



EUROPEAN HUMAN RIGHTS REPORT

ISSUE 7 - 2023

The Right to Work: The employment situation of persons with disabilities in Europe

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Glossary

Discrimination: any distinction, exclusion or restriction on the basis of one or several grounds (sex, race, disability, sexual orientation, gender identity, etc.) that damages or nullifies the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(EU) Directive: legislative act that sets out a goal that all EU Member States must achieve. The Directive must be transposed at national level. This means that it is up to each individual country to decide how to reach the goal on the basis of its own laws.

European Commission (the Commission): the European Union's politically independent executive arm. Its core responsibilities include proposing EU laws and policies and monitoring their implementation.

European Disability Forum (EDF): an independent organisation representing the rights of 100 million persons with disabilities in Europe. It is a unique platform that brings together representative organisations of persons with disabilities from across Europe, and is run by persons with disabilities and their families.

European Union (EU): a unique economic and political union between 27 European countries, as it stands at the time of publication of this report.

General Comment: a General Comment is a treaty body's interpretation of human rights treaty provisions, thematic issues or its methods of work. General Comments often seek to clarify the reporting duties of State Parties with respect to certain treaty provisions, and suggest approaches to implementing those provisions.

Gross domestic product (GDP): the total value of goods produced and services provided in a country during one year.

Member State(s) (of the EU): the EU currently consists of 27 countries, also called "Member States". Each Member State is party to the founding treaties of the Union, and is therefore subject to the privileges and obligations of membership. Unlike members of most international organisations, the Member States of the EU are subject to binding laws in exchange for their representation within the common legislative and judicial institutions.

Open labour market: this refers to work in a mainstream or “regular” employment setting, as opposed to a setting that has been created specifically to employ a specific group of employees, such as persons with disabilities.

Percentage points (pp): this term expresses the arithmetic difference of two percentages, whereas percent (%) refers to the rate of change. For example, if Country A has an employment rate of 30% and Country B has an employment rate of 60%, Country B’s employment rate is 30 pp higher than Country A’s but is also higher by 100%.

Persons with disabilities: individuals who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

Poverty: defined in this publication as below the at-risk-of-poverty threshold, which is set at 60% of the national median equivalised disposable income after social transfers.

Purchasing power standard (PPS): an artificial common reference currency unit used in the EU that eliminates the differences in price levels between countries.

Reasonable accommodation: the necessary and appropriate modification and adjustment, where needed in a particular case, to ensure the enjoyment or exercise of human rights and fundamental freedoms of persons with disabilities on an equal basis with others. To be “reasonable”, the accommodation cannot impose a disproportionate or undue burden. Denial of reasonable accommodation is a form of discrimination.

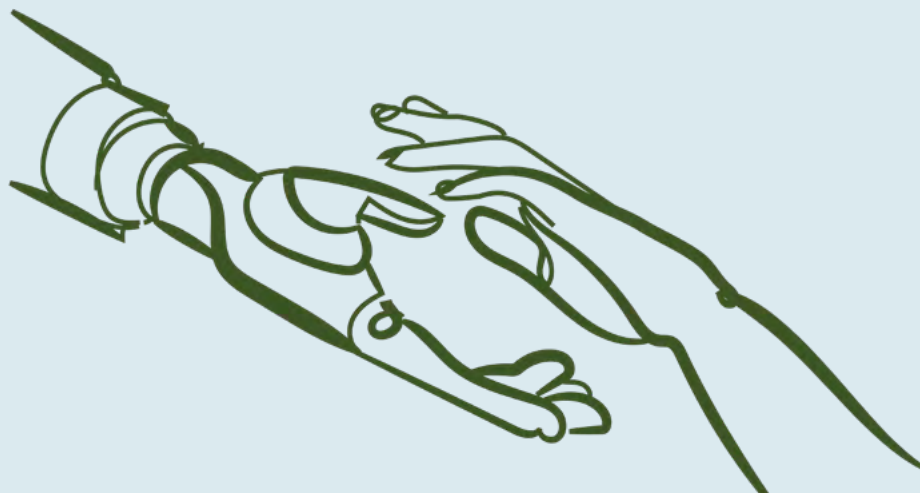
Social exclusion: a process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competencies and lifelong learning opportunities, or as a result of discrimination. This distances them from job, income and education opportunities, as well as from social and community networks and activities. They have little access to power and decision-making bodies, and thus often feeling powerless and unable to take control of the decisions that affect their day-to-day lives.

State Parties (CRPD): countries that have signed and ratified the CRPD, and have committed to making the rights of persons with disabilities a reality. The EU, having concluded the CRPD, is also a State Party together with all of its Members States.

United Nations Convention on the Rights of Persons with Disabilities (CRPD): an international human rights treaty that reaffirms that all persons with disabilities must enjoy all human rights and fundamental freedoms. The CRPD clarifies that all persons with disabilities have the right to participate in the civil, political, economic, social and cultural life of the community in the same way as anyone else.

White collar: relating to the work done or individuals who work in an office or other professional environment, as opposed to “blue collar”, which refers to more manual work, particularly in industry.

**THE PROFESSIONAL DEVELOPMENT
OF PERSONS WITH DISABILITIES IS
A PATHWAY TO SOCIAL INCLUSION.**



Forewords

EDF President, Yannis Vardakastanis



Access to employment for persons with disabilities is, without a doubt, an area where we still have a very long way to go in Europe. There is a clear gap between the reality for persons with disabilities and the experience of those without disabilities when it comes to finding work. We observe this not only in terms of the numbers of persons with disabilities unable to find a place for themselves in the labour market, but also in the low quality of employment, exploitative conditions and low wages that still await far too many of those who do manage to find a job.

Lack of access to employment comes up consistently as one of the greatest concerns of persons with disabilities. It is also inherently linked to other pressing issues we face, such as independent living, quality of life and the ability to avoid the risk of poverty and social exclusion. With Europe in the midst of a devastating cost-of-living crisis, never has it been more crucial for our community to be able to earn decent wages through work that is chosen freely, with fair and stable working conditions, and with social security systems in place that take away some of the burden and extra costs that come from having a disability in a society that still contains so many barriers for us.

Furthermore, with Europe's ageing population and shrinking workforce, we can arguably no longer afford to continue excluding persons with disabilities from the labour market. There are an estimated 100 million persons with disabilities in Europe. We are, in other words, Europe's largest minority. The future of Europe and the prosperity of the European Union is dependent on building a labour market that is inclusive and flexible enough to welcome all kinds of workers, not least persons with disabilities.

Improving job opportunities and fighting discrimination against persons with disabilities in recruitment and employment have been part of public

discourse for decades. While the true extent and severity of the problem might be unknown to many, the fact that more needs to be done to foster employment for persons with disabilities is not new information by any means. And yet nowhere, in no single country, have we managed to observe a real success story. In the European Union, the employment rates of persons with disabilities show no substantive improvement, particularly when we look at full-time work and jobs in the open labour market, as well as the situation of women and young persons with disabilities.

It is time to learn from our failure to make real, concrete progress in this area. We need to be far tougher on fighting the discrimination that many persons with disabilities face both before and during employment. We need to offer greater, more systematic and more tailored support to those making the transition into the world of work, as well as ensuring a greater connection between employers and employment agencies. We need to provide better support to persons with disabilities in obtaining the skills required by the current market and preparing them for the future world of work. We must vastly improve how reasonable accommodation is provided to workers with disabilities. We also need to see persons with disabilities as potential entrepreneurs and employers, rather than merely as jobseekers. And, of course, we must absolutely rethink the way social protection and safety nets are ensured, in order to take away the risk that many persons with disabilities face in losing support and services when they become employed.

The challenges in front of us might seem great, but with fresh ideas and by listening to the changes that persons with disabilities and their representative organisations are asking for, we can begin to find solutions to what has, for so many decades, seemed like an unsolvable problem.

It is our hope that this publication will play a role in setting this change in motion.

Member of the European Parliament, Katrin Langensiepen



Having a job is vital in our lives. It is essential for engaging in human interactions, for gaining the necessary financial means to lead a happy and healthy life, for realising our human potential and for becoming part of our society. Access to employment is therefore an enabler of other rights, such as the right to independent living and inclusion in the community. It allows a person to carve their own path in life, based on their own opportunities and interests. For many of us, what we do for a living helps form part of our identity and gives us a chance to grow and develop, both in confidence and in expertise.

Unfortunately, although it will not come as a surprise to those of us who have a disability, we persons with disabilities are systematically deprived of our “right to engage in work”. This is a right that is protected and promoted by The United Nations Convention on the Rights of Persons with Disabilities and by the EU Charter of Fundamental Rights. Nevertheless, we face systematic barriers and intersectional discrimination. As this report by the European Disability Forum points out, there are huge and persistent differences in the employment rates of persons with and without disabilities. This is something that is further accentuated for women and young people with disabilities, and even more so when we look at full-time employment rates. While we lack data disaggregated by type of disability, we also know that things are particularly challenging for persons with intellectual disabilities or psychosocial disabilities.

It is also important to stress that the value attributed to work only truly exists when we talk about quality employment. As is shown in this publication, while there is a very real issue of persons with disabilities being cut off from the labour market entirely, there is in parallel a crisis of those who do manage to find work being paid below minimum wage, employed in segregated settings and deprived of their basic rights as employees, largely on the basis of their disability.

Within the European Parliament, I led a report on the implementation of what continues to be a crucial piece of EU legislation for the rights of workers with disabilities – The EU Directive from the year 2000 establishing a general framework for equal treatment in employment. Despite the existence of this Directive for over 20 years, we still see widespread structural discrimination against persons with disabilities in the workplace and frequent disregard for the right to reasonable accommodation in work, among other things. In my role as a Member of the European Parliament, and alongside the European Disability Forum, I will continue to fight for a European Union in which this essential piece of legislation is fully respected and where, alongside other positive actions coming from the EU, we can finally turn the tide on the ongoing exclusion of persons with disabilities from the open labour market.

I wish you a very enjoyable and enlightening read.

Executive Summary

EU-level data consistently shows just how much less likely persons with disabilities are to be employed than their non-disabled peers. The latest figures suggest that only 51.3% of persons with disabilities in the European Union are employed, compared to 75.6% of persons without disabilities. For women with disabilities the figure is even lower, with an average employment rate of only 49%. Young persons with disabilities aged 20 to 29, for their part, have an average employment rate of only 47.4%. When it comes to full-time employment rates, the figures are even worse. A mere 20% of women with disabilities work full time, compared to 29% of men with disabilities. We also observe a high correlation between employment rates and how high or moderate a person's need for support is.

Behind these figures lies another issue, that of adequate income. Recent figures indicate that there is not only a significant gender pay gap in Europe, but also a very clear disability pay gap. A study of mean equivalised net income per year in purchasing power standard (PPS) shows that, as an EU average, women with disabilities receive a lower annual income than men with disabilities, at 16,822 PPS compared to 17,746 PPS respectively. The same study also points to the fact that both women and men with disabilities have a considerably lower income than women and men without disabilities, at 20,100 PPS and 20,935 PPS respectively.

As well as lower average levels of income, persons with disabilities have to contend with a far higher average cost of living. This can arise due to higher levels of spending on goods and services used across households, and is often directly related to inaccessibility in public life. Housing has been found to be a factor that puts a particular strain on budgets. 8.9% of persons with disabilities surveyed across the EU lived in households where the cost of housing placed a heavy burden on disposable income. In some EU Member States, the percentage of those struggling to pay for housing was far higher, particularly in Denmark (19.1%), Bulgaria (22%) and Greece (29.4%). The problem of in-work poverty is also particularly pressing for persons with disabilities, given that in nearly all EU Member States, persons with disabilities who work lose their entitlement to disability allowance or services.

Quality employment is of course not only about fair remuneration. It is also closely linked to the work setting, the stability of employment contracts and access to other rights such as paid vacation and medical leave. While there are many types of employment settings where persons with disabilities typically take up work activities, the United Nations Convention on the Rights

of Persons with Disabilities (CRPD) and its General Comment 8¹ clearly point towards the importance of inclusion in the open labour market, and of moving away from settings where persons with disabilities are segregated or deprived of fair working conditions.

The COVID-19 pandemic hit persons with disabilities hard for many reasons, and loss of livelihood was certainly a major problem. 47% of persons with disabilities surveyed in the EU during the pandemic reported difficulties in making ends meet, compared to 34% of those without disabilities. Studies conducted in the Member States also bear testament to the fact that the pandemic resulted in widespread loss of employment or reduction in work hours for those with disabilities.

The Member States of the EU take a range of different approaches to promoting the employment of persons with disabilities, albeit with a number of overlaps. For example, almost all EU Member States have quota systems in place. These differ from country to country regarding the percentage of workers with disabilities an employer should employ, whether it extends to the private sector or only the public sector, and in terms of the size of the companies or organisations that are obliged to adhere to the quota system. There are also variations regarding the existence of penalties for not respecting the quota obligations, with eight EU Member States having no apparent sanctions for non-compliance.

Nearly all EU Member States provide support for reasonable accommodation in the form of grants, tax subsidies or the direct provision of equipment. Despite this, the provision of reasonable accommodation to allow persons with disabilities to carry out their work remains one of the key barriers they face. Reasonable accommodation is guaranteed as a right to workers under the EU Directive on non-discrimination in employment (Council Directive 2000/78/EC) but has proven to be one of the most difficult rights to implement across the Member States. New EU legislation on minimum wages and on reporting obligations for companies on their actions towards inclusion, as well as planned EU guidelines on reasonable accommodation, should all pave the way for better quality employment in general across the EU, but particularly for persons with disabilities. This will be crucial as the disabled community adapts to an ever-changing and increasingly digitalised labour market, which can bring about both opportunities and additional challenges for persons with disabilities.

Introduction

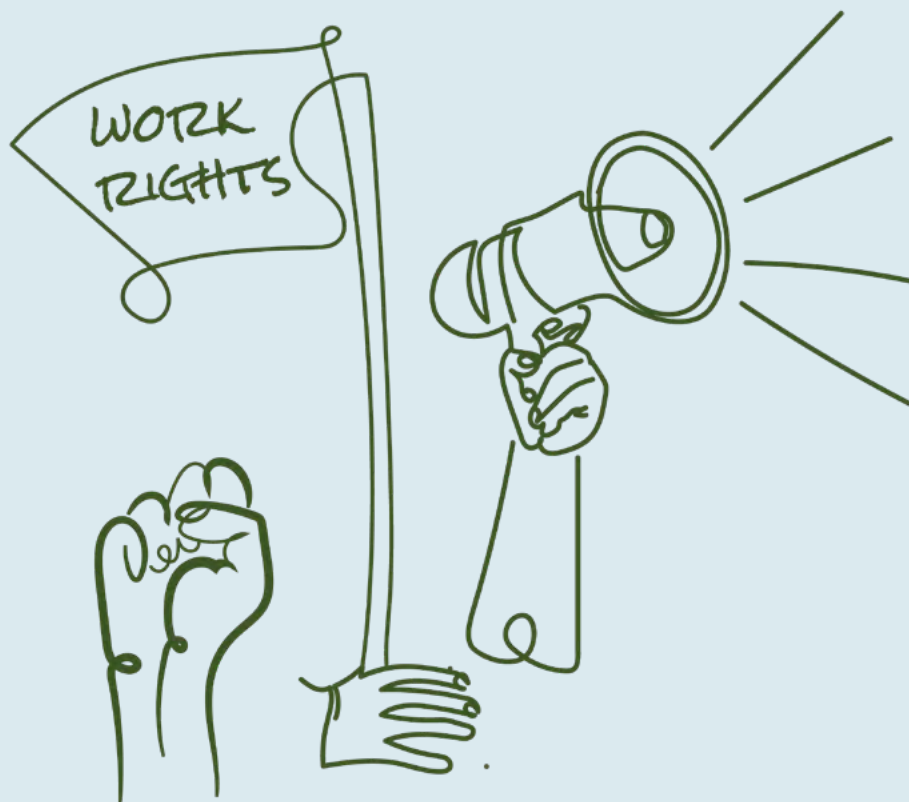
For many persons with disabilities, finding and maintaining quality employment remains a major challenge. Year after year, decade after decade, data shows us just how much harder it is for persons with disabilities to enter and remain in the labour market. While employment rates for persons with disabilities vary throughout the EU Member States, what is clear is that no one country has yet made significant progress in reducing the disability employment gap.

Behind employment data, the reality of the quality of employment that persons with disabilities find is often obscured. Many of those in employment work only part time, receive minimum or below minimum wage, or work in settings outside the open labour market. The situation for young persons and women with disabilities is even more precarious. While many persons with disabilities are denied work opportunities because of discrimination, countless others who manage to find work still face discrimination within the workplace.

In this edition of the European Disability Forum's Human Rights Report, we will dissect the latest data on the employment of persons with disabilities in the European Union, and delve deeper into the reality that lies beneath these figures. We will explore the major barriers to employment, compare the realities in different EU Member States, and hear the personal experiences of persons with disabilities across Europe. We will map existing policies to promote the employment of persons with disabilities in the EU, and conclude by presenting our own recommendations to policy makers.

We hope this report will be as revealing and informative for you to read as it has been for us to produce. So, without any further ado, we wish you an enjoyable read.

