](#_Toc90230124)

[**C- Need to better reflect the diversity among persons with disabilities** 5](#_Toc90230125)

[**E- Non-discrimination of persons with disabilities in the area of employment** 6](#_Toc90230126)

[**F- Affirmative actions to favour employment of persons with disabilities** 8](#_Toc90230127)

[**G- Need for accurate and precise delimitations between sheltered workshops and “cooperatives”: preventing and sanctioning misuse of legal frameworks for cooperative associations** 9](#_Toc90230128)

[**H- Discrimination to employees associated with persons with disabilities: reasonable accommodation by association to prevent negative impacts on the rights of persons with disabilities** 10](#_Toc90230129)

[IV. Recommendations 11](#_Toc90230130)

## **Introduction**

1. IDA welcomes the opportunity to provide comments on substance and form to the CRPD Committee’s draft general comment no. 8 on Article 27 (work and employment) of the Convention on the rights of persons with disabilities. This topic is key for persons with disabilities and organizations of persons with disabilities representing, around the world, the diverse constituencies of the disability movement. This is due to the very challenging situation of exclusion of persons with disabilities from employment, in all its forms,[[1]](#endnote-1) and the relevance that participation in economic life has for allowing for participation in social life all together.

## **Consultation’s process: limited timeframes restrict participation, and undermine quality and legitimacy**

1. Before addressing substantive concerns, IDA would like to reflect on the consultation process. Similarly, to the consultation prior to the Day of General Discussion, **the timeframe for this consultation has been quite short**,[[2]](#endnote-2) which is more concerning in this opportunity given that there is a complex 29 pages draft text, which requires time for analysis and internal discussion by all stakeholders.
2. It is true that there is no rule on timeframes for consultations in general comment processes.[[3]](#endnote-3) In addition, resources allocated to UN Treaty Bodies and their Secretariat remain scarce, and that many organisational matters might negatively impact the work of UNTBs.[[4]](#endnote-4) The uncertainties caused by the COVID19 pandemic add another complicated layer.
3. IDA highly appreciates the attempt of the CRPD Committee to produce a key general comment. However, the timeframes the CRPD Committee sets should not create difficulties and disincentives for participation (including of States and OPDs) and should be attentive of stakeholders limited resources, foreseen activities, and internal processes. Secondly, the combo scarce resources together with self-imposed time-pressure inevitably compromises quality of processes and outcomes. We all need the *best* general comments possible, meant to last, and not necessarily the fastest ones. Finally, general comments are usual victims of criticism and rejection, e.g., States which still contest Treaty Bodies’ competence to adopt them. Only robust processes with great levels of participation by States, civil society, UN agencies and other stakeholders, can provide a great level of legitimacy to general comments.
4. **For these considerations, IDA calls the CRPD Committee attention to this point to reflect on the timeframes it sets for consultations processes, in order to ensure the broadest participation, the highest quality and the strongest legitimacy of process and outcomes.**

## **IDA’s comments on the draft general comment no 8 on article 27 (work and employment)**

1. IDA highly appreciates the work undertaken by the CRPD Committee since the Day of General Discussion last Mach towards the adoption of a general comment and remains confident that the outcome will be highly useful. Nevertheless, IDA considers that the draft general comment requires a thorough review, improvement and editing, mainly in order to avoid any unnecessary overlaps (e.g. current paras. 2 and 10), reduce extensive references in the text (e.g. para. 12), enhance clarity where required (e.g., para. 18 on “cooperatives”, see section G below), and to better reflect the diversity among persons with disabilities.
2. The following sub-sections focus on some relevant themes and come to complement IDA’s submission for the Day of Genera Discussion (March 2021), which content remains valid, but focusing more on the relevant points emanating from the draft general comment.

