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**EuCIE’s position on the UN General Committee on the Rights of Persons with Disabilities in relation to the discussion on Article 27 to the *United Nations Convention on the Rights of Persons with Disabilities*.**

Written position – March 2021

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**Abstract:** *Inclusive enterprise for persons with disabilities as employment model reference which fully complies with the obligations to respect, protect, and fulfil the human rights of persons with disabilities with regard to article 27 of the Convention.*

# **1. Introduction: The European Confederation of Inclusive Enterprises (EuCIE)**

EuCIE is the **European Confederation of Inclusive Enterprises** (EuCIE) for persons with disabilities, the union of several countries to promote access to employment for people with disabilities at European level. Our Confederation aims at promoting the inclusive enterprise model based on equal opportunities for persons with disabilities as any worker, sharing the same model in many European countries.

EuCIE organizations represent the main inclusive employers in Belgium-Wallonia (Eweta), France (UNEA), Germany (Bag-if) and Spain (CONACEE), Austria and Poland among other countries and contacts; in total it is an employment model present in more **than 13 European countries and 200.000 employees and 8.000 companies involved**. Our mission is to represent all European inclusive enterprises at European level, working for their **recognition, promotion, and support**.

It is on the basis of this expertise and of the expertise of the members that it represents on employment for persons with disabilities, that EuCIE provides this written contribution.

It is EuCIE’s belief that every individual has the right to decent work in an inclusive labour market and EuCIE advocates for an inclusive labour environment. To put an end to the situation of exclusion from the labour market of persons with disabilities and to tackle their persistent situation of unemployment, immediate action must be undertaken, in particular with the expected impact of the COVID-19 pandemic on the employment of persons with disabilities. Support measures to employment models that fully respect article 27 of the UN CRPD like inclusive enterprise are key to unlock job potential and shift the focus from the disability to the skills and competences. The right to a decent job is another objective equally pursued by EuCIE.

For the purpose of this paper, EuCIE describes a decent job provided by inclusive employment model with equal remuneration for work of equal value, safe and health working conditions, labour rights, training, opportunities for career advancement, reasonable accommodation as based on Article 27 of the UN CRPD.

# **2. Employment situation of people with disabilities**

In Europe there are around 80 million individuals with disabilities. The unemployment rates of persons with disabilities remains significantly higher than for persons without disabilities. Many persons with disabilities of working age are also inactive, meaning that they do not seek employment at all. It is also true that amongst the persons with disabilities who are job holders, too many are underemployed, underpaid and/or hired with poor career perspectives.

Employment data suggest that people with disabilities face **exclusion from the mainstream labour market and discrimination in working life**. At EU level only50.6% of persons with disabilities are in employment (48.3% of women and 53.3% ofmen), compared to 74.8% for persons without disabilities. Furthermore, only 20.7% ofwomen with disabilities and 28.6% men with disabilities are in full-time employment.

The rate of unemployment of persons with disabilities (17.1%) is almost twice of the general population (10.2%) and the unemployment of persons with disabilities lasts longer than that of the persons without disabilities regardless of qualifications.

Unemployment may lead to poverty and social exclusion and thus 29.5% of women and 27.5% of men with disabilities are at risk of poverty and social exclusion in the EU compared to 22.4% of the entire population.

Figures show that their rate of participation in the labour market is significantly restricted when compared to data on employment of persons with no disabilities elaborated by official bodies across the continent.

# **3. Employment models for persons with disabilities**

In the European Union context continues move towards **open employment** is in line with goals of the European Pillar of Social Rights, Chapter 1: Equal opportunities and access to the labour market, *“the right to equal treatment and opportunities regarding employment”* and *“the right to timely and tailor-made assistance to improve employment or self-employment prospects.”* Any E.U. Implementation Plan for this Pillar will need to fully reflect the development of pathways to inclusive and open employment across Member States.

Help for people to explore open employment would also help to promote UN Sustainable Development Goals 1 *“Ending poverty in all its forms,”* and 8 ***“****Decent Work and Economic Growth”* as well as Article 27 of the UN Convention on the Rights of Disabled Persons. The current European Disability Strategy seeks to significantly raise the share of persons with disabilities working in the open labour market and the re-negotiation of the Strategy will need to promote greater support for this goal. However, regarding the employment figures, **open ordinary labour market needs to be complemented by other employment systems which helps and increase the low employment rates of persons with disabilities.**

Different from jobs on the ordinary labour market, it can be identified these as possible models of employment among others:

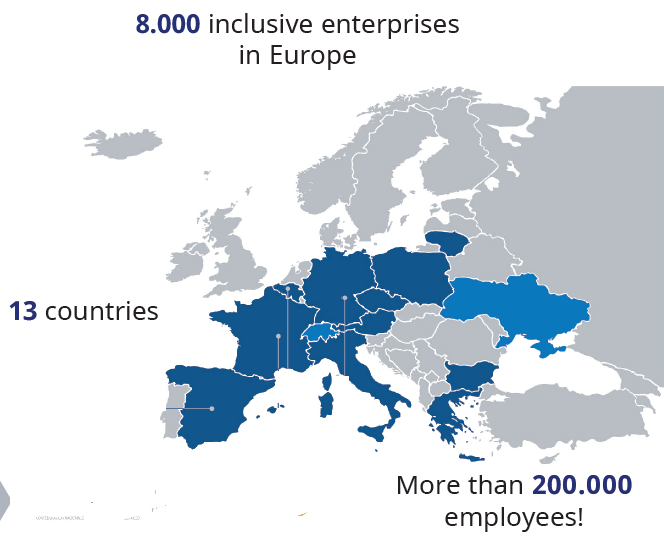
* **Sheltered Employment**- Sheltered Employment provide social and occupational integration, and rehabilitation.
* **Vocational Rehabilitation and signposting services**- Vocational rehabilitation is made up of a series of services that are designed to facilitate the entrance into or return to work by people with disabilities or by people who have recently acquired an injury or disability. Some of these services include vocational assessment and evaluation, training, upgrading of general skills, refresher courses, on-the-job training, career counselling, employment searches, and consulting with potential or existing employers for job accommodations and modification.
* **Supported Employment**- People with disabilities should be regular employees with the same wages, terms and conditions as other employees employed in businesses within the public, private or voluntary sectors. People receive ongoing support which is individualised and is provided as needed for both the employee and the employer. It may involve a Job Coach or an equivalent role and it is based on an individualised determination of the strengths, needs, and interests of the individual and the business needs of the employer. It is carried out through flexible strategies, such as: job exploration by the individual; working with an employer to facilitate placement, including customising a job supports description based on current or unmet employer need; and providing services and at the job location which can include self-employment
* **Inclusive Enterprises for persons with disabilities** (in Social economy enterprises)- A inclusive enterprise is created for the employment of people with a disability or disadvantage in the labour market with the following criteria: market-oriented production of goods and services to pursue its social mission; a minimum of 30% of its employees will be people with a disability; every worker is paid a wage appropriate to their work; work opportunities should be equal between disadvantaged and non-disadvantaged employees. They may also provide skill training with the aim of moving people through into more inclusive employment.

As mentioned before, the objective of this paper is to notice the last model: **Inclusive Enterprises** **and its accordance to the article 27 of the UN CRPD**. It provides income and social impact, generating opportunities for social participation which is especially important for persons with disabilities. People are paid at legally mandated salaries and receive long-term contracts The Inclusive Enterprise works as a vehicle to address the need of the majority of persons with disabilities for a dignified and productive life just like any individual.

An Inclusive Enterprise’s main purpose is to promote, encourage, and make social change employing in their workforce the maximum of people with disabilities. The aim is to carry out this social purpose in a financially sustainable way over the long term.

# **4. Definition and characteristics of the inclusive Enterprise model for people with disabilities.**

Inclusive Enterprise is an employment model for people with disabilities that is present in more than 13 European countries and involves more than 200.000 workers and 8.000 companies. They provide goods, services, and livelihoods hiring people with disabilities as **equal workers**; while also engaging an important part of the population in the value chain of companies as suppliers, distributors, and retailers.



Furthermore, this employment model not only exists in Europe but also in other continents like Asia or South America. At this point, it is a globalized model around the world with the clear objective of providing decent jobs for persons with disabilities.

The inclusive enterprise works as a vehicle for answer the need of the majority of persons with disabilities for a dignified and productive life just like any individual. Equal employment provides not only income but also **social impact** generating opportunities for social participation, which is especially important for persons with disabilities.

**Inclusive enterprise (IE)**

* + Working in the regular labour market
  + Creating jobs for people with disabilities
  + Large range of activities and sectors.