**THE RIGHT TO WORK AND
EMPLOYMENT IS A FUNDAMENTAL
RIGHT ENSHRINED IN ARTICLE
27 OF THE UN CONVENTION ON
THE RIGHTS OF PERSONS WITH
DISABILITIES.**



CHAPTER 1: CRPD Update in Europe



The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty reaffirming that persons with disabilities should be guaranteed the enjoyment of all human rights and fundamental freedoms without discrimination.

It was adopted in 2006 by the General Assembly of the United Nations. 185 countries, including the EU, are State Parties to the CRPD. It is also the world's fastest-ratified international human rights treaty².

The Convention clarifies that persons with disabilities have the right to participate in civil, political, economic, social and cultural life in the community, just like anyone else. It stipulates what public and private authorities must do to ensure and promote the full enjoyment of these rights by all persons with disabilities. The right to work and employment is addressed in Article 27 of the Convention³.

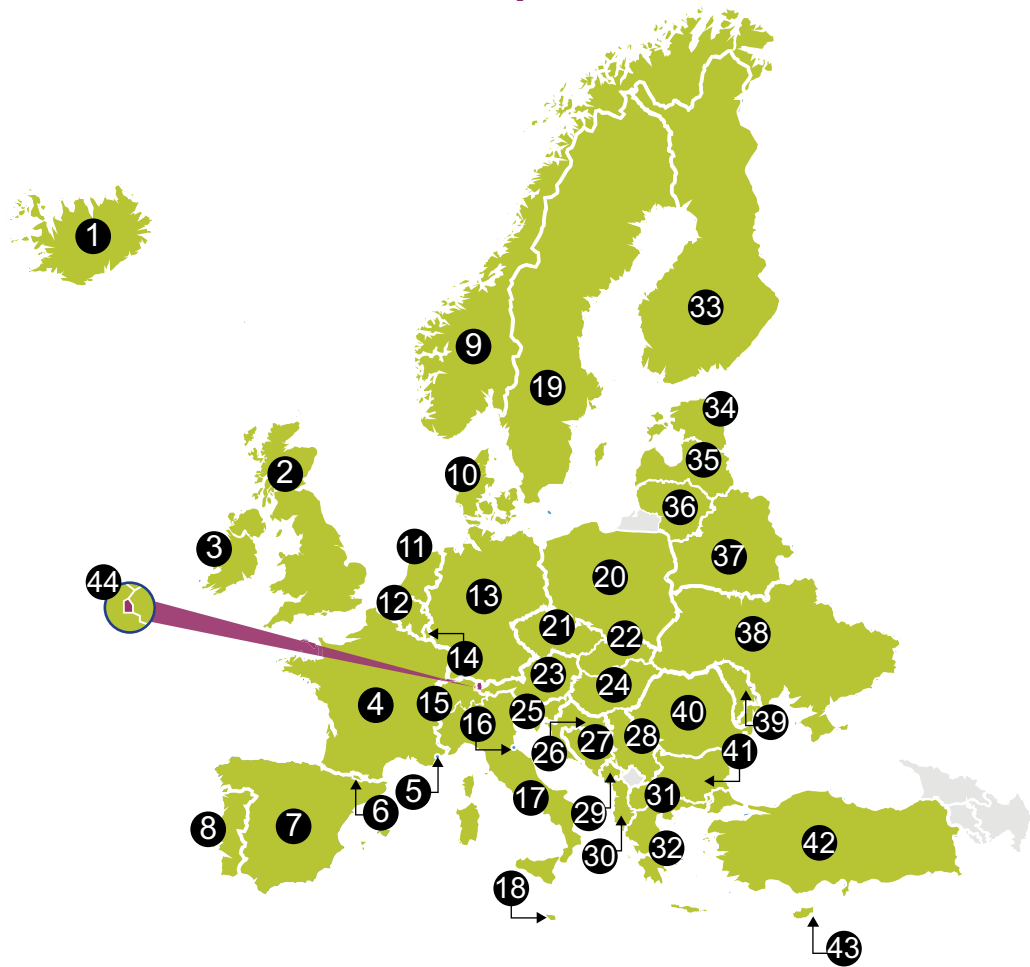
Ratification of the CRPD

The CRPD has been ratified rapidly in Europe. The EU has been a State Party to the CRPD since 2011, and as of March 2018, all EU Member States and the EU have ratified the Convention. It is the first time that there has been universal ratification of an international human rights treaty in the EU.

Other countries in Europe that have ratified the CRPD include Albania, Andorra, Iceland, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia and Turkey. Liechtenstein is the only remaining signatory not to have ratified the CRPD in Europe⁴.

EDF calls on Liechtenstein to ratify the CRPD without further delay.

Ratification of the CRPD in Europe



● Countries that ratified the CRPD (43)

- | | | |
|-------------------|--------------------------|-------------------|
| ① Iceland | ⑮ Switzerland | ⑳ Montenegro |
| ② United Kingdom | ⑯ San Marino | ㉑ Albania |
| ③ Ireland | ⑰ Italy | ㉒ North Macedonia |
| ④ France | ⑱ Malta | ㉓ Greece |
| ⑤ Monaco | ⑲ Sweden | ㉔ Finland |
| ⑥ Andorra | ⑳ Poland | ㉕ Estonia |
| ⑦ Spain | ㉑ Czechia | ㉖ Latvia |
| ⑧ Portugal | ㉒ Slovakia | ㉗ Lithuania |
| ⑨ Norway | ㉓ Austria | ㉘ Belarus |
| ⑩ Denmark | ㉔ Hungary | ㉙ Ukraine |
| ⑪ The Netherlands | ㉕ Slovenia | ㉚ Moldova |
| ⑫ Belgium | ㉖ Croatia | ㉛ Romania |
| ⑬ Germany | ㉗ Bosnia and Herzegovina | ㉜ Bulgaria |
| ⑭ Luxembourg | ㉘ Serbia | ㉝ Turkey |
| | | ㉞ Cyprus |

● Countries that did not ratify the CRPD (1)

- ④④ Liechtenstein

Submission of initial report to the CRPD Committee

State Parties are obliged to submit an initial report to the CRPD Committee on measures taken to implement the Convention two years after the entry into force of the CRPD in their country.

If a State Party does not send its report to the CRPD Committee, it blocks the Committee's review process on progress made by that country towards the implementation of the CRPD. This is the case of San Marino, which is the last State Party in Europe not to have submitted its initial report to the CRPD Committee (the state report was due on 22 March 2010).

EDF calls on San Marino to urgently submit its initial state report to the CRPD Committee.

Ratification of Submission of Initial Report to the CRPD Committee



● Countries who have not yet submitted a state report (1)

① San Marino

Optional Protocol to the CRPD

The Optional Protocol to the CRPD allows individuals, groups of individuals, or third parties to submit a complaint to the CRPD Committee about human rights violations. Complaints may only be made against a State Party that has ratified the Optional Protocol. If the CRPD Committee finds that the State Party has failed in its obligations under the CRPD, it will issue a decision requiring that the violation be remedied, and for the State Party to provide follow-up information.

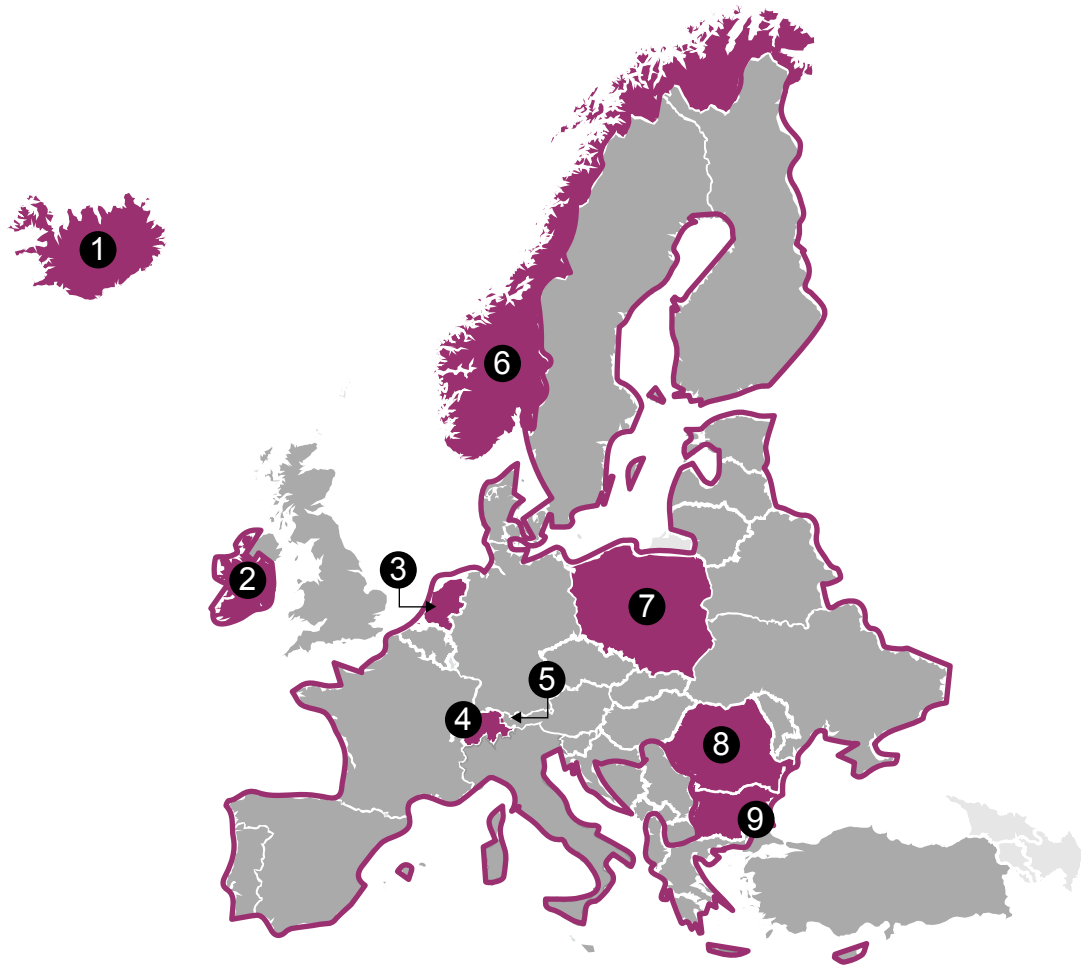
Countries that have ratified the Optional Protocol include 23 EU Member States, as well as all EU candidate countries and the United Kingdom. Norway, Iceland and Liechtenstein have not ratified the Optional Protocol.

The CRPD Committee calls on each State Party to ratify the Optional Protocol.

EDF calls on the EU, as well as Bulgaria, Iceland, Ireland, Liechtenstein, the Netherlands, Norway, Poland, Romania and Switzerland, to ratify the Optional Protocol.

[You can read the full text of the Optional Protocol on the web page of the CRPD Committee.](#)

Ratification of the Optional Protocol



● Countries who have not ratified the OP (9)

① Iceland

② Ireland

③ the Netherlands

④ Switzerland

⑤ Liechtenstein

⑥ Norway

⑦ Poland

⑧ Romania

⑨ Bulgaria

○ European Union

CHAPTER 2: Employment situation of persons with disabilities in the EU



Across the EU, persons with disabilities are far less likely to be employed than those without disabilities.

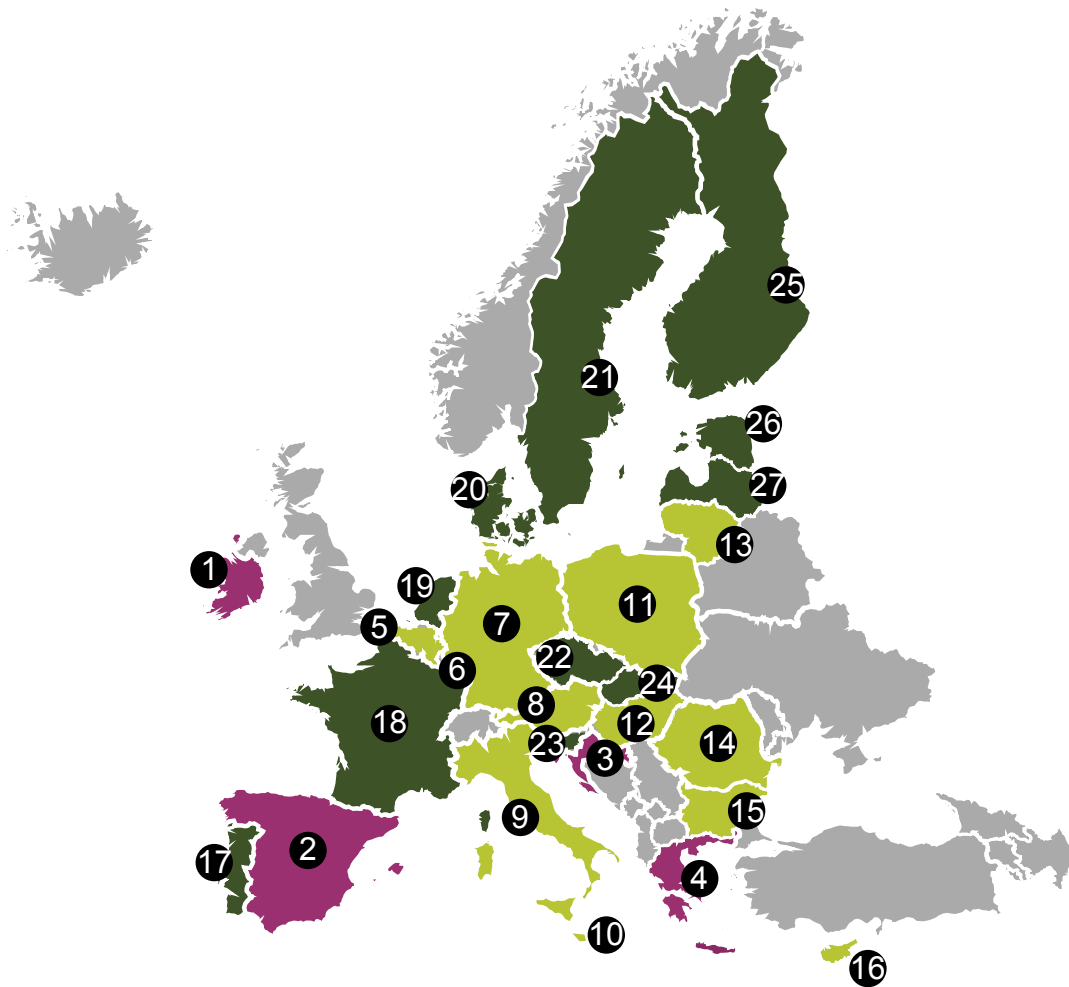
According to research by European Disability Expertise⁵, coordinated and funded by the European Commission, the overall strengthening of labour markets preceding the COVID-19 pandemic appears to have led to a gradual improvement in the disability employment situation. However, there has been no measurable progress in closing the disability employment gap. Considerable underused labour potential remains among persons with disabilities, which reduced the EU's overall employment rate by more than 4 percentage points (pp) in 2019⁶.

Existing data obscures the fact that persons with disabilities are often paid at or below minimum wage, work part time, have precarious work contracts and even work in isolated workshops segregated from the open labour market, as described in more detail in an April 2020 report by EDF⁷. Persons with psychosocial and intellectual disabilities in particular face significant barriers to employment⁸.

Employment rate of persons with and without disabilities

Employment rates are notably lower among persons with disabilities in every EU Member State. Data presented in the 2022 Commission report on comparative data on persons with disabilities finds that 51.3% of persons with disabilities are employed, compared to 75.6% of those without disabilities. This varies widely between EU Member States. The employment rate of persons with disabilities is lowest in Ireland (32.6%), Greece (32.6%) and Croatia (37%), and highest in Denmark (60.1%), Latvia (60.8%) and Estonia (64.9%). A similar ranking existed in 2018⁹.

