# **Written submission to the General Discussion on**

# **"The Right of Persons with Disabilities to work and employment”**

# **of the Committee on the Rights of Persons with Disabilities**

Submitted by

RYTMUS – from the client to the citizen, z.ú.

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## EXECUTIVE SUMMARY

This written submission provides an outline of issues of concern with regard to the compliance with the provisions of the Convention on the Rights of Persons with Disabilities (hereinafter “the CRPD”), with particular focus on the enjoyment of the right to work and employment. The purpose of the submission is to assist the UN Committee on the Rights of Persons with Disabilities (hereinafter the “Committee”) with its consideration, at this initial stage, of the General Discussion on the right of persons with disabilities to work and employment.

This submission has been written by **RYTMUS**. Rytmus – from the client to the citizen, is an NGO active in the Czech Republic since 1994. Rytmus supports people with disabilities in an active inclusion into society and provides the necessary support to acquire, develop and use their abilities and skills in a common environment, school and employment. Rytmus, among other things, offers Supported Employment and helps people with disabilities to access and maintain paid employment in the open labor market following the Convention on the Rights of People with Disabilities.

All our submissions listed below, are based on our many years of experience with Supported Employment, common difficulties people with disabilities must face, and the results of researches performed by the Office of the Public Defender of Rights. For more information, please visit [www.rytmus.org](http://www.rytmus.org).

Article 27 of the Convention on the Rights of Persons with Disabilities guarantees the right to work for people with disabilities and obliges the state to improve this situation and secured this right for people with disabilities in all its aspects. In particular, states must support the work experience of people with disabilities in the open labor market and ensure equal working conditions for people with disabilities.

In the Czech Republic, persons with disabilities experience widespread and systematic discrimination in all areas of life, including barriers to accessing education, public services, and employment. According to the data published by the Czech Statistical Office, 41 % of working people with disabilities had difficulties finding a job due to their health conditions, 10 % of people with disabilities have experienced discrimination in the labor market and up to 39 % have changed jobs due to their disability.[[1]](#footnote-1)

For these reasons, Rytmus greatly appreciates the opportunity to be able to provide input on the right to work and employment for persons with disabilities and submit the following submissions.

## SUMMARY OF SUBMISSIONS

* **Benefits provided to people with disabilities (such as disability pensions) should not be linked to the fact, whether they are employed or not.**
* **Persons with disabilities should be entitled to the same unemployment benefits or other benefits as non – disabled people in the event of loss of employment.**
* **The States should support the direct employment of people with disabilities.**
* **The states should simplify the administration connected with the entry of persons with disabilities into employment.**
* **The States should maximize the interconnection of all segments of services for people with disabilities.**
* **The States should encourage employers to be more flexible in creating job positions for persons with disabilities**.
* **The States should make sure that all necessary information and documents are provided in easy read format.**
* **The States should make sure that Care homes assist their clients to look for job opportunities in the open labor market.**

## SPECIFIC SUBMISSIONS

**Benefits provided to people with disabilities (such as disability pensions) should not be linked to their possible employment.**

People with disabilities should not be afraid to start working due to the possibility of losing part of their income. In practice, it very often happens that if a person with a disability starts working, there might be a review of whether he or she is so disabled to draw state benefits. Many people choose not to work or even no to try to look for a job. They are afraid that if they fail to work or are fired, they will be no longer entitled to receive enough benefits to cover their basic needs.

**Persons with disabilities should be entitled to the same unemployment benefits or other benefits as non – disabled people in the event of loss of employment.**

In the Czech Republic, in cases of some types of disability financial support, the person does not have the right to draw unemployment benefits, although she worked the necessary time to become entitled to unemployment benefits in the event of job loss.

**The States should support the direct employment of people with disabilities in the open labor market, for example by the mandatory share of employees with disabilities.**

The Ministry of Labor and Social Affairs released almost 22. 4 billion Czech crowns (approximately 855 million Euros) to support the employment of people with disabilities in 2010 -2015. Although these funds were primarily intended to facilitate the entry of people with disabilities into the open labor market, 96 % of those funds ended up with employers from the protected labor market.[[2]](#footnote-2)

Although the Czech law regulates a mandatory share of employees with disabilities, it can be circumvented by so-called substitute benefits, where the company does not directly employ anyone, but for example buys products from the employer from the protected labor market (Company, that employs only or mostly people with disabilities). This method exacerbates the difficulties with the employment and inclusion of people with disabilities in the open labor market.

**The states should simplify the administration connected with the entry of persons with disabilities into employment and do not require more documents than in the case of other employees.**

In the Czech Republic, in addition to the usual administration, the employer must also supply other documents about a person with a disability as part of the admission process. These documents include proof of disability, confirmation of state aid benefits, etc. These requirements discourage many potential employers from accepting a person with a disability as accepting a person without a disability is administratively easier.

**The States should maximize the interconnection of all segments of services for people with disabilities.**

Services for people with disabilities are often fragmented into health, social, educational, and employment services. These individual services communicate little with each other. Insufficient interconnection of services for people with disabilities leads to less efficiency and higher financial cost. It is often difficult to orientate themselves in the support offered.

**The States should encourage employers to be more flexible in creating job positions for persons with disabilities**.

Employers should be supported in creating part-time job positions or shared job positions, which are often more suitable for people with disabilities than full-time jobs. This is especially an issue in the public sector, where the job positions are often very rigid. The job positions in the public sector cannot be changed or combined and it is not possible to reduce the required workload or divide it among more employees.

**The States should make sure that all necessary information and documents are provided in easy read format.**

The States should increase the accessibility of the whole process of entering the labor market by making the materials and information available in easy read format, but also in audio format or subtitled format based on the particular needs of people with disabilities. This should apply to personal questionnaires in companies as well as health and safety training for new employees.

**Employment of people living in Care Homes**

Homes for people with disabilities are also obliged to assist in the realization of their client’s rights, thus also the right to work and employment. However, data from 2020 published by the Public Defender of Rights (Ombudsperson) shows that only 13 % of clients of working age (24 – 65) is employed 40 % of people with disabilities living in their household are employed.[[3]](#footnote-3)

As part of their core activities, they should, at the very least, provide clients with sufficient support so that the client has the opportunity to work, to enter the open labor market, and at the same time, not to be dependent or find herself in an unequal position on comparison to other people. Clients of productive age should be supported in their abilities to work. In line with the principle of normality, they should be encouraged to work outside of the care homes for people with disabilities, in another environment, and in another circle of people, as is common in society. Care homes should assist their clients to look for a job in cooperation with employment offices or establish cooperation with organizations working in the field of employment of people with disabilities.

Thank you for your consideration.

Pavla Baxová

Director

1. Czech Statistical Office, 16 December 2019, Available onlie at: https://www.czso.cz/csu/czso/vyberove-setreni-osob-se-zdravotnim-postizenim-2018. [↑](#footnote-ref-1)
2. Support for the employment of people with disabilities cost almost 22. 4 bilion crowns. But it did not help to to people with disabilities to enter the open labor market. Supreme Audit Office, 6 February 2017. Available online at: https://www.nku.cz/cz/pro-media/tiskove-zpravy/podpora-zamestnavani-osob-se-zdravotnim-postizenim-stala-temer-22-4-miliardy-korun--na-volny-trh-prace-jim-ale-nepomohla--id8451/. [↑](#footnote-ref-2)
3. Life of clients in homes for people with disabilities, Public Defender of Rights, 2020, available online at: https://www.ochrance.cz/uploads-import/CRPD/Vyzkumy/6-2019-domovy-pro-osoby-s-postizenim.pdf [↑](#footnote-ref-3)