**Written submission for CRPD General discussion on Art. 27
Ieder(in) –** Dutch umbrella organisationfor persons with disabilities and chronic illnesses

In this submission we contribute to the general discussion by addressing four issues related to article 27 of the CRPD. More specifically, we clarify how, according to us, aspects of article 27 should be interpreted in order to provide solid guidance for States parties to expedite and protect human rights of people with disabilities. Our input is based on experiences of people with disabilities and/or chronic illnesses in the context of the Netherlands and Dutch policy.

**1. On equal remuneration for work of equal value**Art. 27, 1b states: “Protect the rights of persons with disabilities, to just (…) conditions of work, including (…) equal remuneration for work of equal value”.

Ieder(in) wants to emphasize that if you work to the best of your abilities, you should never earn less than minimum wage on a monthly base. If you work to your full potential, you deserve equal pay for your work. States parties should financially compensate the hours one cannot work due to one’s disability. And States parties should never deduct one’s labour income from this financial compensation for the hours one cannot work.

In the Netherlands, however, people who work to their full potential, but who cannot sustain a full time workweek due to their condition, often still earn less than minimum wage a month.

**2. On assistance in finding and maintaining work**Art. 27, 1e states that States parties should: “promote (…) assistance in finding, obtaining, maintaining and returning to employment”.

Ieder(in) notes that in the Netherlands the assistance offered to a person with a disability strongly depends on: the municipality one lives in; *if* one receives social welfare benefits; and *which* social welfare benefits one receives. This induces domestic social inequality. For this reason governments should strive for equal assistance to people with disabilities regardless of one’s place of residence, age, income or social welfare situation.

Moreover, States parties should always advance the quality and expertise of the assistance available and develop quality frameworks to monitor improvement. With regard to what this ‘quality of assistance’ should entail we address the following:
a) According to us, human expertise and contact, is crucial for providing appropriate assistance. With ongoing technological involvement governments tend to rely heavily on assistance through for example self-help websites and matching solely based on databases. These practices often are contra-productive.
b) ‘Quality of assistance’ includes providing accessible and understandable information about the possibilities for assistance. Due to complicated policies and absence of accessible information, many people who are in need of assistance, can’t find it in the Netherlands.
c) Finding a job should in first instance always be about finding a job on the regular labour market. Inclusion is about participating in the middle of society and working together with people with and without disabilities. If this is not an option, sheltered employment should, however, always be available.

**3. On affirmative action programmes**Art. 27 1h states: “Promote the employment of people with disabilities (…) through appropriate policies (…), which may include affirmative action programmes.”

Ieder(in) stresses the importance and opportunities of affirmative action programmes. However, preferential policies can harm groups of people that are not eligible for these policies. Ieder(in) notes this in the context of a worrying situation with regard to the Jobs and Job quota act in the Netherlands. This job quota should encourage employers to employ more people with disabilities. However, the target group of the job quota is rather small compared to the total of people with disabilities in the Netherlands. As a result we receive many stories of people *with* disabilities who get rejected when applying for a job because they do not meet the requirements to fall within the target group. Therefore, States parties should carefully examine the potential side effects of affirmative action programmes, monitor thoroughly and adjust policies if necessary.

**4. A note in general on policies for people with disabilities**

Connected to the remarks made, we address one general issue. To pursue a just and inclusive labour market, State parties should account for *all* people with disabilities who encounter problems on the labour market when creating and monitoring policies. However, policies tend to focus on small groups of people with disabilities and neglect others. As we see with the assistance one can currently get in the Netherlands (which can be based on one’s age or social welfare situation). We also see this in the context of the Job Quota (which, in short, defines a working disability as ‘not being able to earn minimum wage’).

For States parties to account for all people with disabilities in the context of work and employment is in line with the preamble of the CRPD which states that ”(…) disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.