Employment rates of persons with disabilities in the EU Member States¹⁰



● Less than 40% (4)

① Ireland - 32.6%

② Spain - 39.0%

③ Croatia - 37.0%

④ Greece - 32.6%

● From 40% to 55% (12)

⑤ Belgium - 44.1%

⑥ Luxembourg - 51.5%

⑦ Germany - 53.3%

⑧ Austria - 54.6%

⑨ Italy - 51.6%

⑩ Malta - 47.1%

⑪ Poland - 43.3%

⑫ Hungary - 50.2%

⑬ Lithuania - 53.9%

⑭ Romania - 46.3%

⑮ Bulgaria - 40.2%

⑯ Cyprus - 52.4%

● From 55% to 65% (11)

⑰ Portugal - 59.8%

⑱ France - 56.9%

⑲ Netherlands - 56.3%

⑳ Denmark - 60.1%

㉑ Sweden - 58.4%

㉒ Czechia - 55.2%

㉓ Slovenia - 55.0%

㉔ Slovakia - 56.3%

㉕ Finland - 56.9%

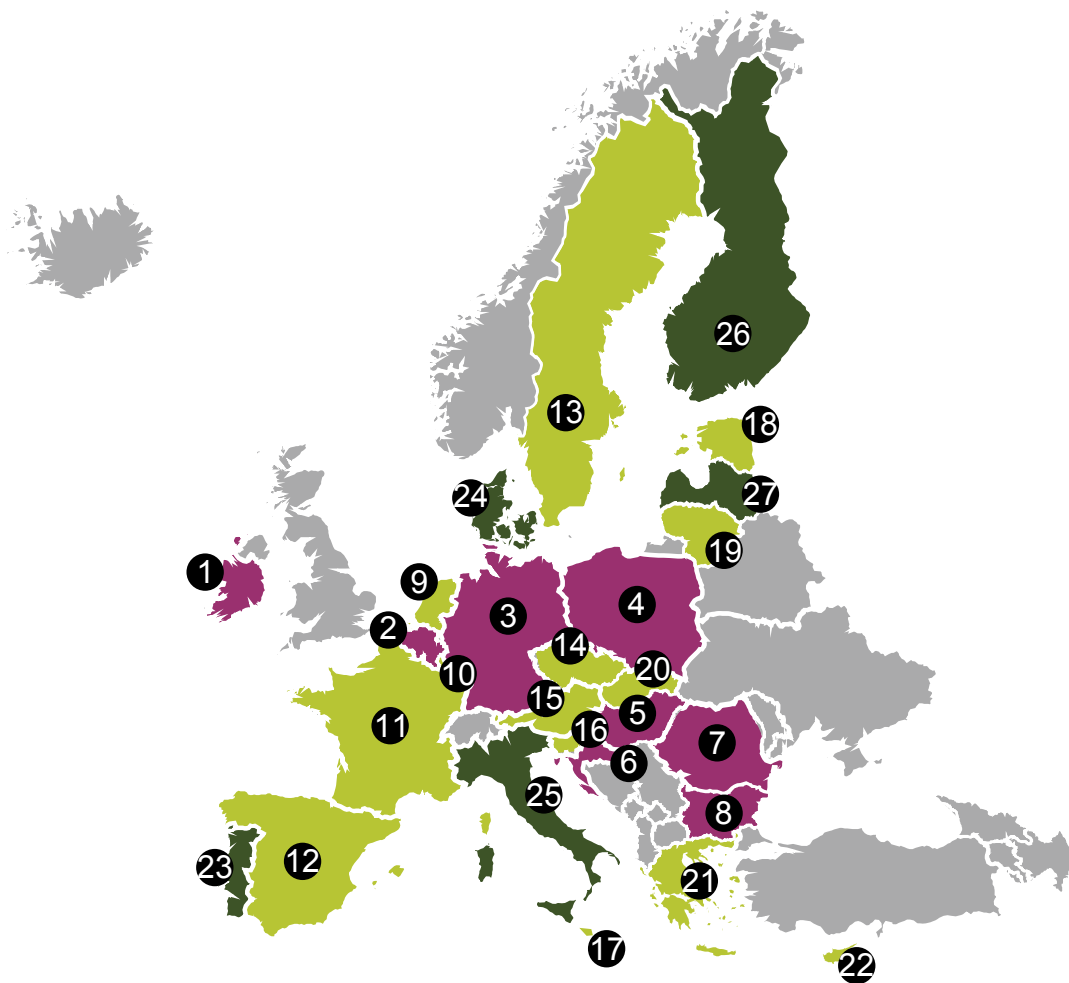
㉖ Estonia - 64.9%

㉗ Latvia - 60.8%

Disability employment gap

The gap between the employment of persons with disabilities and the employment of persons without disabilities is known as the disability employment gap. The Commission now regularly collects and publishes data on the disability employment gap as part of its European Semester process, which reviews the economic and employment policies of the Member States. The most recently available Eurostat data from 2020 shows that the average disability employment gap in the 27 EU Member States was 24.4 pp, but this varies widely across Member States¹¹. The highest disability employment gaps were in Ireland (38.6 pp), Belgium (36.3 pp), Bulgaria (33 pp), Croatia (32.9 pp) and Germany (32.4 pp)¹². The lowest employment gaps could be found in Italy (14.9 pp), Latvia (16.7 pp), Denmark (18.1 pp) and Portugal (18.2 pp)¹³.

Disability employment gap in the EU Member States in percentage points (pp)¹⁴



More than 30 percentage points (pp) (8)

- | | | |
|---------------------|---------------------|----------------------|
| ① Ireland - 38.6 pp | ④ Poland - 31.3 pp | ⑦ Romania - 30.4 pp |
| ② Belgium - 36.3 pp | ⑤ Hungary - 31.2 pp | ⑧ Bulgaria - 33.0 pp |
| ③ Germany - 32.4 pp | ⑥ Croatia - 32.9 pp | |

From 20 to 30 percentage points (pp) (14)

- | | | |
|-------------------------|----------------------|-----------------------|
| ⑨ Netherlands - 25.4 pp | ⑭ Czechia - 25.6 pp | ⑲ Lithuania - 22.7 pp |
| ⑩ Luxembourg - 22.1 pp | ⑮ Austria - 20.5 pp | ⑳ Slovakia - 23.6 pp |
| ⑪ France - 22.8 pp | ⑯ Slovenia - 21.7 pp | ㉑ Greece - 27.7 pp |
| ⑫ Spain - 21.6 pp | ⑰ Malta - 29.4 pp | ㉒ Cyprus - 23.5 pp |
| ⑬ Sweden - 28.9 pp | ⑱ Estonia - 20.6 pp | |

Less than 20 percentage points (pp) (5)

- | | | |
|----------------------|---------------------|--------------------|
| ㉓ Portugal - 18.2 pp | ㉕ Italy - 14.9 pp | ㉗ Latvia - 16.7 pp |
| ㉔ Denmark - 18.1 pp | ㉖ Finland - 19.9 pp | |

Even in countries where the general employment rate is high, the relative employment situation for persons with disabilities is not necessarily better than in other EU Member States. For example, in Sweden, where the employment rate is 80.8%, the disability employment gap of 28.9 pp is higher than the EU average. In Germany, with a similar employment rate of 79.2%, the gap is even larger, at 32.4 pp. The disability employment gap can be deceptively low in certain Member States due to the low levels of employment among the general population. Italy, with one of the lowest overall employment rates in the EU of 62.6%, has a disability employment gap of 14.9 pp. Similarly, Spain, whose total employment rate in 2020 was also below the EU average at 65.7%, has a 21.6 pp gap, nearly 3 pp smaller than the EU average¹⁵. These comparatively small disability employment gaps do not, however, take away from the fact that the employment rate of persons with disabilities in these countries remains very low.

Comparing Eurostat data from 2019 and 2020 reveals notable changes in the disability employment gap, particularly in relation to a relatively unchanged total employment rate in those two years. Total employment shows a slight decrease in nearly all Member States between 2019 and 2020, likely linked to the COVID-19 pandemic. Across the 27 EU Member States, average total employment dipped less than 1% from 73.1% in 2019 to 72.3% 2020, with a maximum decrease of 2.3% in Spain¹⁶.

In the same period, the average EU disability employment gap, or the difference between the employment of persons with and without disabilities, remained unchanged at 24.4 pp¹⁷. However, there were significant changes in the gap in certain Member States. Between 2019 and 2020, the disability employment gap worsened in 12 Member States, including by more than 2 pp in seven of them¹⁸.

The widening gap was most pronounced in Germany (increased gap of 5.9 pp), France (increased gap of 4.8 pp) and Sweden (increased gap of 4 pp). This is even more troubling given the previous year's gains in closing the disability employment gap. In Germany, between 2018 and 2019 there had been a 3 pp decrease in the gap, and in Sweden a decrease of over 5 pp¹⁹. These figures would seem to suggest that in countries such as Germany France and Sweden, persons with disabilities were disproportionately affected by job loss caused by the pandemic.

In some Member States the disability employment gap appears to have improved between 2019 and 2020, with a decrease from 30.1 pp to 21.6 pp (8.5 pp) in Spain, and a 5.4 pp decrease in Ireland, from 44.0 pp to 38.6 pp²⁰.

Disparities for women with disabilities

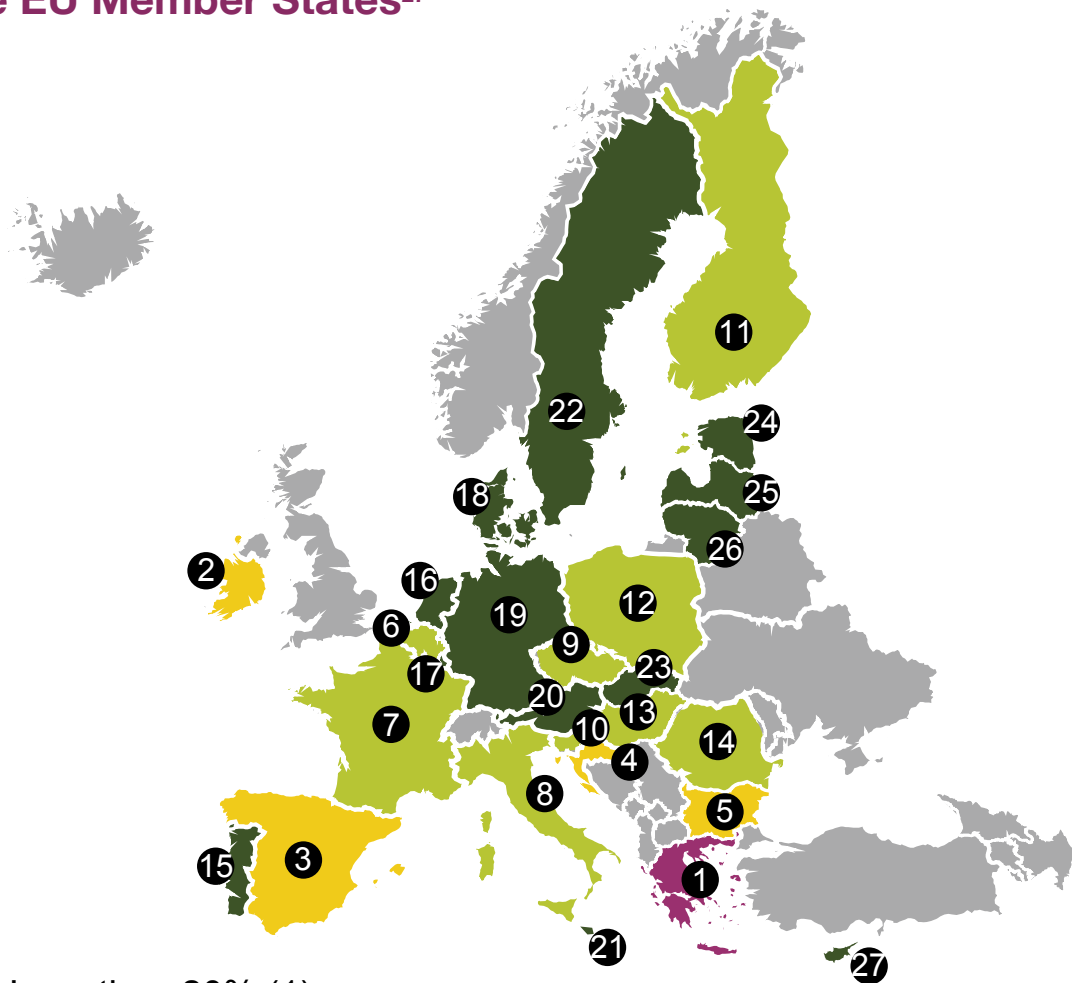
When seeking to access employment, women with disabilities face impacts of multiple forms of discrimination. In 2019, 49% of women aged 20 to 64 with disabilities were employed, compared to 53.9% of men with disabilities, according to a 2022 Commission report analysing comparative data for persons with disabilities in employment²¹. For women without disabilities, the employment rate was significantly higher, at 69.3%, and it was highest of all for men without disabilities, at 82%.

The gender and disability employment gap is not consistent within countries. Despite Belgium and Bulgaria having high rates of women without disabilities in employment (73.8% and 72.5% respectively), the disability employment gap for women with disabilities is over 31 pp in each country. In Ireland it is 45 pp. Comparatively higher rates of women in employment in Finland and Latvia appear to translate to their peers without disabilities, with an employment gap of 15.9 pp in Finland and just over 12 pp in Latvia²².

Research in 2020 in Spain found significant gender disparity in employment in the Spanish labour market, with 63.6% of employed persons with disabilities being men. For persons without disabilities, the disparity in the employment rate was remarkably lower: 53.4% of persons without disabilities in the Spanish labour market were men²³. In Ireland, the national labour force participation rate for the general population was 61.4%, while the rate for persons with disabilities was less than half of this, at 30.2%. For women with disabilities, it was markedly lower, at 25.8%²⁴.

The figures are even lower when looking at full-time employment. According to data from the European Institute for Gender Equality (EIGE), across the EU, women with disabilities have lower full-time employment rates than women without disabilities²⁵. Regarding the difference between women and men with disabilities, just 20% of women with disabilities work full time, compared to 29% of men with disabilities. Greece, Bulgaria and Italy have the lowest full-time employment rates for women with disabilities. The countries with the highest rates are Estonia, Denmark and Latvia²⁶.

Full-time employment rates for men with disabilities in the EU Member States²⁷



● Less than 20% (1)

① Greece - 13%

● From 20% to 23% (4)

② Ireland - 23%

③ Spain - 21%

④ Croatia - 21%

⑤ Bulgaria - 20%

● From 26% to 30% (9)

⑥ Belgium - 27%

⑦ France - 30%

⑧ Italy - 28%

⑨ Czechia - 28%

⑩ Slovenia - 29%

⑪ Finland - 30%

⑫ Poland - 26%

⑬ Hungary - 27%

⑭ Romania - 28%

● From 31% - 42% (13)

⑮ Portugal - 32%

⑯ Netherlands - 32%

⑰ Luxembourg - 32%

⑱ Denmark - 37%

⑲ Germany - 31%

⑳ Austria - 38%

㉑ Malta - 35%

㉒ Sweden - 32%

㉓ Slovakia - 35%

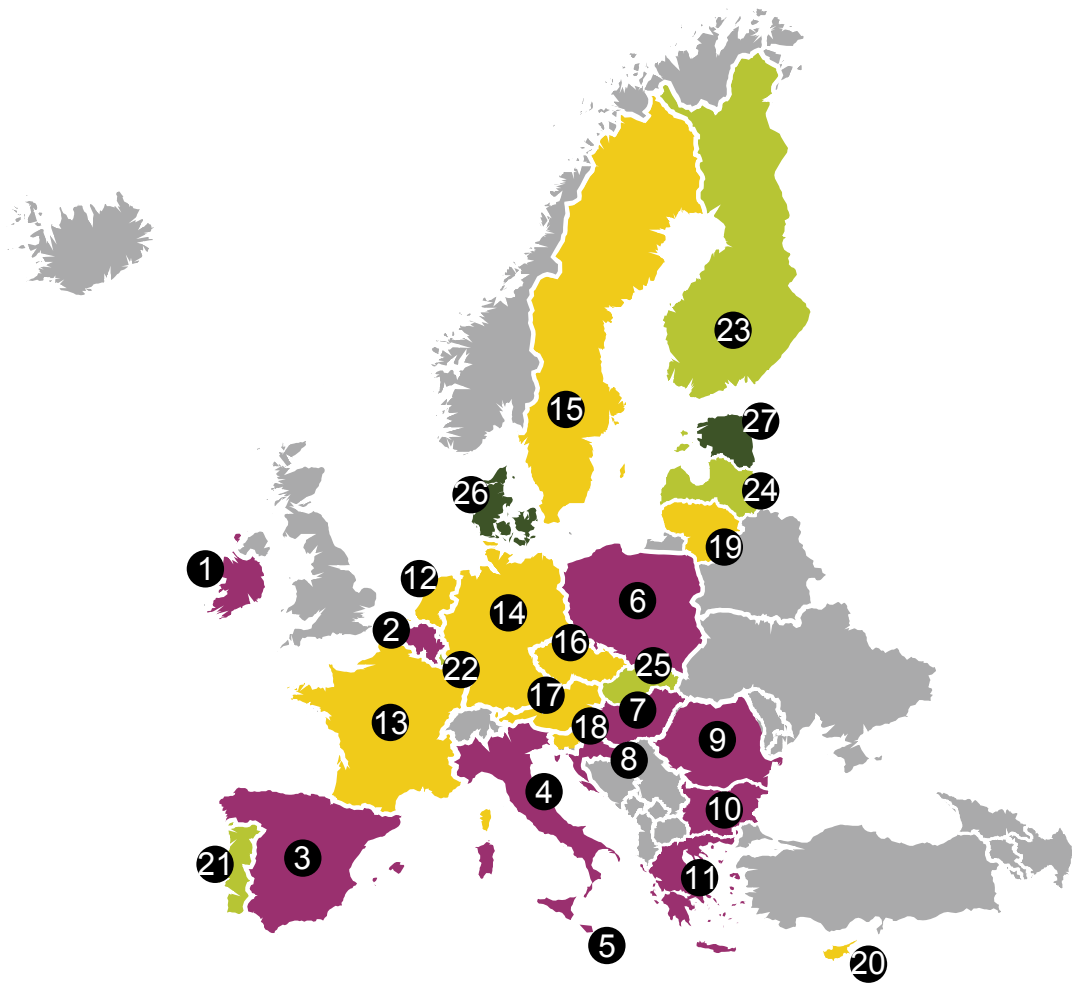
㉔ Estonia - 42%

㉕ Latvia - 38%

㉖ Lithuania - 31%

㉗ Cyprus - 33%

Full-time employment rates for women with disabilities in the EU Member States²⁸



● Less than 20% (11)

- ① Ireland - 15%
- ② Belgium - 19%
- ③ Spain - 15%
- ④ Italy - 14%

- ⑤ Malta - 16%
- ⑥ Poland - 19%
- ⑦ Hungary - 19%
- ⑧ Croatia - 15%

- ⑨ Romania - 16%
- ⑩ Bulgaria - 14%
- ⑪ Greece - 9%

● From 21% to 25% (9)

- ⑫ Netherlands - 21%
- ⑬ France - 25%
- ⑭ Germany - 23%

- ⑮ Sweden - 25%
- ⑯ Czechia - 24%
- ⑰ Austria - 23%

- ⑱ Slovenia - 23%
- ⑲ Lithuania - 24%
- ⑳ Cyprus - 22%

● From 27% to 30% (5)

- ㉑ Portugal - 28%
- ㉒ Luxembourg - 27%

- ㉓ Finland - 28%
- ㉔ Latvia - 30%

- ㉕ Slovakia - 27%

● More than 31% (2)

- ㉖ Denmark - 31%

- ㉗ Estonia - 33%

Women with disabilities are being left behind even where employment rates are increasing for their male counterparts. A 2018 Eurofound report found that between 2011 and 2016, the increase in the employment rate of men with disabilities was greater than that of women. This is despite the fact that more women with disabilities complete tertiary (university or vocational) education²⁹. The report also found that while male workers with disabilities work the same number of hours as their non-disabled counterparts, women with disabilities work fewer hours (33) than both men with disabilities and women without disabilities³⁰.