**A- Need to enhance references and language connected to Article 4(3) and 33(3) of the CRPD on involvement of organizations of persons with disabilities in CRPD implementation and monitoring**

1. IDA highlights the key relevance for the right to work and employment of persons with disabilities of Article 4(3) and 33(3) of the CRPD, which require States to “closely consult and actively involve” organizations of persons with disabilities in the design, implementation and monitoring of measures to implement the convention. Regarding the obligations emanating from them, the CRPD Committee has done a great work in its general comment no. 7 (2018) which is unfortunately not referenced in the draft.
2. The development, implementation and evaluation of work and employment legislations and policies, especially at national level, is quite complex and typically characterised by a tripartite structure: public authorities (ministry of labour) mediate and arbitrate between employers and trade unions, each of them defending the interests of their constituencies. In some contexts, also informal economy actors find a seat at the discussion table. These actors are already organised, have accumulated political history, identify each other as the main interlocutors, and, as many societal structures, are most likely not inclusive of persons with disabilities.[[5]](#endnote-5)
3. Such picture, highly simplified and schematic of course, calls for a very strong message highlighting CRPD obligations under Article 4(3) and 33(3) to try to shake the employment policy related institutional set up and structures creating the required space for organizations of persons with disabilities to express their views and influence decision making to enhance inclusion of persons with disabilities in employment.
4. **In this sense, IDA believes that paragraph 8 of the draft general comment, which intends to be general and applicable to all the general comment,[[6]](#endnote-6) should be highly strengthened and be drafted in terms of strict State obligation to push towards to consultation and even co-production of employment legislation and policies inclusive of persons with disabilities. In this sense, a reference in the text to general comment no 7 seems mandatory.**

**B- Need to contextualise the reflection on ableism and prejudice to the context of work and employment**

1. IDA welcomes paragraph 3 of the draft general comment on ableism, following the report by the 2019 report by the Special Rapporteur on the Rights of Persons with Disabilities.[[7]](#endnote-7) Indeed, ableism leads to prejudice and discrimination against persons with disabilities, which in turn restricts their opportunities to access meaningful work and employment.
2. To enhance this reference to ableism and prejudice, IDA proposes to contextualise more to the context of work and employment.[[8]](#endnote-8) In this sense, for instance, ableist views can also lead to attaching positive value to applicants or employees with disabilities only based on their specific *exceptional* qualifications, beyond the minimum standards valued in terms of functioning and behaviour (disregarding or devaluing other personal characteristics). This entails not awarding to those persons with disabilities the same range of considerations than to other employees, including e.g., the chance to be average, the chance to fail etc.
3. In the similar trait, several “positive” stereotypes on persons with disabilities might create excessive expectations from them and prevent them from receiving equal consideration, value, and treatment as employees. In this sense, for instance, employees with disabilities are typically considered more loyal (which statistically might be or might not be the case in the given context) and deaf workers are believed to concentrate better and get distracted less.

**C- Need to better reflect the diversity among persons with disabilities**

1. While general comments try to consider persons with disabilities as a group, IDA believes that this current draft general comment no 8 on article 27 (work and employment) does not serve right and give visibility to the diversity of persons with disabilities, in particular of those of underrepresented groups (deaf persons, deaf-blind persons, persons with psychosocial disabilities, persons with intellectual disabilities). In this sense, omitting referring to those underrepresented might lead readers to a limited understanding and an overall impression[[9]](#endnote-9) that the draft relates mostly to persons with physical disabilities and persons with visual impairments, missing considering others in relation to employment.
2. This risk sufficiently worrying to suggest the **strong need for better, explicit and more frequent references to the diverse groups of persons with disabilities**, in connection to the issues particularly concerning them and their specific needs (e.g. kinds of accessible formats). Appropriate references could be included throughout the text.
3. In this sense, **certain issues relate more with specific constituencies among persons with disabilities**. For instance, deprivation of legal capacity relates more to persons with intellectual disabilities and persons with psychosocial disabilities. Persons with intellectual disabilities tend to be overrepresented in the informal sector compared to others, given their higher exclusion from inclusive educational opportunities and lower levels of qualifications.
4. Also, **the introduction of practical examples** can provide opportunities for explicit references. For instance, examples of reasonable accommodation in para. 22 could refer to sign language interpretation for deaf persons and to tactile communication for deaf-blind persons. References to “rescheduling work” or to extended time for tasks could be linked to persons with physical disabilities (e.g. for typing) and to persons with intellectual disabilities.
5. **IDA encourages the CRPD Committee to review the draft general comment in taking this into account. IDA strongly recommends the thorough review and consideration of IDA’s and IDA’s members’ submissions for the Day of General Discussion and to this draft, as many relevant elements might have been omitted.**