Moreover, it is a wide-spread model in a number of E.U. States receiving different names but sharing common characteristics. At their best they provide goods, services, and livelihoods hiring people with disabilities as equal workers with legally mandated wage levels and social participation in the workplace. Between 30% to 80% of the employees in an Inclusive Enterprise are recognised as disabled workers. There are a number of for-profit and non-profit variants of the model with different legal structures, making it very flexible and able to develop across different State contexts. They can be structured and may take the form (depending on in which country the entity exists and the legal forms available) of a co-operative, mutual organization, a disregarded entity, a social business, a benefit corporation, a community interest company, a company limited by guarantee or a charity organization. They can also take more structures, but we pay especially attention on how social a large range of entities can adapt the model of inclusive enterprises for this purpose and **create additional value** by employing people with disabilities meeting the employment right conditions of the UN Convention on the Rights of Persons with Disabilities,

Secondly, an important **social impact** is generated and needs to be explained. Inclusive enterprises have both enterprise goals and social goals, **focusing on the employment of people with disabilities**. As a result, their social goal is embedded in their objective, which differentiates them from other organizations and corporations. An inclusive enterprise's main purpose is to promote, encourage, and make **social change** employing in their workforce the maximum of people with disabilities. Furthermore, this social purpose is carried out in a financially sustainable way and they can sustain themselves over the long term. Their models can be expanded or replicated to other communities to generate more impact.

In some States the sector is large enough to play an important role in the value chain of companies as suppliers, distributors, and retailers. While employment and business goals are central to the model, the guiding principles of the organisations are a concern with the social economy and outcomes for people rather than purely profit.

EuCIE and its inclusive enterprise are interested in inclusive employment and services **model that serves all kind pf disability, adapting jobs to their needs**. As examples, this would include, but are not restricted to, persons who experience:

* intellectual disabilities
* autism, or autistic spectrum conditions
* developmental disabilities (e.g. ADHD, dyslexia)
* hearing loss or impairment
* vision loss or hearing loss
* physical disabilities
* mental health issues
* brain injury
* invisible disabilities (e.g. disfigurement)

# **5. Inclusive enterprise accordance to the Article 27 of the UN Convention on the Rights of Persons with Disabilities**

Different from other employment models like sheltered workshops or sociomedical entities, the most outstanding characteristic of Inclusive enterprises is that they are based on the fundamental right to work and employment enshrined in **Article 27 of the UN Convention on the Rights of Persons with Disabilities** (equal opportunities, equal remuneration and safe and healthy working conditions). It means:

## 5.1 An ordinary enterprise or entity with social aims

* Active on the ordinary work sector
* 30% to 80% of the employees in an inclusive enterprise are recognized as disabled workers
* All kind of disabilities in the Inclusive Enterprise workforce
* Ordinary law and collective agreement salaries
* Long-time contracts
* Social security benefits, unemployment pension, retirement pension.
* Large range of activities and sectors

## 5.2 Impact on the worker with disabilities well-being:

* Free choice working
* Integration into working life
* Social impact on people with disabilities, on enterprises, on costumers and on society.
* Stable and disability-friendly employment
* Different from the protected or sheltered environment that is linked to the socio-medical framework.

## 5.3 A virtuous system

* Specific legislation for Inclusive Enterprise
* The State supports Inclusive Enterprises with compensation help amounts (according to the legislation in force)
* Investment aid / Various subsidies
  + Tax deductions
  + Percentage of the disabled worker’s salary
* Return on investment for the State:
  + Taxation of the worker and the inclusive enterprise
  + Optimisation of social benefits expenditure

## 5.4 International and European legal obligations that inclusive employment for persons with disabilities is based on:

* **UN CRPD:**  Article 27 – Work and Employment;
* **Social Pillar principles**: 3 on equal opportunities, 4 on active support for employment, 5 for secure and adaptable employment, 6 on wages, 7 on information about employment conditions and protection in case of dismissals, 8 on social dialogue and involvement of workers, 10 on healthy, safe and well-adapted work environments and data protection and 17 on inclusion of PWD;
* **Sustainable development Goals:** 8 on good jobs and economic growth, and 10 on reduced inequality.

# **6. Conclusions**

It has to be the **Unites Nations’ goal through the Committee on the Rights of Persons with Disabilities** to realize an inclusive labour market in accordance with the UNCRPD. To this end, all measures and instruments must be used to enable people with disabilities to earn a living by working in an inclusive and accessible labour market. Nevertheless, it is important to provide guidance to States parties to the Convention on the measures they should adopt to ensure full compliance with their obligations to respect, protect and fulfil the human rights of persons with disabilities with regard to article 27 of the Convention; guidance that includes **the inclusive Enterprise model for persons with disabilities.**

Inclusive employment practices enable people with disabilities to achieve economic independence and participate in society. With the implementation of policies oriented to inclusive employment, great opportunities would appear to substantially and permanently promote the goal of inclusive participation in working life for persons with disabilities.

Inclusive enterprises are an innovative but proven way to successfully employing people with disabilities in the mainstream labour market.

Making **inclusive enterprise model part of the *General Comment on the right of persons with disabilities to work and employment* and of the policy recommendations** related to employment model which respect the article 27 UNCRPD could be a inflection point for a more social, more inclusive and more human world where persons with disabilities can enjoy **equal opportunities, equal remuneration and safe and healthy working conditions.**