Employment of young persons with disabilities

Young persons with disabilities face greater barriers to employment than those without disabilities. The Commission estimates that 47.4% of persons with disabilities aged 20 to 29 were employed in 2019, compared to 57.8% of those without disabilities in the same age group. This is only a slight improvement in employment for young persons with disabilities compared to 2017 and 2018³¹.

Barriers to completing education and obtaining qualifications also mean that young persons with disabilities gain their first professional experience at an older age than their peers without disabilities. This results in workers with disabilities often filling more junior roles than other workers of the same age.

Employment of persons with high support needs

Persons with high support needs face the greatest barriers to accessing employment, with low employment rates across all EU Member States. In 2019, Belgium (15.9%), Ireland (17.7%) and Lithuania (18.2%) had the lowest employment rates. We see far lower rates for persons with high support needs than for the disabled population as a whole. This leads us to the conclusion that having high support needs vastly increases the likelihood of being unemployed.

In some countries, the gap is stark. For example, in Belgium and Lithuania, the gap in employment rates between persons with disabilities with and without high support needs is 42 pp. Similarly, in the Netherlands there is a 40 pp gap between persons with “moderate” disabilities and those with “severe” disabilities (63% and 22.9% respectively). In Hungary, the gap is also nearly 40 pp (60.5% and 20.8% respectively)³².

COVID-19 and employment of persons with disabilities

The COVID-19 pandemic had negative impacts on employment for all workers. There is not yet sufficient comprehensive data at EU level or among Member States to assess the full effects of the pandemic on the employment of persons with disabilities. This section includes relevant information from several reports from late 2020 to 2022.

A 2021 Eurofound survey on quality of life during the COVID-19 pandemic found that among all working persons, those with disabilities were more likely to be financially insecure: 47% of respondents with disabilities reported experiencing difficulties in making ends meet compared to 34% of those without disabilities³³.

A 2020 report published by Inclusion Europe and Plena Inclusion found that many persons with intellectual disabilities working in the open labour market prior to the pandemic had to stop working due to public health lockdowns and the closure of certain types of businesses. For example, an organisation in Czechia supporting the employment of persons with intellectual disabilities estimated that around 20% of their clients had lost their jobs during the COVID-19 crisis³⁴. Research in Ireland found similar concerns regarding persons with intellectual and developmental disabilities³⁵.

In a survey in Germany from 2021, 3.3% of persons with disabilities stated that they had become unemployed as a result of the pandemic, and 8% were working less. Only 50% of persons with disabilities said that they did not fear increased obstacles related to the pandemic to securing and retaining employment³⁶. Lithuania saw a notable impact on its employment rate, with a 4% decrease in the employment of persons with disabilities³⁷. Increasingly precarious work was identified in Poland, with a much higher number working fewer hours than before the pandemic (from 22% to 37.5%), as well as fewer persons with disabilities employed on a contractual basis³⁸. In Slovakia, the labour market participation of persons with disabilities worsened in 2020 compared to previous years, with workers without fixed contracts being hardest hit, compared to those with contracts or the self-employed³⁹. A survey conducted in Spain by Fundación Once of persons with disabilities found that 12% had lost their jobs and 37% had been placed on temporary furlough or reduced hours. Many workers were employed in the sectors hardest hit by pandemic-related closures: services, customer service, restaurants and commerce; activities that were curtailed to avoid social contact⁴⁰.

By contrast, an analysis of data from Estonia determined that “persons with disabilities have been less affected by the economic consequences of the COVID-19 crisis compared to the general population. This may be explained by factors such as lower employment of persons with disabilities in sectors of the economy which have been hardest hit by the crisis (tourism, catering, transport, etc.)”⁴¹. Research in France found only moderate impacts of the pandemic on the employment of persons with disabilities, but identified concerns such as increased long-term unemployment, the closure of small and medium-sized enterprises (where the majority of persons with disabilities are employed), and digital inaccessibility that inhibits teleworking⁴².

Research on the impact of the COVID-19 pandemic on persons with disabilities in the United States can provide an insight into what other countries may also be experiencing. One such study of 67 employers found that while the pandemic had negatively impacted all workers, persons with disabilities faced a greater number of obstacles. Barriers included: a higher risk of COVID-19 infection, combined in many cases with an increased risk of severe symptoms and fatalities owing to existing health conditions, especially since the pandemic exacerbated barriers to healthcare; risks associated with travelling by public and adapted transportation for employment and healthcare purposes; and reduced access to personal support and community-based services⁴³.

COVID-19 HAS SHOWN ONCE AGAIN THAT WORKERS WITH DISABILITIES EXPERIENCE UNEQUAL TREATMENT IN THE LABOUR MARKET. THIS INEQUALITY ONLY BECOMES WORSE DURING TIMES OF CRISIS.



CHAPTER 3: EU Member States' policies promoting the employment of persons with disabilities



EU Member States have a variety of policies intended to support the employment of persons with disabilities. A 2021 Eurofound report on EU policies regarding labour market integration found 154 different measures, including support for job creation; support for individuals with disabilities (employees, jobseekers); and support for employing organisations⁴⁴.

Measures implemented by Member States include quota systems; wage subsidies; tax benefits for companies to encourage hiring; assistance with training costs and reasonable accommodation; the provision of individual support including personal assistance; and continued payment of certain disability allowance to employees with disabilities while in work. We will discuss this last point in more detail in the section of the report on “Paid employment and compatibility with disability allowance”.

To date, these policies have not been sufficient. An academic study in 2021 of EU Member States’ labour market policies designed to address the employment gap “did not find strong evidence that [existing] policies have a positive impact” on the employment of persons with disabilities⁴⁵. Similarly, the 2021 Eurofound report stated that “despite legislation and initiatives promoting diversity in the workplace ... people with disabilities still have fewer opportunities to enter into, remain in or return to employment than other people”⁴⁶.

Quotas and other policies promoting job creation

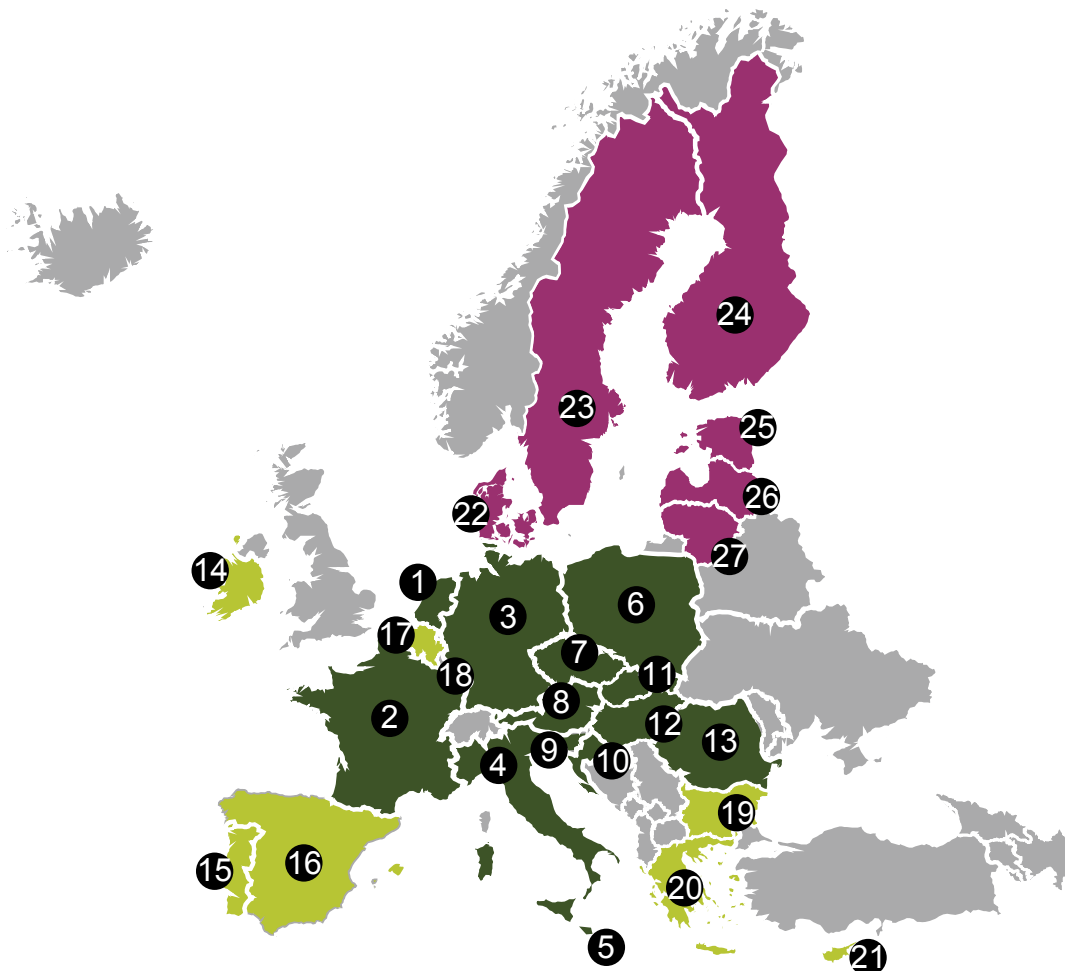
According to Eurofound, 23 EU Member States have quota systems promoting the employment of persons with disabilities. Denmark, Finland, Latvia and Sweden do not use quota systems and rely exclusively on other approaches, described in more detail below.

In a quota system, persons with disabilities must constitute a minimum percentage of the total workforce. Among EU Member States with quotas, the percentage is between 1% and 10% depending on the country, with most countries having percentages between 2% and 5%. Most Member States have quotas for both private and public entities. For example, quotas in parts of Belgium, Cyprus, Estonia and Ireland only apply to public employers. In some countries, the quota applies only to businesses or agencies with a minimum number of employees, typically at least 25 or 50⁴⁷.

Some Member States allow quotas to be met through what are known as “alternative measures”. These, in practice, are the purchase of products and services from companies employing persons with disabilities, or the outsourcing of work to sheltered employment organisations or social enterprises employing persons with disabilities⁴⁸. While this practice does promote the employment of persons with disabilities in some form, it nevertheless offers a get-out clause to improving the inclusion of workers with disabilities in the open labour market.

In most EU Member States, if an employer fails to meet the quota, they must pay a fine, which governments often use to fund their policies promoting the employment of persons with disabilities, such as wage support or other incentives, vocational training and other initiatives. Not all Member States use the fines in this way. In Romania, for example, the fines paid are either returned to the state or used to purchase products made by persons with disabilities⁴⁹. According to the International Labour Organization (ILO) and research conducted independently by the European Disability Forum (EDF) of those EU Member States that use some form of quota system, eight of them have no financial sanctions for non-compliance. These Member States are Belgium, Bulgaria, Cyprus, Greece, Ireland, Luxembourg, Portugal and Spain⁵⁰.

EU Member States with quota systems for the employment of persons with disabilities⁵¹



● Binding quota system (13)

- | | | |
|-------------------------|--------------------------|------------|
| ① Netherlands | ⑥ Poland | ⑩ Croatia |
| ② France | ⑦ Czechia | ⑪ Slovakia |
| ③ Germany ⁵² | ⑧ Austria | ⑫ Hungary |
| ④ Italy | ⑨ Slovenia ⁵⁴ | ⑬ Romania |
| ⑤ Malta ⁵³ | | |

● Quota system but no apparent financial sanctions for non-compliance (8)

- | | | |
|-------------------------|-------------------------|------------------------|
| ⑭ Ireland ⁵⁵ | ⑰ Belgium ⁵⁶ | ⑳ Greece |
| ⑮ Portugal | ⑱ Luxembourg | ㉑ Cyprus ⁵⁷ |
| ⑯ Spain | ㉒ Bulgaria | |

● No quota system (6)

- | | | |
|-----------|-----------|---------------------------|
| ㉒ Denmark | ㉔ Finland | ㉖ Latvia |
| ㉓ Sweden | ㉕ Estonia | ㉗ Lithuania ⁵⁸ |

Support for individuals with disabilities (employees, jobseekers)

The 2021 Eurofound report on policies to promote the employment of persons with disabilities found that 35% of the measures identified target employees and jobseekers with disabilities. The Commission's online disability tool describes different measures to support individuals in 14 different Member States, although this list is not exhaustive⁵⁹. Measures include all-encompassing individual support, vocational training and vocational rehabilitation, transition from education, guidance counselling and skills enhancement.

Some countries, such as Hungary and Finland, provide some support for personal assistance⁶⁰. In Ireland, a workplace equipment adaptation grant is available for persons with disabilities who have been offered or are already in employment in the private sector. The grant can be used for equipment, or building and safety adaptations⁶¹. In Germany, employees may receive an allowance for assistive devices and workplace adaptations, mobility support, assistance in the workplace, and training⁶². Just three Member States specify financial assistance for sign language interpreters:⁶³ Belgium, Cyprus and the Netherlands, which offers funds for a maximum of 15% of the employee's work hours⁶⁴.



Zuzana, 45 from Czechia, has a physical disability and is currently not in employment

I had to stop working due to unavailable personal assistance. My workplace was barrier free and the director was willing to allow the implementation of reasonable accommodation. So the main issue was that I didn't have assistance, neither for help at work nor for common independent living.

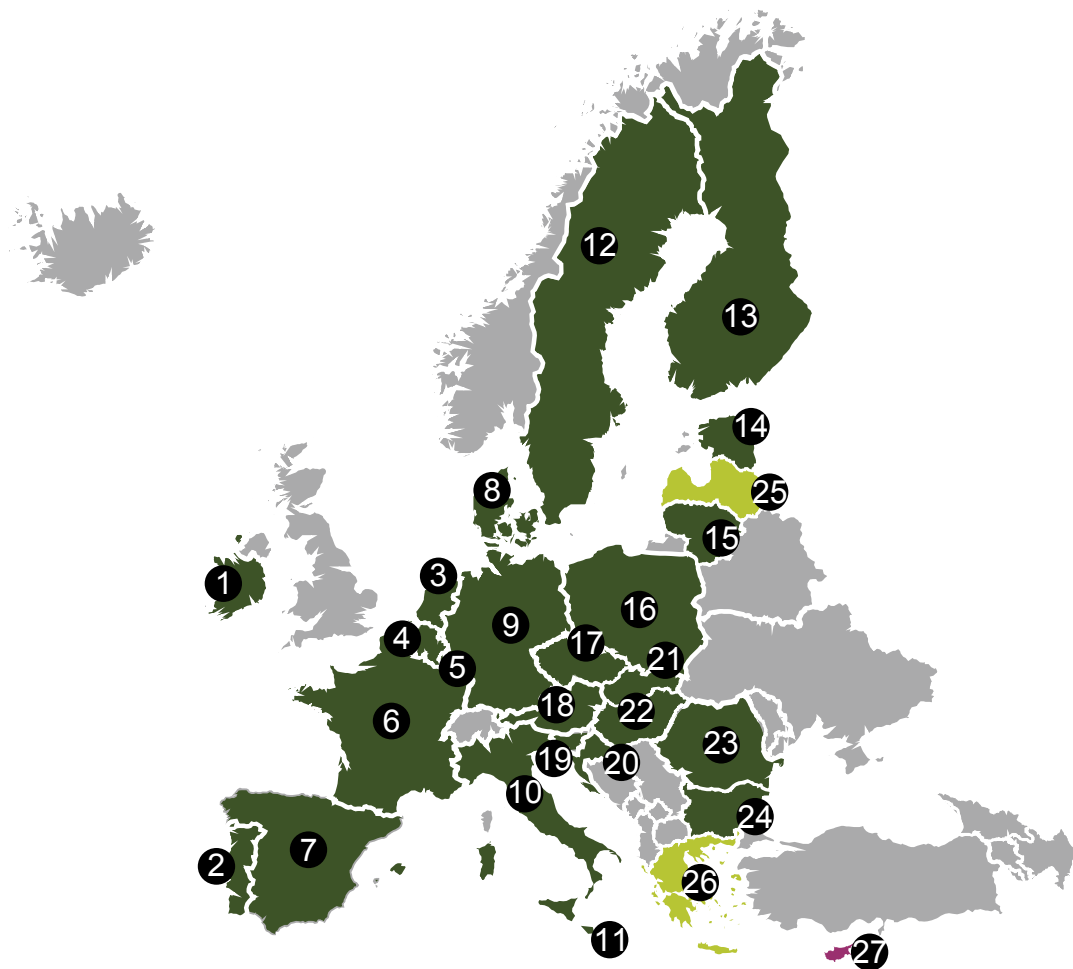
The European Blind Union (EBU) has documented some good practices regarding the employment of persons who are blind or partially sighted. For example, France's disability allowance system compensates persons for additional costs related to their disability, such as a support person, adaptations for independent living, and the upkeep of a guide dog. This allowance is independent of any other income received. The Netherlands has a programme engaging coaches to support jobseekers in their employment search, whereby both the coach and the jobseeker are blind or have low vision⁶⁵, and can also finance a support aide for blind employees⁶⁶.