**D- Need to acknowledge and elaborate on the role of relatives of persons with disabilities, notably those with intellectual disabilities**

1. In connection to the previous section and its suggestions, IDA would like to stress the need to consider the supportive role that relatives of persons with disabilities, including primary caregivers, might exercise for the enjoyment of the right to work and employment by persons with disabilities, especially those with intellectual disabilities. Such role should be acknowledged and supported by the text, in particular as important for successful experiences of persons with intellectual disabilities in the both wagedand self-employment.
2. While in a different context, in its general comment no. 7 on Articles 4(3) and 33(3) of the CRPD, the Committee has acknowledged the supportive and empowering role of family members to facilitate, promote and secure the interest and supporting the autonomy and active participation of their relatives with intellectual disabilities.[[10]](#endnote-10) Similarly, **the CRPD Committee should again acknowledge this role and call States to provide for concrete measures to support it[[11]](#endnote-11) and to ensure that the will and preferences of persons with disabilities prevail and are always respected**, in line with Article 12 of the CRPD (see also section H below on reasonable accommodation for relatives of persons with disabilities).

**E- Non-discrimination of persons with disabilities in employment**

***a) Deprivation of legal capacity and Article 12 of the CRPD***

1. Lack of equal recognition of persons with disabilities before the law and lack of recognition of their legal capacity, in contradiction of Article 12 of the CRPD, constitutes a main barrier for some persons with disabilities, notably those with intellectual and with psychosocial disabilities, to access employment. If selected for dependent employment, those deprived of legal capacity are prevented from entering a legal contract. In the case of self-employment, they might be excluded from the possibility to formally set up a business.
2. Not elaborating this from the outset in connection with and as a case of disability-based discrimination in employment, but only in section V of the draft on “relationship with other articles” reinforces the negative impression suggested above in section C (paras. 15 to 19). **IDA encourages the CRPD Committee to include this key issue in the section devoted to Article 27(1)(a) of the CRPD in the draft.**

***b)*** ***Concretising non-discrimination and favouring inclusive recruitment processes in dependent employment:***

*i. Elaborating on “essential functions of the job”*

1. IDA stressed in its submission for the Day of General Discussion last March that, while stressing on non-discrimination, the CRPD Committee “has not so often elaborated in more detail on the concrete implications for employers’ assessments of candidates and reassignments to employees acquiring an impairment.” However, in some opportunities, this Committee called to “ensure individualized assessments are conducted to determine suitability for bona fide occupational requirements”[[12]](#endnote-12) and “to replace any assessment of suitability to work with an assessment that considers the needs and requirements for reasonable accommodation at work for persons with disabilities.”[[13]](#endnote-13) We stressed then:

 “Indeed, assessments of candidates should always be individualised and focused on the ‘essential functions of the job’:[[14]](#endnote-14) never general and standardised (regardless of the specific core functions of the job). In addition, they should also contemplate the duty to provide reasonable accommodation and support measures.”

1. IDA believes that the Committee should not miss the opportunity of this process to provide more detailed guidance on this area to States and other stakeholders. As IDA highlighted by then:
	1. “Job descriptions should clearly identify the “essential functions of the job.”[[15]](#endnote-15)
	2. Assessments of candidates must be individualised focusing on whether the person´s qualifications match those “essential functions” and considering the duty to provide support measures, and reasonable accommodations.
	3. Occupational health assessments should also focus on “the individual capabilities of the person with disability, the core functions of the job and the environment in which that job is operating,”[[16]](#endnote-16) and not be based on prejudice and negative stereotypes.”

