**Kingdom of Saudi Arabia**

**APD**

**Memorandum**

From: The Authority for the Care of People with Disabilities (APD)

To: Ms Janna Iskakova

Re: Comments on the Draft General Comment on Article 27 on the right of persons with disabilities to work and employment

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| **#** | **Text from the draft** | **Para.** | **Comments from APD** | **Proposed text for amendment** |
| 1 | For example, if the only way to enter a public building for a job interview is by set of stairs, the situation puts the candidate who uses a wheelchair in an unequal position because they are unable to enter the building.  | 21 | Discriminatory practices come in two forms, disparate impact, and disparate treatment. The example provided for the indirect way of discrimination does not fully reflect how disparate impact (unintentional discrimination) is illustrated. Thus, another example should be used.  | For example, if the only way to apply for a job is by being required as a person with disability to possess specific characteristics that are NOT essential aspects of the job functions, this places the candidate in an unequal position to compete for that job. |
| 2 | These additional grounds include age, race, indigenous, national or social origin, refugee, migrant or asylum seeker status, political or other opinion, religion, sex, sexual orientation and gender identity.  | 24 | Granted, yet must recognize other treaties of State Parties. Therefore, the proposed text should be added.  | “Without prejudice to the State Party’s public policy” |
| 3 | that persons with disabilities are paid no less than the minimum wage and do not lose the benefit of disability allowances when they start work. | 72(d) (i) | This objective needs further explanation. Some of the benefits given to persons with disabilities are because of their financial situation, thus by having a decent job that pays the same amount as compared to people without disabilities, those benefits of disability allowances should go to those who are in need.  | This objective needs further explanation.  |
| 4 | 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.  | 87 | The explanation of Article 18 does not fully target the scope of this general comment, and the statement became less relevant by the example provided.  | This paragraph needs to be deleted or be re-drafted to become more akin to this General Comment.  |
| 5 | “Inability to work”, “fitness to work” and related concepts are not used in the design of social protection schemes or other benefits. As the Committee has noted, it is important to assess personal circumstances and needs as well as barriers persons with disabilities may face, in seeking and keeping paid work and to design flexible income support schemes responsive to their situation.  | 93 (i) | The more important concept herein is to look at whether or not people with disabilities can perform essential job functions. This is more related to securing the right to work. Therefore, this concept needs to be reflected in the whole document, whenever the ability to work is addressed.  | Reflect the essential job function concept in all the document.  |