Many EU Member States offer support for the entrepreneurship and self-employment of persons with disabilities through loans, subsidies, income support and funding for workplace adaptations as well as guidance, training and support. For example, Austria's programme for individuals provides financial assistance only. A self-employment initiative in Latvia targets persons under 30 to develop microenterprises. In Belgium, experts are available to support access to existing services related to business creation, and funding is available for persons with disabilities running their own businesses who want to improve their workplace practices⁶⁷. In Slovakia, workplace adaptations are also covered by the self-employment allowance, on the condition that an individual runs the business for at least two years⁶⁸. The Croatian Government provides financial assistance for the sustainability of self-employment of persons with disabilities. Bulgaria has start-up business grants and favourable taxation laws designed to provide incentives for self-employed persons with disabilities⁶⁹.

Support for employers

All Member States provide some type of support to employers to promote the hiring and retention of employees. An analysis of relevant laws and policies compiled by national disability experts with the support of the Commission, combined with independent research conducted by EDF and its members, suggests that 25 Member States provide support to employers for reasonable accommodation, for example in the form of grants, tax subsidies and direct provision of equipment⁷⁰. In addition, 25 Member States provide wage or other financial subsidies, such as a payment for exceeding the quota for hiring persons with disabilities, or offsetting the cost of extra vacation days provided to a person with a disability under law. At least 16 Member States grant employers tax benefits⁷¹. Some Member States also provide support for training, awareness raising and capacity building⁷².

EU Member States that provide support for reasonable accommodation in the form of grants, tax subsidies or direct provision of equipment, etc.



● EU State Members that provide it (24)

- | | | |
|-----------------------------|---------------------------|--------------------------|
| ① Ireland ⁷³ | ⑨ Germany ⁸⁰ | ⑰ Czechia ⁸⁸ |
| ② Portugal ⁷⁴ | ⑩ Italy ⁸¹ | ⑱ Austria ⁸⁹ |
| ③ Netherlands ⁷⁵ | ⑪ Malta ⁸² | ⑲ Slovenia |
| ④ Belgium ⁷⁶ | ⑫ Sweden ⁸³ | ⑳ Croatia ⁹⁰ |
| ⑤ Luxembourg ⁷⁷ | ⑬ Finland ⁸⁴ | ㉑ Slovakia ⁹¹ |
| ⑥ France | ⑭ Estonia ⁸⁵ | ㉒ Hungary ⁹² |
| ⑦ Spain ⁷⁸ | ⑮ Lithuania ⁸⁶ | ㉓ Romania ⁹³ |
| ⑧ Denmark ⁷⁹ | ⑯ Poland ⁸⁷ | ㉔ Bulgaria ⁹⁴ |

● EU State Members that provide it to a limited extent (2)

- | | |
|-------------------------|-------------------------|
| ②⑤ Latvia ⁹⁵ | ②⑥ Greece ⁹⁶ |
|-------------------------|-------------------------|

● EU State Members that do not provide it (1)

- ②⑦ Cyprus

Support for reasonable accommodation may be limited in the total amount of equipment and funds provided, the duration of support or the type of support for which employers may be eligible. Forms of support most often include grants or subsidies, but can also be in the form of tax relief or the provision of specific devices, equipment or physical adaptations to the workplace⁹⁷. Some financial support is linked to the duration of employment, apparently to promote retention. In Poland, reimbursements for workplace adaptations or equipment purchases are available to employers who have employed persons with disabilities for at least 36 months⁹⁸. Similarly, in Bulgaria, employers who receive subsidies for reasonable accommodation measures must retain the employee for 36 months or return the funds⁹⁹. Malta and Romania provide tax incentives, rather than grants or equipment¹⁰⁰.

Despite the existence of these policies, they may not always have the intended impact of increasing the employment of persons with disabilities. According to the Commission's online disability database (DOTCOM), in Slovenia, although state financing is available for employers who make workplace adjustments, it is rarely used due to the bureaucratic process involved, a lack of information on the financing for employers, and the prejudices of employers¹⁰¹. This may also be true in other countries.

Governments have different approaches to wage subsidies¹⁰². According to research conducted by Agefiph, in the Netherlands, state funding finances the first six months' salary of a newly hired person with a disability¹⁰³. Poland subsidises the salaries of persons with disabilities by up to 75% in the commercial sector and up to 90% in non-profit/non-commercial organisations¹⁰⁴. In France, a grant linked to the duration of employment is made available to employers who hire a person with a disability for at least 12 consecutive months¹⁰⁵. Similarly, in Cyprus, an employer must commit to a 24-month employment period of the person with a disability, for a maximum of five employees with disabilities. The funding covers 75% of the employment cost, up to a maximum of €20,000¹⁰⁶.



Annika, in her 30s from Austria, is a wheelchair user with a visual impairment and restricted use of her right arm. She is a student at an online university¹⁰⁷

Since graduating from high school in June 2010, I have had many, mostly temporary jobs. However, when the funding that was available from the state or the AMS (the employment service in Austria) to support my employment ended, my contracts were never extended. I received hardly any support from the labour market services. When I did get help, it only happened because I would go to them and ask, “can’t we try that, isn’t there some way?”.

The AMS said that I should move to a big city (I live in the country and can’t imagine living in a big city). The AMS also advised me that I should apply for a pension because they no longer knew what to do with me. At the time, I had already completed my high school diploma, an apprenticeship as an administrative assistant and other professional courses.

There are good public employers, but there are also bad ones. At one point I worked for a county administrative board where I was bullied a lot. Since autumn 2019, I have been doing a distance learning course in psychology, and am now in my sixth semester. I didn’t want to do it at all at first. But my parents asked me, “What else do you want to do?!” Yes, what other options did I have? None if I’m being honest. After initially not wanting to do the course at all, I am now interested in it. But, as I said, it was actually out of necessity. Due to my impairments, I cannot study as quickly as the scholarship office stipulates. And that’s why I only get one more year of study support, which I don’t think is right, to be honest.

Other people in my situation eventually got tired of it and said to themselves, “I’ll just have to deal with unemployment benefits, social assistance ...” That’s not me! I want to work! Unfortunately, they don’t give me a chance ...

CHAPTER 4: Quality of employment



Disability and gender pay gap

The gender and disability pay gap persists across the EU, with compounding impacts for women with disabilities, who are paid less than both their male counterparts and women without disabilities. Across the EU, men and women with disabilities earn, on average, 3,200 in purchasing power standard (PPS) less annually than their counterparts without disabilities. Specifically, men without disabilities earn on average 20,935 PPS, while men with disabilities earn 17,746 PPS. Women without disabilities earn on average 20,100 PPS, and women with disabilities earn just 16,822 PPS. Women with disabilities earn 924 PPS less than men with disabilities per year¹⁰⁸.

Mean equivalised net income per year in purchasing power standard (PPS)¹⁰⁹

Country	Women with disabilities	Men with disabilities	Women without disabilities	Men without disabilities
EU average	16,822	17,746	20,100	20,935
Austria	23,758	24,945	24,382	26,008
Belgium	20,417	20,464	24,382	26,008
Bulgaria	7,565	8,340	11,174	12,054
Croatia	9,579	10,154	12,808	12,966
Cyprus	18,470	19,228	23,005	23,665
Czechia	11,964	13,446	15,527	17,083
Denmark	21,134	23,451	23,706	24,843
Estonia	12,398	13,488	16,883	17,335
Finland	19,112	19,969	22,408	23,497
France	21,256	21,998	25,025	25,576
Germany	20,823	21,212	25,092	26,412
Greece	9,793	10,510	11,641	11,788
Hungary	8,954	9,028	10,933	11,407
Ireland	20,507	18,911	23,358	24,586
Italy	17,875	18,703	19,481	20,351
Latvia	9,933	11,228	14,228	14,797
Lithuania	10,209	11,750	15,362	16,038
Luxembourg	31,096	33,273	35,291	36,525
Malta	16,430	17,614	21,409	21,989
Netherlands	19,946	21,301	24,325	25,718
Poland	11,827	12,195	14,217	14,691
Portugal	12,257	11,981	14,316	14,664
Romania	7,157	7,647	8,879	9,063
Slovakia	10,398	10,612	11,425	11,836
Slovenia	14,349	15,424	17,955	18,233
Spain	16,498	16,601	19,212	19,570
Sweden	16,876	17,746	20,100	20,935

Bulgaria, Croatia and Romania have the lowest mean equivalised net income for women with disabilities. Luxembourg, Austria and France have the highest mean equivalised net income for women with disabilities. Fifteen EU Member States have a mean equivalised net income of women with disabilities below the EU average¹¹⁰.

Research from Ireland identified disparities in earnings among persons with and without disabilities, as well as disparities based on the type of disability. Those without a disability earned an average annual salary of €30,883. For those with “difficulty with pain, breathing or any other chronic illness or condition” annual earnings averaged €29,764; and for those with a “physical condition” €27,285. Those with a “psychological condition” earned the least, with an average annual salary of €25,529¹¹¹.



Kamil, 34 from Greece, is a wheelchair user and works for a disability rights organisation

When it comes to the employment of disabled people, there are many barriers and issues we can mention. One issue is the payment of our work, which is often non-existent or much lower than it should be. The logic behind this is that since we face so many barriers to access the labour market, if we do manage to do it we should be grateful for the “kind” opportunity given to us and not complain. An alternative explanation is that we are not remunerated because “we are not working but sharing our experience and fighting for change”. We are expected to do speech after speech, webinar after webinar for free. Even disability organisations have this mentality. But sharing your experience and fighting for change every day all day is a hard job, believe me.

Stability of employment and barriers to certain jobs and sectors

On stability of employment, a 2018 Eurofound report found that persons with disabilities in the EU are employed on permanent contracts at a lower rate (78%) than those without disabilities (83%)¹¹². The 2021 Eurofound survey on quality of life during the COVID-19 pandemic found that persons with disabilities in temporary employment reported significantly more difficulties in making ends meet than those in permanent employment¹¹³. Among the disability equality priorities identified by European Disability Expertise in 2021 for the Netherlands was the issue of persons with disabilities being disproportionately offered short-term and flexible contracts¹¹⁴.

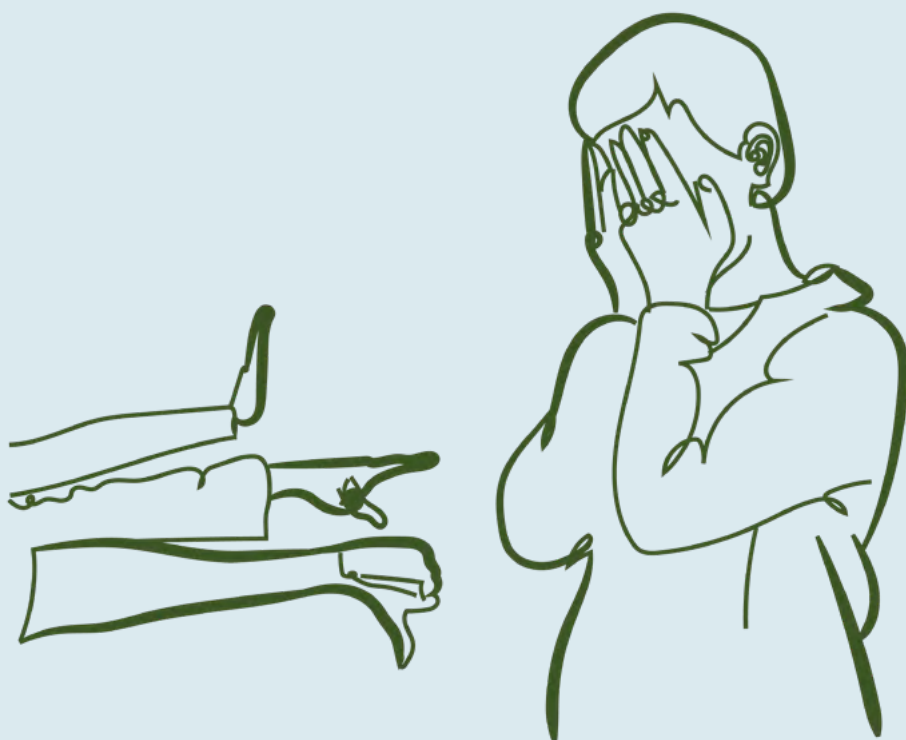
Regarding access to different sectors, women with and without disabilities are overrepresented in education, human health and social work activities. 33% of women with disabilities in employment work in these occupations, compared to just 10% of men with disabilities. This is not dissimilar to the gender distribution for persons without disabilities, with 30% of women and just 8% of men finding employment in this sector¹¹⁵.

Certain sectors that typically employ a high proportion of the general working population are not necessarily those where persons with disabilities are very present. A 2020 study on the employment of persons with disabilities in Spain found that healthcare and social services, as well as administrative and support services combined, accounted for 40% of overall employment in the Spanish labour market. However, only 14.3% of persons with disabilities in Spain who had a job were employed in these same sectors¹¹⁶.

The research also found strong occupational segregation, with persons with disabilities more frequently working in low-skilled positions (32%) and as administrative staff (15.8%). Persons with disabilities are underrepresented in high and medium-high professional categories, with the exception of administration¹¹⁷.

Additional findings from the Spanish research show that 94.4% of persons with disabilities are employed by others and only 5.6% are self-employed, in contrast to 20.6% of persons without disabilities being self-employed, suggesting that access to entrepreneurship is limited for persons with disabilities¹¹⁸.

THE LACK OF ACCESS TO EMPLOYMENT FOR PERSONS WITH DISABILITIES IS ONE OF THE MAIN CONCERNS OF THE DISABILITY MOVEMENT. UNEMPLOYMENT LEADS TO A RISK OF POVERTY AND SOCIAL EXCLUSION.



Extra cost of living for persons with disabilities

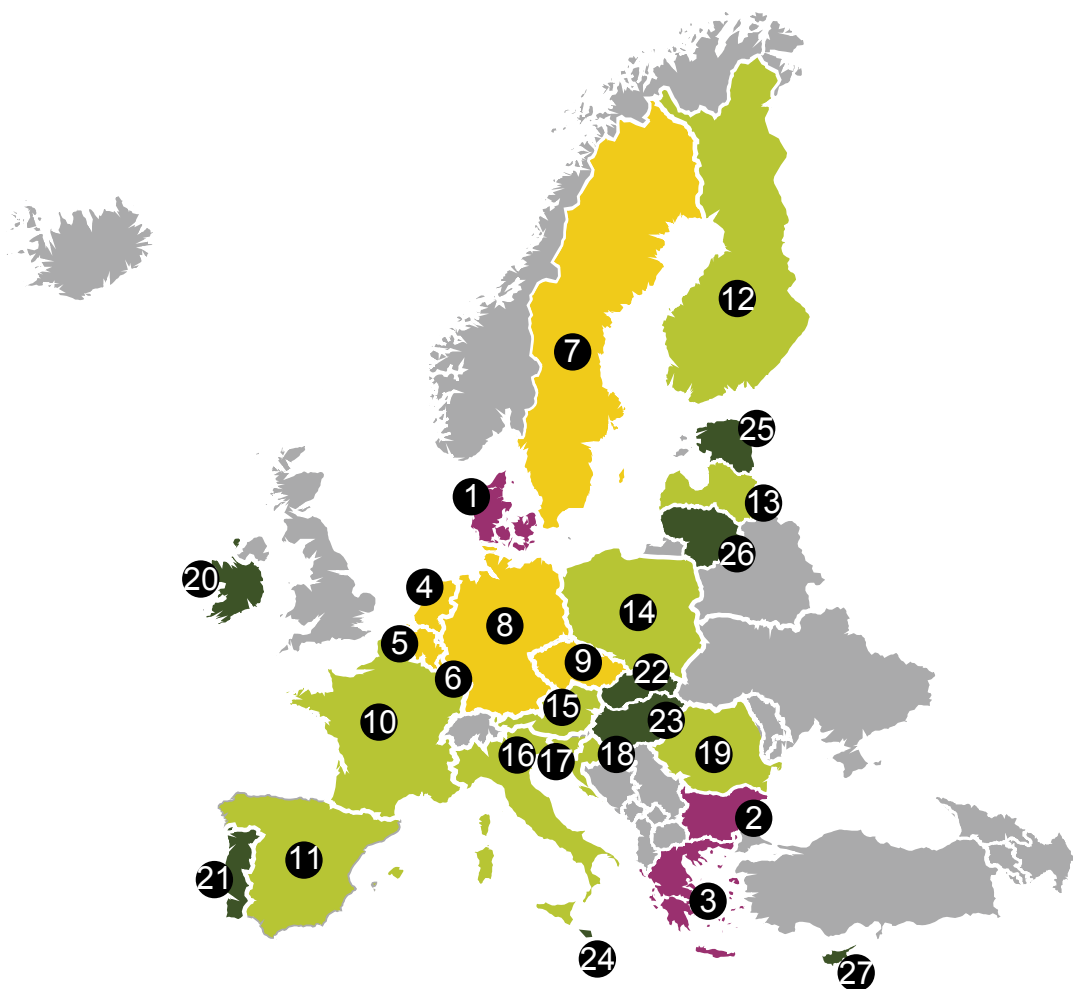
Many persons with disabilities incur additional costs, and must spend more to achieve the same standard of living as persons without disabilities. The impact of the cost of disability is more severe due to low employment and insufficient disability allowance.