*ii. Ensuring access to information on job-advertisements*

1. In addition, despite the general references in paragraph 13 and 82 linking accessibility and recruitment processes, **IDA believes that the draft should stress, in the context of non-discrimination, and more specifically indirect discrimination, the need to adopt measures to ensure that job advertisements are published in accessible formats** for persons with disabilities to access on equal basis with others to recruitment processes from the outset. Nowadays, ICTs and online platforms can play a major role in ensuring this is the case, and States should be called to be proactive on this front.

*iii. Distinguishing reasonable accommodation and supports*

1. Finally, the draft general comment elaborates on reasonable accommodation. In connection to this, firstly, IDA believes that paragraph 49 comes confuse the concepts of “reasonable accommodation” with that out “individualised **supports**” when seeking to distinguish the former from “accessibility”. In order to clarity this and to protect the broad and flexible scope of reasonable accommodation, IDA suggest the draft to consider and incorporate the two following elements:
	1. “Reasonable accommodation” might include but it is not limited to “individualised **supports**”. In this sense, “reasonable accommodation” can be a “means to provide individualised supports”.[[17]](#endnote-17)
	2. “Individualised **supports**”, and more specifically “supports,” suggests rather a service of frequent and/or continuous provision.
2. Like this, for instance, adapting the height of a desk or working hours (start at 10 am, instead of 9 am), constitute typical cases of reasonable accommodation which would not constitute “support” in a strict sense. By the contrary, full or part-time sign language interpretation would be an “individualised support” that could, in a particular case and under an immediate obligation relative to non-discrimination, constitute a “reasonable accommodation”, of course provided that it does not become a context specific and concrete “disproportionate or under burden” after having undertaken a proportionality test.

**F- Affirmative actions to favour employment of persons with disabilities**

1. IDA is glad to find several of the points it has suggested regarding to affirmative action in the section of the draft general comment on Article 27(1)(h). Nonetheless, some points can be stressed and considered in order to further strengthened this section.
2. Firstly, IDA believes that **the section should elaborate more on other typical measures and incentives, their prospects of success and their characteristics**, particularly in connection to factors such as size of companies and sectors of economy. IDA does note attempts in paragraphs 44 and especially 46 *in fine* that mentions “targeted funding [for] modifications of the working environment, apprentice wage supports, payroll tax deductions, and wage subsidies”, but we consider it limited. **For instance, the measure of awarding points in public tenders’ procedures to enterprises that employ persons with disabilities remains absent from the current draft, and would deserve not just a mention in this section, but especially a explicit and detailed explanation in the last section of the general comment (for instance, in paragraph 101(n)).**
3. **Regarding quota measures**, IDA notes that, while they have not provided the results hoped, they remain a measure adopted by over 100 States,[[18]](#endnote-18) most of the times by legislation. Thus, while not relying exclusive on them for the inclusion of persons with disabilities, as the Committee generally suggests in para. 48 *in fine*, **where States have adopted them, an evaluation and later improvement could relaunch their usefulness, provided that those who have comparatively still not benefitted (e.g. persons with intellectual disabilities, deaf-blind, etc.) are prioritised in any renewed efforts moving forwards**.
4. In this sense, the short reference to “benefit all employees with disabilities” in para. 47(c), which seeks to address and correct the past differential benefit by constituencies of persons with disabilities, could be re-drafted to compensate that effect and explicitly require to prioritise those more disadvantage groups among persons with disabilities.
5. Furthermore, while career advancement is mentioned throughout the draft general comment, there is no reference to **the common experience and perception that usually persons with disabilities benefitted by affirmative actions as quotas, find their chances for career advancement** limited, compared to their skills and qualifications: the initial benefit causes in practice the limitation of further opportunities, due to attitudinal barriers.

