**Comments by the Ministry of Social Policy of Ukraine**

**to the Draft General Comment on Article 27 “Work and Employment”**

**of the Convention on the Rights of Persons with Disabilities**

The Ministry of Social Policy of Ukraine believes that the provisions of the draft General Comment on Article 27 of the United Nations Convention on the Rights of Persons with Disabilities “Work and Employment” are relevant.

Taking into account the socio-economic significance of the current state of affairs in the area of occupation and employment of persons with disabilities in Ukraine, coupled with the content of the draft Comment, it is considered appropriate to inform about the following.

As of July 1, 2021, the total number of people with disabilities aged 18 years and older is more than 2.5 million, 818.5 thousand or 32.5% of them being employed. The total number of people with disabilities of working age is more than 2.3 million, about 600 thousand or 26% of them being employed (thus, almost 1.7 million people with disabilities are unemployed).

The experience of countries with a successful quota system for employment of people with disabilities proves that the main factor is an incentive approach for employers, in particular, the introduction of flexible mechanisms to fulfil the corresponding quota, deregulation of processes, etc.

In this regard, the Ministry of Social Policy in collaboration with experts, initiated the integrated amendments to the legislation, namely developed the draft Law of Ukraine “On Amendments to Certain Laws of Ukraine on Creating Favourable Conditions for Employment of Persons with Disabilities”, approved by the Government and submitted to the Parliament (registered on April 7, 2021 No. 5344). The draft Law is published on the official website of the Verkhovna Rada of Ukraine.

The draft Law provides for the amendments to the Laws of Ukraine “On Rehabilitation of Persons with Disabilities in Ukraine”, “On Collection and Accounting of the Single Contribution to Obligatory State Social Insurance”, “ On Principles of Preventing and Combating Discrimination in Ukraine”, and “On Civil Service”.

The draft Law envisages the introduction of:

* an alternative option for fulfilling the standard of workplaces established by the current legislation for the employment of persons with disabilities;
* the differentiated approach to the employment of people with severe disabilities;
* the electronic form for registering employers at the territorial offices of the Fund of Social Protection of Persons with Disabilities and submitting a report on employment of persons with disabilities to these offices;
* the concept of “targeted financial sanctions” instead of “administrative and economic sanctions”, which creates equal conditions for all employers, including state and local authorities with respect to responsibility for violating the law in the area of employment of persons with disabilities;
* other measures to implement effective mechanisms for the employment of persons with disabilities, including the incentives to employers for creating workplaces, as well as increasing the level of responsibility in case of non-compliance with the established quota.

Furthermore, this draft Law focuses on the need to apply the principle of “universal design” in all spheres of public life (not only in employment), including reasonable accommodation. In practice, it has been proved that it is impossible to practically achieve effective results in increasing the employment rate of persons with disabilities without providing reasonable accommodations. Consequently, the draft Law envisages introducing relevant amendments to the Law of Ukraine “On the principles of prevention and combating discrimination in Ukraine”.

In addition, the draft Law draws attention to the issue of opportunities for people with disabilities, in particular persons with visual impairments and other disorders, to be employed for civil service positions, since the current Law of Ukraine "On Civil Service" practically does not foresee that due to the lack of the relevant legislative provisions. In view of that, the draft Law envisages regulating at the level of the Law the provision foreseeing establishing a special competition procedure to be approved by the Cabinet of Ministers of Ukraine for persons with disabilities, who wish to compete for civil service positions, but for health reasons cannot pass certain stages of the competition.

Furthermore, according to the conclusion of the Government Office for Coordination of European and Euro-Atlantic Integration of the Secretariat of the Cabinet of Ministers of Ukraine, the draft Law meets Ukraine’s obligations in the field of European integration provided under Section V of Chapter 21. “Cooperation on employment, social policy and equal opportunities” of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part. According to this conclusion, the draft Law is consistent with the objectives of Council Directive 2000/78/EC of November 27, 2000, establishing a general framework for equal treatment in employment and occupation.

Finally, in order to update the rules related to the employment of people with disabilities, the Ministry of Social Policy has recently approved an updated the reporting form for employers on the employment of these persons, which includes new indicators on gender (sex, age), belonging to the rural/urban population. The availability of additional and necessary indicators on the actual employment of persons with disabilities in the updated reporting form provides grounds for a broader understanding of issues in this area, which, in turn, creates a basis for the formation of the good public policy in this service line.

Thus, the Ministry of Social Policy takes appropriate measures to ensure the proper implementation of Article 27 of the United Nations Convention on the Rights of Persons with Disabilities.

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