Extra costs might include items such as home adaptations, assistive products and technology, medicines, personal assistance or other support services. Extra energy costs might also be incurred because of a greater need to stay warm when not mobile, or due to the extra energy consumption of assistive devices such as electric wheelchairs, among others. In the current context of Europe's energy and cost-of-living crisis, these extra costs for persons with disabilities are likely to be even more extreme and put far more at risk of poverty and social exclusion.

Extra costs can also arise due to higher levels of spending on goods and services used across households, and often relate directly to inaccessibility in public life. For example, the need to hire accessible taxis due to inaccessible public transportation, or to pay for food delivery because shops or restaurants are not accessible.

Housing costs can also be higher. EU data reveals that in most EU Member States, persons with disabilities live in households that spend a higher proportion of their income on housing than other households. In 2019, 8.9% of persons with disabilities across the EU lived in households where housing placed a heavy burden on disposable income, compared to 7.3% for persons without disabilities. The overburden rate was highest in Greece (29.4%), Bulgaria (22%) and Denmark (19.1%). The lowest rates were in Cyprus (2.2%), Malta (3.1%), Lithuania (3.3%) and Ireland (3.4%)¹¹⁹.

Percentage of disabled households in EU Member States on whom housing costs place a heavy burden



More than 19% (3)

1 Denmark - 19.1%

2 Bulgaria - 22%

3 Greece - 29.4%

From 10% to 14% (6)

4 Netherlands - 11.5%

6 Luxembourg - 10.7%

8 Germany - 10.2%

5 Belgium - 13.5%

7 Sweden - 13.6%

9 Czechia - 11.6%

From 6% to 9% (10)

10 France - 7.2%

14 Poland - 7.8%

18 Croatia - 7.6%

11 Spain - 8%

15 Austria - 7.5%

19 Romania - 8.9%

12 Finland - 6%

16 Italy - 6.9%

13 Latvia - 6.9%

17 Slovenia - 6.3%

From 2% to 5% (8)

20 Ireland - 3.4%

23 Hungary - 3.7%

26 Lithuania - 3.3%

21 Portugal - 3.7%

24 Malta - 3.1%

27 Cyprus - 2.2%

22 Slovakia - 4.7%

25 Estonia - 4.8%

According to a 2018 report by the European Parliamentary Research Service, the total additional costs of access to goods and services faced by persons with disabilities in the EU amount to between €15 and €41 billion per year¹²⁰. The first comparative study of the cost of disability for households in European countries found significant diversity in the cost of disability across the countries, with Scandinavian countries having the highest costs and Eastern European countries the lowest. The authors find that the cost of disability is positively correlated with gross domestic product (GDP) per capita, and also note that public expenditure on disability is higher in countries with higher costs¹²¹.

Looking at specific countries, a November 2021 analysis in Ireland found that the additional costs faced by individuals with disabilities range from €8,700 to €10,000 annually. For those with high support needs the range increases to €9,600 to €12,300 annually. The research also found that many experience unmet needs because of lack of sufficient income¹²². Other research has found that a person with a disability living in Sweden would have to pay an average of €23,000 more than a person without disabilities per year to make ends meet. In Denmark and the Netherlands, this extra cost was estimated at just over €20,000 annually¹²³.

Paid employment and compatibility with disability allowance

Disability payments aim to offset and compensate the extra cost of living that often comes with having a disability, and to create a more level playing field given the high levels of inaccessibility and other barriers encountered in society. However, in many countries, disability allowance are tied to income. As a result, the amount of financial assistance can drop and can eventually cease altogether once persons with disabilities start earning income from work. A report by the European Union Agency for Fundamental Rights (FRA) noted that the risk of losing disability allowance undermines the financial incentive to work, causing harm to both individuals and the economy¹²⁴.

In most Member States that do provide disability allowance in parallel with employment to at least some extent, the conditions are strict, meaning that workers with disabilities can either only retain disability allowance for a limited period of time before losing them indefinitely, or only earn up to a very low salary threshold before losing all financial support¹²⁵.

In Estonia, however, a disability allowance may continue to be paid to persons with disabilities who have found employment, to assist them in covering any work-related expenses. This is to say, a person's disability allowance will not decrease when they work, but a work ability allowance will decrease as the person's salary increases, creating a situation where at one point an individual has to pay for their own support services in order to work. Similarly, Latvia ensures the full disability pension for persons with disabilities in the open labour market¹²⁶.

At the same time as losing disability allowance, persons with disabilities in employment can face added employment-related expenses such as additional transport costs. In a 2021 report on Ireland, 11% of interviewees personally incurred additional costs from being in employment such as the cost of physical adaptations, technology or software, and 9% reported other costs related to employment. Over 80% reported that they received no state support for these costs, despite a specific government programme to pay for them¹²⁷.

Employment combined with disability allowance can be significant in offsetting the extra costs of disability. For example, research published in 2020 on adults with disabilities aged 50 to 65 in 15 European countries found that those who received disability allowance alone required significant additional income in order to achieve an acceptable standard of living. The research also underlined that persons with disabilities in this age group who worked but did not receive disability allowance had lower unmet costs than those receiving disability allowance alone. Lower unmet costs were even seen by those who were able to combine their paid income with disability allowance: their unmet costs being just half of the costs for those whose income came from work alone¹²⁸. This indicates just how instrumental enabling persons with disabilities to combine disability allowance with other forms of income can be in reducing the risk of poverty and social exclusion.

CHAPTER 5: Discrimination in employment



According to Eurofound, numerous national surveys and studies reveal high levels of disability-based discrimination in employment¹²⁹. Persons with disabilities face discrimination on the basis of their disability as well as intersecting forms of discrimination. The 2019 Eurobarometer report on discrimination in the EU found that 52% of Europeans with disabilities felt discriminated against in employment in the preceding year¹³⁰. Discriminatory practices and attitudes in the recruitment process contribute to the EU disability employment gap¹³¹.

Experience of discrimination at work in EU Member States

A 2019 survey in Germany found that 58% of respondents with a disability reported that they experienced discrimination in the workplace, with 20% reporting that it occurred ‘very often’. In a Finnish survey, 45% of respondents with disabilities indicated that they had experienced workplace discrimination in the last five years. According to a 2019 study by Statistics Sweden, 33% of women and 22% of men with disabilities had experienced workplace discrimination. In a 2018 survey of women and girls with disabilities in Lithuania, 16.7% of women said they had been discriminated against in employment. Half of these women added that they could not freely choose the job they wanted, and a third said that their job did not provide a decent living¹³².

In a report on the cost of disability in Ireland, more than two thirds of respondents believed that they would earn a higher income if they did not have a disability, suggesting that discrimination impacted their opportunities for employment and earning potential¹³³. On average, respondents reported an annual income from employment of €18,443, nearly €5,000 lower than what they think they would earn if they did not have a disability. The type of disability also affects earnings, with the lowest figures for average income from employment reported by those with an intellectual disability (€12,553), followed by respondents with a “serious visual impairment”¹³⁴.

The interviewees for the Ireland report described their experiences of discrimination as well as their concerns. Comments included: “Employment supports not available/adequate for people with a disability”, “Harder to get work when people hear mental illness, they get scared and are less likely to give you a job” and “Not nearly enough adequate support for people unable to work due to mental health issues. If there was better help, I would probably be able to work”¹³⁵.

According to the FRA, access to the labour market can be particularly difficult for persons with mental health conditions and intellectual disabilities¹³⁶. Research in Estonia found that 70% of employers declared that they would not recruit an applicant with a mental health condition¹³⁷.



Kristiina, early 50s from Finland, is blind and works as a researcher

I am a blind researcher who has defended my doctorate, edited scientific works, published articles and been a member of research groups throughout my career, which has spanned 25 years. My progressive eye disease led to blindness about 15 years ago.

After hearing about the terrible experience of a friend of mine working in research, who suffered a lot of discrimination because of his disability, I myself chose not to emphasise my disability in the working community. I thought it would stigmatise me in such a way that I would not be accepted for collaborative projects.

However, my colleagues knew about my illness. For a long time, everything went reasonably well, although the performance-oriented and competitive work culture was mentally hard to endure. I tried to redeem my place in the work community by making sacrifices and becoming accepted by working hard, and I also worked in my spare time. I considered my closest colleagues to be supportive of equality and helpful. Everything went reasonably well for a long time until an

atmosphere of competition and comparison arose between the non-permanent researchers, caused by the threat of the end of work. I was supposed to work, unlike the others, without pay on an unfinished project. They started treating me aggressively. I guess they felt guilty and it led to a smear campaign against me. I ended up having a nervous breakdown. My trust in other people has not been restored.

Equality is being studied at universities, but universities are yet to practise what they preach, where disabled people would not have to experience the same thing as me. People with disabilities in working life should be protected by particular measures, and work communities should be taught what equal treatment means. In my opinion, it does not mean that disabled people have to be grateful for the opportunity to work and see it as a result of hospitality. It means that disabled people should be able to highlight their particular needs without having to fear exclusion from working life. I myself have not received encouragement in the work community, nor recognition. I feel that I am treated as a temporary person who should show gratitude for the opportunity to work, but who should not expect commitment or recognition. Unfortunately, even after 25 years, I can't recommend bringing up disability in academic work communities, which makes me very sad.

Public perception of discrimination

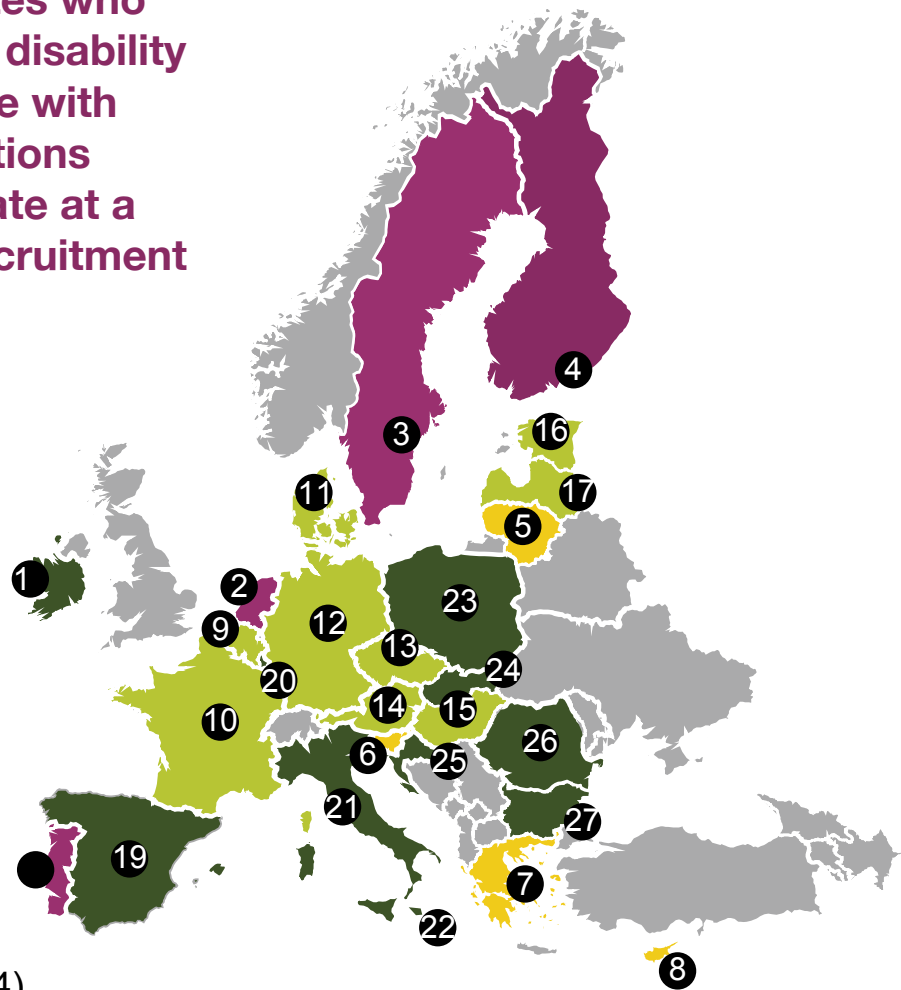
Public perception regarding the prevalence of discrimination is important, as it reflects how seriously employers and employees may consider the problem of discrimination, including reflecting on their own biases. It can also impact whether and to what degree policy makers strive to end discrimination. If discrimination is not considered a serious concern, there may be less motivation to invest in policies and programmes to combat it.

The 2019 Eurobarometer report's data on public perception of discrimination in employment found that, across the EU, 41% of respondents said that having a disability would likely or very likely put someone at a disadvantage "when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications". In Finland, 64% of respondents believed this to be the case, followed by Sweden (63%), the Netherlands (62%) and Portugal (61%)¹³⁸.

In contrast, in Italy only 27% of respondents believed that having a disability would disadvantage a candidate in employment, although 49% said that not enough was being done to promote diversity of persons with disabilities in their workplace. In Malta and Romania, 27% and 28% of respondents respectively believed that disability would disadvantage someone in employment¹³⁹.

In Germany (71%) and Luxemburg (61%), high numbers believed that enough was being done to promote diversity in their workplace as far as persons with disabilities were concerned, compared to an average of 57% EU wide. Interestingly, in Slovenia, 52% said that having a disability would put someone at a disadvantage in employment, yet 60% said that enough was being done to promote the inclusion of persons with disabilities in their workplace¹⁴⁰.

Percentage of respondents in EU Member States who think that having a disability would put someone with the same qualifications as another candidate at a disadvantage in recruitment



● From 61% to 64% (4)

① Portugal - 61%

② Netherlands - 62%

③ Sweden - 63%

④ Finland - 64%

● From 51% to 54% (4)

⑤ Lithuania - 51%

⑥ Slovenia - 52%

⑦ Greece - 51%

⑧ Cyprus - 54%

● From 43% to 49% (9)

⑨ Belgium - 40%

⑩ France - 49%

⑪ Denmark - 46%

⑫ Germany - 43%

⑬ Czechia - 48%

⑭ Austria - 47%

⑮ Hungary - 45%

⑯ Estonia - 48%

⑰ Latvia - 45%

● From 27% to 39% (10)

⑱ Ireland - 37%

⑲ Spain - 37%

⑳ Luxembourg - 36%

㉑ Italy - 29%

㉒ Malta - 27%

㉓ Poland - 29%

㉔ Slovakia - 29%

㉕ Croatia - 36%

㉖ Romania - 28%

㉗ Bulgaria - 39%



Margrét, mid 40s from Iceland, has reduced mobility and works in an embassy¹⁴¹

I am repeatedly asked by outsiders if I answer the phone at my place of work, as they do not see a disabled woman being able to work as a specialist (not that there is anything wrong with answering the phone, it is just not my job). Sometimes supervisors have decided (without asking me) that I could not perform certain tasks (that I am fully capable of doing) and given them to my colleagues, who then come and ask for my assistance in completing them ... instead of just asking and allowing me to decide if it is within my capability. I have also often been highlighted as the disabled person at my place of employment ... Nice to be highlighted and all but also sometimes it leaves me feeling used, depending on the context. Great to be highlighted for an accomplishment, but not as great when the place of employment is trying to show that they are such a good employer they even hire persons with disabilities.

Discriminatory attitudes and processes at work

The employment application process itself often discourages or prevents potential employees from applying for jobs. Electronic job boards and company websites can have poor accessibility features, recruitment may not be sufficiently broad to reach persons with disabilities, or employers may not encourage a diverse applicant pool¹⁴².

Significant academic research over many years demonstrates that employers often harbour negative views about the work-related abilities of persons with disabilities, and that these views can permeate the entire employment cycle. Discrimination among employers includes stereotypes that applicants with disabilities lack skills in general, as well as assumptions that applicants with disabilities do not want challenging careers or assignments, or do not want to work at all¹⁴³. Some researchers have also identified discrimination in recruitment linked to the perceived costs of potential future reasonable accommodations that a successful applicant may require¹⁴⁴. Other harmful assumptions documented in research studies are that employees with disabilities are less productive, slow down work, are more likely to be absent

or late, or are less dedicated or dependable¹⁴⁵.