**G- Need for accurate and precise delimitations between sheltered workshops and “cooperatives”: preventing and sanctioning misuse of legal frameworks for cooperative associations**

1. IDA notes with much interest the distinction drawn by the CRPD Committee between “sheltered workshops” and “cooperatives, or jobs organized or run by persons with disabilities in which labour laws are generally respected” (para. 18 of the draft). Cooperatives are further discussed in paras. 41 and 42 of the draft general comment, given their role in securing self-employment within this kind structure.
2. World-wide, persons with disabilities might decide to self-organise themselves in cooperative associations for working and participating in the economic life. Cooperatives differ from other business organisations as members usually have an equal status, retain control, and participate in the decision-making of the organization and are not dependants in a typical employer-employee relationship.
3. Para. 18 of the draft suggest that a cooperative formed by persons with disabilities might be confused with a sheltered workshop, hence the need for alerting and distinguishing. The distinction is key given that the cooperatives would be compatible with the CRPD and sheltered workshops are not. **IDA believes, however, that the draft should be reviewed and should clarify some aspects for it to be more effective in its attempt** **to allow for self-organisation and self-employment of persons with disabilities through cooperatives.**
4. Some questions can trigger reflection to enhance this distinction, especially noting that the current draft provides guidance to identify “sheltered workshops” “characterized by **at least some** of the following elements” including “a. They segregate persons with disabilities, that is, they separate them from the rest of the society and bring them together on their own”:
	1. Would it be admissible under the CRPD a situation in which **only** persons with disabilities work in particular establishment manufacturing a product as equal members of a cooperative? Would that be considered a segregated environment?
	2. Would it be admissible under the CRPD a situation in which persons with disabilities members of a cooperative do not receive adequate compensation for their work due to financial complications of their own cooperative?
5. Similar questions could be further posed to shed light on the need to reflect and review the sections of the draft general comment that refer to cooperatives. In any case, **IDA believes that the CRPD Committee should stress the need to monitor the effective functioning of organisations registered as cooperatives to ensure that this legal figure -or any similar- and framework is not misused, e.g. even as pure marketing label, to disguise real economic dependant relationships and evading the requirements imposed by labour law**. Any fraud should immediately give raise to the enforcement of labour law, under what some labour law legal traditions call the principle of supremacy of reality (over the legal form adopted).

**H- Reasonable accommodation to employees associated with persons with disabilities**

1. In its submission to the Day of General Discussion in March,[[19]](#endnote-19) IDA addressed the issue of primary caregivers of persons with disabilities. We highlighted that “they are usually discriminated by association and/or forced to leave employment find reduced their income and capacity to afford services for their relative(s) with disabilities. As services are usually not free from cost, insufficient and/or not provided within the community, the household risks stepping into a downward spiral with negative consequences to the person with disability in many areas.” The idea of reasonable accommodation in employment for primary caregivers (associates) of persons with disabilities would provide with an immediate legal tool to support them in adjusting their work duties with their caring responsibilities.
2. In 2014, the Committee recommended the European Union to “take necessary measures to ensure that all employees of the European Union who are persons with disabilities, *or have family members with disabilities, receive the reasonable accommodation they need to enjoy their rights from the labour and related relationships on an equal basis with others*.”[[20]](#endnote-20) OHCHR noted in 2016 that “recent developments in the field of employment suggest that the duty to provide reasonable accommodation also applies to the relatives of persons with disabilities.”[[21]](#endnote-21) However, general comment no. 6 on Article 5 of the CRPD, which protects associates from disability based discrimination, has remained elusive when it comes to the provision of reasonable accommodation in the exercise of their rights.
3. In view of these considerations, **IDA encourages once more the CRPD Committee not to miss the opportunity of this draft general comment to elaborate on the right of primary caregivers of persons with disabilities[[22]](#endnote-22) to reasonable accommodation in employment, in order to prevent the indirect negative impacts of the demands of the labour market on the lives of persons with disabilities.**

## **Recommendations**

For the above considerations, IDA would like to advance, together with the recommendations included in our submission for the Day of General Discussion (March 2021), the following complementary recommendations for the CRPD Committee towards its finalisation of the draft general comment:

1. Call States to proactively consult and actively involve organizations of persons with disabilities in the design and development of legislation. policy and programmes to ensure, promote and facilitate the right to work and employment of persons with disabilities, following the guidance provided by the CRPD Committee in its general comment no. 7, especially in connection to the diversity of constituencies of persons with disabilities.

