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| CRPD Committee | 06.12.2021 |

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# **Submission by the Norwegian Association of the Blind and Partially Sighted to the CRPD committee on the draft General Comment on the right to work, article 27**

We would again like to thank the CRPD Committee for prioritizing article 27 on the right to work and employment, through this inclusive process in drafting a new General Comment.

The Norwegian society has for decades called for targeted measures to ensure more persons with disabilities’ access to work and employment. Sadly, only 41% of persons with disabilities are currently a part of the Norwegian work force compared to 73% of the general public[[1]](#footnote-1). These statistics have not been improved the last century, despite a long-standing struggle by Norwegian DPOs. As an example, the Norwegian Association for the Blind and Partially Sighted, originated as an organisation in 1900. One of our first political issue was on the right to work.

We highly appreciate the CRPD Committee’s important and comprehensive work on the draft General Comment. The outline of the draft General Comment is well structured and comprehensive.

# In our previous input to the Committee, we wrote:

“Inspired by the CRPD itself, previous General Comments by the CRPD committee and work of the Committee on Economic, Social and Cultural Rights (CESCR), **we encourage the CRPD Committee to further explore the relationship between universal design, reasonable accommodation, progressive realisation, maximum of available resources and violations.”**

We would like to express our gratitude to the Committee for the details already entailed in the draft General Comment in this regard. Amongst others, we highly appreciate paragraph 73 on national right to work and employment strategy and plan of action. However, we would appreciate if the Committee could 1) address violations of the right further and 2) explore in more details the importance of digital accessibility through universal design.

In the Norwegian context, we find the technological development to be a double-edged sword. For blind and partially sighted workers, access to universally designed technology provides a world of opportunities. Even though accessibility standards are well developed in Norway and Europe, these standards are not well enough known and respected in our society. Also, current Norwegian legislation has exempted technology used at the workplace from the accessibility criterias (WCAG 2.0 and 2.1). Struggling with digital programmes at work is the main barrier expressed by workers who are blind and partially sighted to us at the Norwegian Asscoation of the blind and partially sighted. The barrier relates to programmes not being in compliance with accessibility standards, such as EN 301 549, and with the non-compatibility between the digital programmes at work and the assistive technology used by workers who are blind and partially sighted.

For workers with disability to access modern technology – without undue burden for the employer – research show that the technology must as a start be universally designed and adhere to the accessibility standards. WCAG 2.1 is a good starting point. If this generally is not in place, it will most likely be deemed an undue burden to reasonably accommodate the technology to be used by the worker.

In the draft general comment, as expressed in our previous input to the Committee; our concern is that a narrow focus on individual accommodation may in fact increase the barriers towards achieving equity and equality for all. To realize the rights of persons with disability we need rights-based measures – not merely measures to compensate lack of accessibility.

The terms “accessibility” and “universal design” are often used for the same purpose – a society designed to meet the needs of everyone. For the digital world, this is equally important. In Norway, our legislation uses the term “universal design” – hence our use of this term.

During the Committee’s 21st session, the following recommendation was provided to the Norwegian government in the Committee’s concluding observation:

“(b) **Establish a requirement for universal design in the workplace for employers in the Equality and Anti-Discrimination Act, and prepare and implement a strategy on accessibility through universal design of the physical environment and universal ICT in the workplace;”**

We are missing this important perspective in the draft General Comment on article 27. We suggest that the Committee reassess paragraphs 4, 5, 14, 15, 22, 26, 37, 49, 50, 59, 60, 65, 66, 67, 71, 72, 73, 79, 82, 97 with regards to strengthening this general comment’s relevance for workers and workplaces that are becoming increasingly digital.

**In addition, we suggest the following text to be included for some of these paragraphs:**

## **Paragraph 5**

We ask the Committee to please include one sentence on accessibility through universal design and the need for digital solutions to be compatible with assistive technologies. The initial sentence is taken from the draft General Comment:

“New technologies, including artificial intelligence and shifts to digital work, can create new barriers or forms of discrimination as well as offer new forms and pathways to work. All digital solutions must be accessible through universal design, amongst others to ensure compatibility with assistive devices/technologies, such as screen readers, magnifying technology etc.”

## **Para 14:**

We ask the Committee to please include accessibility through universal design of ICT in the following sentence:

“Denial of reasonable accommodation, inaccessible workplaces – including lack of accessibility through universal design of ICT – and harassment pose further obstacle so employment in an open labour market and work environment leading to a *false choice* of employment in a closed workplace on the basis of disability.”

## **Paragraph 22:**

For all workers to have access to digital systems at work, accessibility through universal design should be stressed in this paragraph. It may be difficult, and sometimes even impossible, to use assistive technologies if systems are not accessible through universal design. Many workers using screen readers, magnifying programmes etc, frequently report to us on compatibility challenges of their digital work systems and their assistive technologies.

We ask the Committee to please delete the last to sentences of this paragraph, as it is of paramount importance that digital systems in general are accessible through universal design. This must take place prior to the individual’s need for reasonable accommodation.

Furthermore, we ask the Committee to please include this sentence after the first sentence of the paragraph (included in our suggestion):

“Denial of reasonable accommodation constitutes discrimination if the necessary and appropriate modification and adjustments – that do not impose a disproportionate or undue burden – are denied and are needed to ensure the equal enjoyment or exercise of a human right to fundamental freedom. Reasonable accommodation is highly linked to accessibility through universal design of the physical environment and ICT systems at the workplace.”

## **Paragraph 72**

The test of what is reasonable accommodation must be subject to time as well as the state’s available resources. The national right to work and employment strategy and plan of action should benchmark when reasonable accommodation in fact equals a society – including accessibility through universal design and ICT used at the workplace.

We ask the Committee to please include a new paragraph on accessibility through universal design:

“Ensure –

d.v transformative measures towards an universally designed and accessible society – in all spheres of work life, also digital solutions – that include benchmarks of when denial of accessibility through universal design constitutes a violation of article 27.”

## **Paragraph 97 c**

We ask the Committee to please expand the following sentence to include accessibility through universal design:

“Review and harmonize (…); ensure accessibility through universal design of the workplace, including digital solutions, accompanied with provisions of reasonable accommodation (….);”

1. <https://www.ssb.no/en/arbeid-og-lonn/statistikker/akutu> Statistics Norway. Downloaded March 15th 2021. [↑](#footnote-ref-1)