Empirical evidence on the work performance of persons with disabilities reveals that these assumptions are false, with persons with disabilities demonstrating a high interest in meaningful employment. Regarding performance, a study among human resources managers found that 72% of employees with disabilities who are assured accommodations are rated as average, above average or excellent in their performance. Other research analysing productivity found that across 31 work locations, the difference in productivity for workers with and without disabilities was statistically insignificant in 18 locations, and that employees with disabilities were more productive in 10 locations, in contrast to three locations for those without disabilities. Other research has found no differences in performance or need for supervision between employees with and without disabilities¹⁴⁶.

Moreover, research has determined economic benefits to companies that are inclusive of persons with disabilities. A World Economic Forum (WEF) study showed that more inclusive companies achieved 28% higher revenue, double the net income, and an average of 30% higher economic profit margins over the four-year period analysed¹⁴⁷.



Stig, 65 from Denmark, has an acute spinal cord injury (SCI) and works as a project coordinator

I have been on the labour market since 1985 having several different jobs and, over the years, have reached quite a senior position. My major barriers experienced while working have been attitude. Colleagues and others are not really expecting a person with a mobility impairment to be in a position like mine, and have been very surprised when I have taken the floor as the leader of meetings, projects and other activities. After a while they have always accepted me in the same way as others in similar positions. Of course, I have also experienced physical barriers but they have always been broken down by positive attitude/actions or by moving meetings to places where I could participate equally. It has also been a challenge to keep up the pace compared to others because of the personal physical challenges posed by my spinal cord injury.

Examples of discrimination in recruitment

Failure to provide reasonable accommodation in the recruitment process can lead to discrimination claims against employers. In a case in Lithuania, refusing a candidate with a hearing impairment, without giving her the opportunity to participate further in the recruitment process and without examining if reasonable accommodation could be provided, was considered a breach of the employer's duty to provide reasonable accommodation and therefore discrimination based on disability¹⁴⁸.

In a case from Ireland, a Deaf jobseeker asked a company to reschedule his job interview, so as to allow him to arrange for a sign language interpreter. His request was denied. The applicant then suggested holding the interview with the aid of a computer, which was also rejected. The Irish equality officer found that the company had discriminated against the applicant by denying him reasonable accommodation¹⁴⁹.



Julianna, 28 from Finland, has cerebral palsy, a visual disability and dyslexia, and works in a mental health organisation for young persons

In a past job interview, I was treated like inspiration porn. They praised how despite my disability I was applying for a job and how brave I was.

However, in the very next sentence, the interviewers explained how my disability would be a problem for managing work. This statement was coming from someone who was supposed to be a supervisor in the field of intellectual disabilities.



Melanie, 32 from Switzerland, who is on the autism spectrum and has ADHD, works as an accountant

I have only recently been diagnosed with autism and had to learn a lot about it from other people – especially women – with autism. One of the things I learned is that neurotypical and neurodivergent people automatically group themselves apart from each other. In my career this meant that while my CV was always outstanding and I often got interviewed, it was always hard to get past the first interview stage as the first impression I gave was that of a person most people do not want to work with.

On the other hand, but this is only one experience so far, when I was open about autism in my application or later in my interview, my “otherness” was more readily accepted.

Discrimination by association

Parents or relatives of persons with disabilities, in particularly mothers of children with disabilities, often face discrimination by association in employment. Workers caring for a relative with disabilities may struggle to find employment, face difficult working conditions, or be laid off by their employers¹⁵⁰.

The landmark 2008 European Court of Justice (ECJ) case, *Coleman v Attridge Law and Steve Law*, established the concept of “discrimination by association” in EU equality law. The plaintiff, the mother and primary carer of a child with a disability, claimed to be harassed at work due to her son’s disability. She was also treated less favourably than her colleagues with regard to time off and flexibility in work hours. The ECJ held that the Equal Employment Directive (Council Directive 2000/78/EC) was applicable in this case to protect the employee against discrimination on the ground of her child’s disability¹⁵¹. The ruling clarifies that the Equal Employment Directive aims to prevent all forms of discrimination on grounds of disability, not just against persons with disabilities. Further explanation of this directive will be given in [chapter 10](#).

In addition to the Coleman ruling, the CRPD Committee confirms that protection under the CRPD extends implicitly also to “those who are associated with a person with a disability”¹⁵², citing the example of parents of a child with disabilities. In this context, the CRPD Committee observes that national equality laws and frameworks mostly lack recognition of discrimination by association¹⁵³.

The WORLD Policy Analysis Center’s study of paid leave policies for parents of school-age children with disabilities presents a varied reality across the EU Member States. Several countries offer just one to three weeks per year, such as the Netherlands and Latvia, and Ireland¹⁵⁴ offers less than one week¹⁵⁵. Denmark provides compensation for loss of earnings in full- or part-time work to parents or guardians of a child with a disability, in cases where the child cannot attend school or daycare due to his or her disability. Compensation may also be granted for loss of earnings in cases where a parent needs to be present with the child at a medical appointment¹⁵⁶. Greece offers extra paid leave for parents of school-age children with disabilities, with up to 22 extra paid days of leave for those in the public sector, and up to 10 extra days for those working in the private sector, depending on the disability and support needs of the child.

Unemployment rates can also dramatically increase for those living with persons with disabilities. Research from the UK may provide insights into the circumstances in some EU Member States. This study found that in 69% of households where no one had a disability, all of the adults in the household had jobs. However, where at least one member of the household had a disability, only 39% of households had all adults employed, while in a staggering 27% of households no adults had jobs. It has been strongly suggested that many parents of children with disabilities are unable to work because of insufficient services for their children. A 2018 study, again in the UK, found that 93% of parents of children with disabilities who did not work said they would like to, but were restricted from doing so by a lack of childcare and flexibility¹⁵⁷.

**ACROSS THE EU, PERSONS WITH
DISABILITIES ARE FAR LESS LIKELY
TO BE EMPLOYED THAN PERSONS
WITHOUT DISABILITIES.**



CHAPTER 6: Reasonable accommodation



The CRPD defines “reasonable accommodation” as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that persons with disabilities can enjoy and exercise their human rights and fundamental freedoms, including the right to employment, on an equal basis with others¹⁵⁸. The UN Committee on the Rights of Persons with Disabilities (CRPD Committee) notes that the denial of reasonable accommodation constitutes discrimination¹⁵⁹. The EU Employment Equality Directive requires the provision of reasonable accommodation “to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer”¹⁶⁰.

Reasonable accommodation in employment can be “any change to a job or a work environment that enables a person with a disability to apply, to perform, and to advance in job functions, or undertake training on an equal basis with others”¹⁶¹. We will give some specific examples of reasonable accommodation below. Reasonable accommodation improves access for persons with disabilities to the open labour market, and facilitates their ability to remain in it.

The provision of reasonable accommodation should be driven by the requirements of the person with a disability, and not the preferences of the employer. In addition, there is an expectation that employers will consult with employees on reasonable accommodation.

A February 2022 ruling by the Court of Justice of the European Union (CJEU) found that reasonable accommodation also applies to workers not hired on a permanent basis, and that reassignment to another job can be a form of reasonable accommodation. The case involved a railway worker in Belgium engaged in a traineeship, who, owing to his disability, became unable to perform the essential duties of the post he occupied. The CJEU found that “if a worker becomes permanently incapable of remaining in his or her job because of the onset of a disability, reassignment to another job may constitute an appropriate measure in the context of ‘reasonable accommodation’”¹⁶².

Understanding disproportionate or undue burden

The determination of whether a reasonable accommodation is disproportionate or unduly burdensome requires an assessment of the proportional relationship between the means employed and its aim of ensuring enjoyment of the right to work on an equal basis with others¹⁶³.

According to the EU Employment Equality Directive, to determine whether the measures in question give rise to a disproportionate burden, financial and other costs should be taken into account, as well as the size and financial resources of the organisation, and the possibility of obtaining public funding or any other assistance. The directive also specifies that a burden is not disproportionate “when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned”¹⁶⁴.

Application in EU Member States

All EU Member States have transposed the Employment Equality Directive into their national law, including the duty of reasonable accommodation¹⁶⁵. In all Member States, the reasonable accommodation obligation extends to both the public and private sector, in relation to employment and occupation, vocational training, and participation in employer and employee organisations¹⁶⁶.

However, there is no binding or official EU guidance on reasonable accommodation. Definitions of worker (e.g. self-employed, unpaid) and disability, as well as what constitutes reasonable accommodation, vary by Member States, leading to differences in implementation¹⁶⁷. Concerning reasonable accommodation, the definition of disability used for the purpose of reasonable accommodation is often different to, and more limited than, that which applies to non-discrimination protection more generally¹⁶⁸.

In Slovenia, researchers have expressed concern that there is no binding obligation on all employers for reasonable accommodation because, in principle, reasonable accommodation is provided only once separate administrative decisions have been made under the disability insurance or employment rehabilitation system. Consequently, legislation does not clearly protect all persons with disabilities, such as those without recognised disability status¹⁶⁹.

The same report highlighted the 2019 case in Ireland of *Daly v Nano Nagle*, in which the Irish Supreme Court held that:

- reasonable accommodation can involve a redistribution of any task or duty in a job, as long as it is not disproportionate in the context of the employment in question, and
- there is an expectation of consultation of employees on reasonable accommodation, thereby providing clarification on one aspect of reasonable accommodation not detailed in the directive¹⁷⁰.

Organisations representing persons with disabilities, researchers and others have found that there is insufficient knowledge and implementation in making adaptations to the conditions and organisation of work, and in reasonable accommodation for persons with intellectual disabilities. There are also concerns regarding variations in understanding, awareness, interpretation and enforcement of the concept of disproportionate burden across the EU Member States¹⁷¹. Additionally, because of the stigma that persons with psychosocial disabilities often experience, they may be reluctant to disclose their disability to their employer, and thus may not access reasonable accommodation at all¹⁷².

Examples of reasonable accommodation

There are a wide range of reasonable accommodation measures relevant to employment. Reasonable accommodation should respond to the particular needs of the person with a disability. There is a common misconception that reasonable accommodations are costly, but many can be implemented at low or no cost, and research has found that they are cost-effective¹⁷³. A study by the Job Accommodation Network in the US revealed that 60% of workplace accommodations can be made for free, while the remaining average cost is \$500 (€491) per employee¹⁷⁴. Accommodations help retain employees, improve attendance and productivity, and save on insurance costs¹⁷⁵.

Some examples of low- or no-cost reasonable accommodations include¹⁷⁶:

- Working from home (telecommuting), although remote/online working should never be imposed on an employee with a disability as an alternative to making the workplace accessible;
- Enabling flexibility in the work schedule or adjustment of work hours, such as starting later in the work day or taking more regular breaks;
- Allowing an employee to work in a location or at a work site that has less noise, fewer distractions, more light, etc.;

- Adapting an employee's position or job description, at the request of the employee or if the employee agrees¹⁷⁷;
- Allowing an employee to be accompanied by their personal assistant;
- Enabling the progressive resumption of work after a disability-related absence;
- Providing a room or space to rest.

Other types of reasonable accommodations include:

- Providing specialist furniture and equipment, such as an adapted chair or a chair cushion;
- If the workplace is not already accessible, ensuring that the built environment does not impede access, navigation or evacuation of a person with disability. This should also entail ensuring physically accessible workspaces, including toilets, canteens and lifts, and the provision of ramps, etc.;
- Installing visual fire alarms and adapted doorbells;
- Installing computer software such as screen readers, screen magnifiers, speech recognition software and eye tracking devices for operating a computer, etc.;
- Providing specialised mouse and keyboard types;
- Ensuring signs and instructions are usable by all, such as through easy-to-read and Braille signage;
- Providing work material in accessible formats such as Braille or easy-to-read language;
- Providing Braille writing equipment;
- Using easy-to-read language, visual aids and pictograms in written communications and presentations;
- Providing sign language interpretation when needed (including via telecommunications);
- Providing training to support employees in using assistive technology;
- Providing mentoring or coaching to support employees with disabilities;
- Introducing awareness-raising measures and training of staff so that persons with disabilities can perform their job in a supportive work environment.

Reasonable accommodation could also be facilitated by modifying procedures and policies. This could include, for example, procuring ICT products and services for the workplace that comply with accessibility standards¹⁷⁸, or centralising the system through which employees can request accessibility support.

Accessibility vs reasonable accommodation

Reasonable accommodation is distinct from accessibility. The CRPD's General Comment on accessibility specifies that accessibility relates to groups, whereas reasonable accommodation relates to individuals¹⁷⁹. It also clarifies that accessibility is a pre-condition, whereas reasonable accommodation is something that comes after, as a way to overcome persisting barriers and respond to individual requirements. Reasonable accommodation and accessibility complement one another, and when accessibility is already guaranteed, the arrangement of reasonable accommodation can be simpler and less expensive.

Accessibility is also something that can benefit customers and ensure the usability of products and services for a greater number of persons. Ensuring the accessibility of workspaces, websites, meetings and publications, etc. is therefore something that should be encouraged regardless of whether there is an employee with a disability or not. Accessibility should thus be central to procurement policies, and a determining factor in how offices are set up, the type of building used by employers, venues chosen for events and meetings, and the type of software they buy.



Katia, 56 from Luxembourg, is a right-arm amputee working in an administrative role

At the office I received all technical help possible. However, I am not allowed to work part time on the basis of my disability. Either I work 100% or I am 100% disabled. There is no in-between without losing part of my salary. My aim was to continue to work but to work fewer hours because of my disabilities.

Reasonable accommodation in recruitment

Reasonable accommodation is also essential in the recruitment process, in order to give persons with disabilities equal access to potential employment. Employers should ensure training sessions for hiring managers, human resources staff and others on non-discrimination and inclusive hiring practices. Employment applications should state clearly that candidates from diverse backgrounds are encouraged to apply without discrimination, and that persons with disabilities can ask for reasonable accommodation measures. Practical steps during the initial stage of recruitment include job advertisements that are accessible. It is crucial that the format for submitting applications is also accessible.

Persons with disabilities are usually underrepresented among applicants, and employers may need to consider strategies to recruit and solicit more applications from persons with disabilities. A 2020 report on promising practices in the EU highlighted an initiative aimed at increasing the number of candidates with disabilities, whereby Bruxelles Environnement, the Brussels city energy and environment administration, collaborated with associations representing persons with disabilities and service providers to support them in identifying candidates with disabilities¹⁸⁰.

For the interview and other aspects of the hiring process, such as written tests, a range of reasonable accommodations can be guaranteed, including:

- Preparing recruitment and onboarding materials in easy-to-read language¹⁸¹;
- Providing accessible test materials and test adaptations, such as extra time;
- Providing sign language interpretation for the interview;
- Providing a calm and safe environment for the interview, with minimal auditory or visual distractions;
- Giving breaks during interviews;
- For persons with intellectual disabilities, modifying the interviews to minimise open-ended questions, so that any disability in respect of abstract thinking does not put the individual at an unfair disadvantage¹⁸².

Financial assistance to employers for reasonable accommodation

According to the European Parliamentary Research Service, most countries have state funding mechanisms available to subsidise (in full or in part) the costs of reasonable accommodation measures incurred by employers. Eurofound's 2021 report cited above, in the discussion about support provided to employers, also notes policies that support them in ensuring reasonable accommodation¹⁸³. Direct subsidies are typically subject to a financial ceiling or maximum duration. In many countries, public funds are channelled through employment agencies¹⁸⁴.

However, experts also report that a lack of government funding for workplace adaptations (or lack of employers' and employees' knowledge of such funding) limits the implementation of reasonable accommodation¹⁸⁵. In Ireland, state grants are available for employers for the provision of reasonable accommodations, but there is a lack of data on the effectiveness of the grant schemes¹⁸⁶.

In addition to helping fulfil the state's obligation to guarantee non-discrimination in employment, government support for reasonable accommodation measures appears to have positive economic benefits. In the UK, studies consistently suggest a strong positive return from the Access to Work employment support programme (£1.48 for every £1), although the government spends just £330 million on disability employment support, compared to £7 billion a year on out-of-work sickness and disability allowance¹⁸⁷.

CHAPTER 7:

Freedom of movement of workers with disabilities in the EU



The fragmentation of disability assessment systems has led to a fractured understanding of what disability is and who qualifies for social protection and disability allowance. The EU provides citizens with the opportunity for mobility in countries other than their own. Today, 17 million EU citizens live and work abroad in another EU Member State¹⁸⁸. This mobility, however, is extremely limited for persons with disabilities.

The inconsistent types of assessment, qualifications for disability allowance and administrative processes inherently deprive persons with disabilities of their right enshrined in the EU treaties to freedom of movement (Article 3(2) of the Treaty on European Union (TEU)¹⁸⁹ and Articles 20, 26 and 45 to 48 of the Treaty on the Functioning of the European Union (TFEU)¹⁹⁰.

In practice, persons with disabilities who arrive in a new EU Member State are not automatically recognised as having a disability by the authorities. This means that they need to wait to be reassessed for their disability, and then wait again, often on a lengthy waiting list, before accessing the services they need. As a result, they begin working in their new country of residence with neither the support to pay for the workplace adaptations and assistive technology they require to do their jobs, nor the support necessary for their life outside of work. If we bear in mind that the initial months in a new job usually constitute a trial period, these are crucial months to prove one's skills to an employer. It is essential to have access to necessary support from the very first day. In other words, moving to a new EU Member State, something that is a relatively simple and standard process for EU citizens without disabilities, is not a realistic prospect for most persons with disabilities.