2. Call States to undertake awareness raising campaigns on the content of the right to work and employment of persons with disabilities targeting them, as well as training programmes and other measures directed to employers and human resources companies to eradicate prejudice and stereotypes (both negative and “positive” ones) related to employment on persons with disabilities.

3. Call States to ensure its general and disability-specific policies on employment are inclusive of all persons with disabilities, including those underrepresented groups, such as women with disabilities, deaf persons, deaf blind persons and persons with intellectual disabilities, and that they benefit equitably all of them, considering also specific measures focused on disadvantaged groups among persons with disabilities.

4. Call States to acknowledge and support the supportive and empowering role that relatives of persons with disabilities might play in facilitating, promoting and securing the interest and supporting the autonomy and active participation of their relatives with disabilities in the area of both waged employment and self-employment.

5. Call States to develop comprehensive, sound and detailed legal and regulatory non-discrimination framework applicable to the area of employment and self-employment in line with the Convention on the Rights of Persons with Disabilities, notably articles 5, 12 and 27 of the CRPD.

6. Call States to adopt specific measures to promote the right to employment of persons with disabilities, to enhance compliance of those already adopted and to diversify the kind of measures to adopt, on account of diversity of contexts, of economic sector and of companies, including importantly public procurement based strategies; and to develop strong monitoring and evaluation mechanisms to ensure their effectiveness, prevent negative outcomes and, if general in nature favour all groups of persons with disabilities equitably.

7. Call States to enhance efforts to phase out sheltered workshops, which are essentially contrary to the Convention due to the segregation of persons with disabilities they provoke, and in practice non-compliant with minimum working conditions, including remuneration and labour rights.

8. Call States to clearly distinguish sheltered workshops from acceptable cases of self-organisation of persons with disabilities for economic activities through legal figures such as cooperatives. Monitoring should be put in place to prevent that any legal framework is misused and to prevent that organizations behind them undertake practices contrary to the CRPD.

9. Call States to recognise and ensure the right to the provision reasonable accommodation to relatives (primary care givers) of persons with disabilities in the exercise of their right to employment to prevent negative effects on their relatives with disabilities.

**International Disability Alliance (IDA)**

The International Disability Alliance (IDA) is a unique, international network of eight global and six regional organisations of persons with disabilities (OPDs). Each IDA member represents a large number of national OPDs, covering the whole range of disability constituencies. IDA thus represents the collective global voice of persons with disabilities counting among the more than 1 billion persons with disabilities worldwide, the world’s largest –and most frequently overlooked– minority group. IDA’s mission is to advance the human rights of persons with disabilities as a united voice of OPDs utilising the Convention on the Rights of Persons with Disabilities (CRPD) and other human rights instruments.

For further information, please contact: jiperezbello@ida-secretariat.org

International Disability Alliance

150 Route de Ferney

CH-1211 Genève 2

[www.internationaldisabilityalliance.org](http://www.internationaldisabilityalliance.org)

References:

1. See IDA´s submission for the Day of General Discussion on Article 27 of the CRPD (Work and Employment), March 2021, Section II: “Overview on the employment of persons with disabilities: Exclusion from employment due to existing barriers” [↑](#endnote-ref-1)
2. The draft was released on 9 November 2021 with the deadline for responses by the 6 December 2021, **a four-week timeframe**. [↑](#endnote-ref-2)
3. There is no reference to it on the CRPD Committee methods of work. In May 2015, the Treaty Bodies Chairpersons meeting consider the a note on [Consultation process for the elaboration of treaty body general comments](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FhOD6sgqgzAhFXD9F%2feKaHS27qvpChe6dsIpF%2fUJwxmJwfgGGOr%2fbf7jK7sxI41pjj9TIcWUqZ8jhWTJrO77F1YC4kPqUwGClg%2bBeAkUyhywTwboZhhKi6vAjR021YQl), which included no reference to a determined timeframe (para. 12 could have done it but it did not).  [↑](#endnote-ref-3)
4. See Audit of the activities, performance and results of staff support provided to the human rights treaty body system by the Office of the United Nations High Commissioner for Human Rights, Report of the Office of Internal Oversight Services, A/76/197, August 17, 2021. [↑](#endnote-ref-4)
5. Some trade unions have been pioneers in their efforts to include some workers with disabilities and their concerns. See ILO (2017), *Trade Union action on Disability and Decent Work: A Global Overview*  [↑](#endnote-ref-5)
6. IDA also notes and appreciates references to consultation in para. 48 on affirmative actions, para. 63 on obligation to protect, para. 73 on employment strategy, 101(g)(II) around sheltered workshops, 101(h)(II) on capacity building and awareness raising, all of which remain specific to their sections. [↑](#endnote-ref-6)
7. *Report of the Special Rapporteur on the rights of persons with disabilities* (17 December 2019). A.HRC/43/41. <https://undocs.org/en/A/HRC/43/41> [↑](#endnote-ref-7)
8. For now, the only employment related references are brief and by the end of the paragraph have to do with “segregated employment”, “sheltered workshops,” and “involuntary participation in the informal economy,” as consequences of ableism. [↑](#endnote-ref-8)
9. Some elements do suggest consideration of the diversity, but it remains indirect. For instance, the examples provided in paras. 22 on reasonable accommodations actually related to the different constituencies among persons with disabilities. [↑](#endnote-ref-9)
10. CRPD Committee, general comment no. 7, para. 12(d). [↑](#endnote-ref-10)
11. Ensuring reasonable accommodation in the area employment to relatives of persons with disabilities (see section H below) could be used as a means of supporting those relatives in this supportive and empowering role. [↑](#endnote-ref-11)
12. [CRPD/C/JOR/CO/1](https://undocs.org/CRPD/C/JOR/CO/1), para. 50(a). [↑](#endnote-ref-12)
13. [CRPD/C/MLT/CO/1](https://undocs.org/en/CRPD/C/MLT/CO/1), para. 40(c). [↑](#endnote-ref-13)
14. ILO defines the essential functions of the job as “the fundamental job duties or requirements of a particular job, [which] cannot be eliminated or substantially modified without changing the nature of the job.” See ILO. (2016). *Promoting diversity and inclusion through workplace adjustments. A practical guide* [↑](#endnote-ref-14)
15. See OHCHR, SDG-CRPD Resource Package, SDG 8 (2020). Decent Work and Economic Growth, p. 40. [↑](#endnote-ref-15)
16. See OHCHR, SDG-CRPD Resource Package, SDG 8(2020). Decent Work and Economic Growth, p. 39. [↑](#endnote-ref-16)
17. This proposed approach is similar tot he one employed by the CRPD Committee to describe the conceptual interaction between “reasonable accommodation” and “accessibility”, since general comemtn 2 on article 9 of the CRPD [↑](#endnote-ref-17)
18. ILO (2019). *Promoting Employment Opportunities for People with Disabilities: Quota Schemes*, Vol. 2 [↑](#endnote-ref-18)
19. See IDA´s submission for the Day of General Discussion on Article 27 of the CRPD (Work and Employment). March 2021, section IV-D “Discrimination to employees associated with persons with disabilities: reasonable accommodation by association to prevent negative impacts on the rights of persons with disabilities.” [↑](#endnote-ref-19)
20. [CRPD/C/EU/CO/1](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fCO%2f1&Lang=en), para. 79. (Under Article 5 of the CRPD). [↑](#endnote-ref-20)
21. [A/HRC/34/26](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/26), para. 25. The case cited by OHCHR in footnote 19 of its Thematic Study pertains to the Californian [*Fair Employment and Housing Act*](https://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations/) (Government Code, Title 2, Division 3, Part 2.8), which by then included the duty to provide reasonable accommodation, and in which the concept of disability includes associates to persons with disabilities (§ 12926, subd. (o)) [↑](#endnote-ref-21)
22. (not only “parents with children with disabilities” as mentioned in the outline). [↑](#endnote-ref-22)