Kamil, 34 from Greece, is a wheelchair user and works for a disability rights organisation

Freedom of movement within the EU is an amazing idea, but very often disabled people cannot benefit from it. For example, I live in Greece and the organisation I work for (remotely) is based in Belgium. I would love to move there and be with my colleagues, working in the office together, but it's extremely difficult to make it a reality for a person with high support needs like me. I need 24h personal assistance and other reasonable accommodation, while keeping my social rights, in order to have a decent life.

When moving to another country you kind of lose everything – unless you are rich or can take your whole family to move permanently with you – and you need to start from the beginning, which usually is very time consuming and complicated. This is usually not the fault of your employer, but of the governments, which don't cooperate properly with each other and don't treat everyone equally. The EU disability card could play a role here.



Manuel, 35 from Spain, is partially sighted and works for a disability rights organisation

I am from Spain, where my disability has been certified since I was a kid. I came to Belgium with a job contract in a disability organisation. My reasonable accommodation back then was just a bigger screen as I have low vision. Since EU countries do not recognise disability certification from other EU Member States, I had to go through a disability assessment for the Belgian public sector to cover the cost of such big screen. I had to go through medical exams and it took many months, during which I had to force my eyes to work, but finally my disability was certified and the French-speaking community funded the screen. But the story doesn't finish there!

After this, I ticked the “person with a disability” box in my tax declaration and, surprisingly, the Belgian Federal Government replied that they did not have any proof that I was a person with a disability! Therefore, I had to go, again, through another disability assessment, the same medical exams, and some additional months. So now I can say that my disability has been certified three times! Once in Spain and twice in Belgium. It would be funny if it had not required so much time and effort.

My reasonable accommodation was just a screen, but if we think of people with disabilities with higher support needs, or whose reasonable accommodation is absolutely essential to perform the work, we can conclude that the free movement of persons with disabilities to work or study across the EU is still a utopia.

Mobility of workers beyond the EU

Many EU citizens also seek employment outside the EU, both to further their careers and to experience different working cultures. If the migration of EU citizens with disabilities within the EU is complicated, where the right to free movement of people and goods is theoretically ensured by the EU treaties, the prospect of gaining professional experience beyond the 27 EU Member States is even more problematic. This now includes persons with disabilities who find work opportunities in the UK, which was an EU Member State until 31 January 2020.



Diogo, 33 from Portugal, has a physical disability and works on inclusive urbanism and accessible transport

I had the opportunity to work abroad, in the UK. I faced problems regarding continuing working there as UK law prevents disabled people from moving to the UK, even if working at a UK-based organisation. The main problem is related to access to the support there, such as personal assistance, which is only possible to request after living in the UK for five years. This was the main reason I could not go to work for this organisation, even though I had a job offer from them. If I don't have personal assistance to live by myself, I can't move to anywhere, and I can't rely on family members as they would not be allowed to stay with me in the UK.

I also notice a big lack of information regarding moving to other countries within the EU. Even with freedom of movement within the EU, it is not easy to find out exactly how to proceed and what we can benefit from when moving to another EU country, which limits our search for new jobs, especially abroad. This also scares employers, since they are not willing to spend time with someone who is not allowed to work in their country due to lack of support to live there.

FREEDOM OF MOVEMENT IN THE EU IS EXTREMELY LIMITED FOR PERSONS WITH DISABILITIES. THE FRAGMENTATION OF DISABILITY ASSESSMENT SYSTEMS HAS LED TO A FRACTURED UNDERSTANDING OF WHAT DISABILITY IS.



Chapter 8: Alternative employment models for persons with disabilities

Chapter by guest author Álvaro Couceiro



Inclusive employment in the open labour market is the only appropriate means to fulfil the right of persons with disabilities to work on an equal basis with others. To achieve this goal, many states, public bodies, disabled persons organisations (DPOs), foundations and public or private entities have developed different initiatives to promote this inclusion process, in parallel with other direct employment policies such as quotas, support for labour mediation or granting reasonable accommodation in the open labour market. The approaches, however, differ in terms of results and impact, quality of employment, and even respect for the labour rights of employees with disabilities.

Built on the premise that these different initiatives have been developed at local, regional or national level, with little contact and information-sharing between developers, and a wide variety of legal frameworks, the current display of alternative employment models varies widely between countries. Furthermore, the boundaries between some of these models and vocational training or rehabilitation systems are sometimes difficult to define.

Nevertheless, recent approaches at EU level, both by the EU institutions and public and private projects and networks, are leading to better clarification.

Sheltered employment

When speaking about employment alternatives for persons with disabilities, the most widespread method is so-called “sheltered employment”, or “sheltered workshops”. At European level, the only legal definition is in the General Block Exemption Regulation (Regulation (EU) No 651/2014)¹⁹¹, which defines it as “employment in an undertaking where at least 30% of workers are workers with disabilities”. Under this regulation, Member States are permitted to give financial support to this model of employment as a state aid exception¹⁹².

Nevertheless, under this broad definition, national legislations can narrow the scope of sheltered workshops by raising the minimum percentages of persons with disabilities to up to 51% (Croatia), 55% (France) or 70% (Spain)

of the setting's workforce. Member States may oblige these employment centres to provide services and assistance to employees with disabilities. Furthermore, some countries choose to apply different thresholds according to the support needs of the workers with disabilities¹⁹³ (Slovenia, Poland), or name the settings differently and give different support depending on the percentage of workers with disabilities they employ (Germany, Bulgaria, Croatia).

There is therefore little knowledge about sheltered workshops. A measure given the title "Exploring quality jobs in sheltered employment and pathways to the open labour market" will be launched by the Commission in 2023 as part of its new Disability Employment Package¹⁹⁴, presented in September 2022. This measure will aim to build our understanding of whether sheltered employment can have a place in improving quality employment outcomes for persons with disabilities.

However, it is relevant to highlight that the main difference within sheltered employment frameworks and models lies in how these settings aim to achieve quality employment, respect for the labour rights of employees with disabilities, the support and services provided to them and the transition towards the open labour market.

In general terms, these settings apply lower salaries, have a higher dependency on the industrial sector rather than the service sector – which sets workers further away from society, and show lower career development and promotion opportunities and lack of job stability. What is more, intellectual and psychosocial disabilities, as well as multiple disabilities, tend to be overrepresented¹⁹⁵.

Moreover, even today in some countries, persons with disabilities working in sheltered workshops are not even considered to be employees, and thus do not hold the right to minimum wage and basic labour rights.

In this regard, General Comment 8 of the CRPD clarifies that segregated employment "is not to be considered as a measure of progressive realization of the right to work", as this is possible exclusively through "freely chosen or accepted employment in an open and inclusive labour market"¹⁹⁶.

This applies to all those settings that effectively segregate persons with disabilities without aiming for their inclusion. The only exception is granted to "employment ventures that are managed and led by persons with disabilities, including those that are jointly owned and democratically controlled", as they may not be considered segregated, only "if they provide just and favourable conditions of work on an equal basis with others".

Hence, the line between real inclusion-oriented initiatives and segregated employment is mainly in the compliance with the CRPD, respect for labour rights and the fulfilment of the transition process towards the open labour market. Organisations of the social economy framework, meaning those that prioritise social and solidary goals over economic ones, and that reinvest all or most their disability allowance – multiplying the social impact – through a democratic and/or participatory governance system¹⁹⁷, tend to fulfil these criteria with positive outcomes, expanding good practices towards open labour market companies¹⁹⁸.

Work Integration Social Enterprises (WISEs)

WISEs are a particular system of socioeconomic inclusion of persons in disadvantaged situations, most of them being persons with disabilities. The majority of these enterprises and organisations work within the scope of the social economy and, as such, understand their economic activity as being secondary to their social purposes. Furthermore, in some countries these initiatives can only be led by non-profit organisations¹⁹⁹.

These entities offer employment settings, together with social support, that allow employees to develop their skills and work-related abilities, to establish relations with other employers, and to prepare for later inclusion in the productive, competitive open labour market. Reinvesting their profits into maintaining their main social activity and developing further social action multiplies the impact that WISEs achieve, but makes them more reliant on external – public or private – support.

Supported employment

This model of employment pays special attention to the process of assisting persons with disabilities when preparing to enter the open labour market, before, throughout the selection and hiring process, after starting the new occupation and, later, strengthening their career development. Job specialists support persons with disabilities in recognising their own work-related skills and in developing a job profile, accompany them when finding suitable jobs and, afterwards, making sure the inclusion process is successful by providing job support and assistance to the employee, work colleagues and employer. Lastly, supported employment models enhance the career development of persons with disabilities by promoting further training opportunities and job improvements.

This comprehensive and individualised process, while apparently costly, ensures the full inclusion of the person in the open labour market. Hence, the return to society is successful, in both social and economic terms²⁰⁰.

Work enclaves

Similar to the supported employment scheme but less known and extended, work enclaves provide employment for persons with disabilities by mixing a protected environment with the open labour market. These so-called “enclaves” include specialised support within companies or organisations applying this model, supporting persons with disabilities in open labour environments to carry out specific tasks, services or business lines, while granting assistance, accommodation and a focus on career development.

This system can be understood as a traineeship phase, while having full labour rights and wages. The support granted to persons with disabilities working in these environments must ensure that the period spent there is understood as preparation for their later transition as a full employee to the open labour market. If this transition is not envisioned, and the enclave does not carry out a task directly linked to the main service or business line of the company – meaning that the workers with disabilities do not interact with the other workers – the model can be considered a form of segregation²⁰¹.

Job design

The system of job carving or crafting is about the creation of a new position in business, either bottom-up if it is the employee who designs the job (crafting), or top-down if the employer and experts are the ones creating it (carving). It includes the rearrangement of tasks and workplaces to accommodate individuals with disabilities, together with training for both the employee and employer²⁰².



Moritz, 44 from Switzerland, has cerebral palsy and works as an accountant in a centre for persons with disabilities²⁰³

I've been a wheelchair user since early childhood and am working as an accountant in a subsidised position in a centre for disabled people. I have 20 years of experience, but my salary doesn't show it. I am not able to work anywhere else, as most places are not 100% wheelchair accessible. Even if there's a lift, there will always be a few stairs or some other obstacle.

CHAPTER 9: Work and employment in the CRPD



The topic of work and employment for persons with disabilities is covered in Article 27 of the CRPD. To clarify what is said about employment in the CRPD, and to explain its own interpretation of the provisions it contains, the CRPD Committee released its new General Comment 8 on the right to work and employment on 9 September 2022.

The General Comment clarifies how we should interpret many of the provisions on work and employment present in the CRPD. This interpretation helps State Parties to the Convention report on their legal, political and socioeconomic contexts affecting the employment-related rights of persons with disabilities.

The General Comment provides clarity on sheltered employment, discrimination at work or during recruitment, reasonable accommodation, working conditions and pay.

Sheltered employment in General Comment 8

The most significant clarification in General Comment 8 is on the issue of sheltered employment, especially outlining what kind of sheltered settings go against the Convention. It explains that “Article 27(1) expressly identifies that persons with disability have a right to ‘work on an equal basis with others [which includes] work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to all’. These words clearly indicate that segregated employment settings are inconsistent with the right.”

The General Comment further specifies that:

“segregated employment, such as sheltered workshops, includes a variety of practices and experiences, characterized by at least some of the following elements:

- (a)** They segregate persons with disabilities from open, inclusive and accessible employment;
- (b)** They are organized around certain specific activities that persons with disabilities are deemed to be able to carry out;

- (c) They focus on and emphasize medical and rehabilitation approaches to disability;
- (d) They do not effectively promote transition to the open labour market;
- (e) Persons with disabilities do not receive equal remuneration for work of equal value;
- (f) Persons with disabilities are not remunerated for their work on an equal basis with others;
- (g) Persons with disabilities do not usually have regular employment contracts and are therefore not covered by social security schemes.”

It should be noted, however, that the General Comment allows one exception to this by explaining that “[e]mployment ventures that are managed and led by persons with disabilities, including those that are jointly owned and democratically controlled may not be considered segregated employment if they provide just and favourable conditions of work on an equal basis with others”.

Discrimination at work or during recruitment in General Comment 8

The General Comment clarifies that there are four main types of discrimination that can occur in employment and recruitment, sometimes simultaneously. These are:

- **Direct discrimination:** this occurs when, in a similar situation, persons with disabilities are treated unfavourably for any reason related to their disability;
- **Indirect discrimination:** this is the application of laws, policies or practices that appear neutral but have a negative impact on persons with disabilities; or an opportunity that excludes persons with disabilities because the framing of the opportunity does not take account of their situation;
- **Denial of reasonable accommodation:** this occurs when the necessary and appropriate individualised modifications, adjustments and supports (that do not impose a disproportionate or undue burden) are not implemented;

- **Harassment:** a form of discrimination when unwanted conduct related to disability or other prohibited grounds takes place with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

The General Comment also underlines that “protection from discrimination ... extends to discrimination by association, which may occur when family members or a person who is associated with a person with disability is discriminated at work”.

Reasonable accommodation in General Comment 8

Reasonable accommodation is the area where the most clarification was needed on Article 27 of the CRPD. The General Comment explains that “to fall within the concept of reasonable accommodation, the changes need to be negotiated with the individual. The duty to provide reasonable accommodation is applicable from the moment that a request for such accommodation is received or the need becomes apparent”. On this last point, it goes further by clarifying that “[t]he duty to provide reasonable accommodation is from the moment that a person with disabilities seeks to exercise their rights or requires access in non-accessible situations or environments”.

The General Comment gives further guidance on how the process of providing reasonable accommodation should be approached, explaining that “where a barrier to full inclusion of a person with disabilities is identified by the individual or the organisation, the following steps must be taken:

- (a) the organisation works with the individual to identify potential solutions to remove or avoid the barrier, including the preferred solution for the person with disabilities;
- (b) the organisation implements the preferred solution, unless it would impose an undue burden. Where this is the case, the organisation should implement another identified solution that does not impose an undue burden, or implement the preferred solution to the extent possible without experiencing the undue burden.”

Finally, the CRPD Committee concludes clearly that “a failure by the organisation to implement these steps would be a denial of reasonable accommodation”, which would thus constitute a form of discrimination against the employee.

Therefore, General Comment 8 deems that:

- Reasonable accommodation must be negotiated with the individual;
- The individual’s preferred solution is the best unless it imposes undue burden;
- Undue burden means that the required effort would be unduly costly, difficult, extensive, substantial or disruptive, in light of the totality of the circumstances;
- Failure to provide reasonable accommodation is discrimination.

Working conditions and pay in General Comment 8

Regarding pay, the General Comment states quite clearly that “workers with disabilities have the right to receive equal remuneration as workers without disabilities when they perform the same or similar jobs. Further, their remuneration should also be equal even when their work is completely different but nonetheless of equal value.”

On the topic of pay in sheltered workshops, while the CRPD Committee strongly urges a transition away from these types of employment, it nevertheless stresses the need for segregated work settings to ensure fair remuneration while they are still in operation.

With regard to working conditions, the General Comment specifies that “just and favourable conditions of work for persons with disabilities includes the benefits and protections enjoyed by other workers, such as a retirement benefit fund, sick leave, long-service leave, parental leave, promotion, rest, leisure and periodic holidays with pay”.

Other important aspects of General Comment 8

Beyond what is mentioned above, the General Comment also includes the following:

- Reference to the importance of workers with disabilities being able to retain their disability allowance when in employment;
- The need for positive measures to improve employment opportunities in the open labour market, with a particular focus on women and young persons with disabilities who, among other groups, suffer intersectional discrimination in employment;
- The potential of quota systems to improve employment opportunities, especially in the public sector;
- The need for the promotion of self-employment that is regularised and allows social entrepreneurs sufficient protection and job security;
- The need to ensure that persons with disabilities are not restricted to certain types of occupation, and to prohibit “fake” employment whereby persons with disabilities are engaged by employers but do not perform work or do not have meaningful employment on an equal basis with others;
- Strong condemnation of unpaid internships and work experience.

CHAPTER 10:

Current EU policies on the employment of persons with disabilities



EU Directive on non-discrimination in employment

EU Directive (Council Directive 2000/78/EC) establishes a general framework for equal treatment in employment, vocational guidance and training. It underlines that there shall be no direct or indirect discrimination whatsoever on the grounds of disability, age, sexual orientation or religion. It also further clarifies that “indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons ...”.

Article 5 of the directive states that reasonable accommodation shall be provided in order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities. The article clarifies this by underlining that “employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer”.

Article 7 on “Positive Action” states that “[with] regard to disabled persons, the principle of equal treatment shall be without prejudice to the right of Member States to maintain or adopt provisions on the protection of health and safety at work or to measures aimed at creating or maintaining provisions or facilities for safeguarding or promoting their integration into the working environment”.

These provisions should have been transposed into national legislation. A key issue that remains is the lack of common understanding on the provision of reasonable accommodation. It is therefore difficult to measure the adequacy of practices to ensure non-discrimination towards persons with disabilities in the workplace and to facilitate their ability to do their job.

Minimum Wage Directive

On 28 October 2020, the Commission adopted a proposal for a directive on adequate minimum wages²⁰⁴. The proposal seeks to “improve the adequacy of minimum wages and to increase the access of workers to minimum wage protection”, which remains insufficient or shows gaps in coverage across the EU Member States²⁰⁵.

In 2022, EU negotiators agreed on the final text establishing the rules to set adequate minimum wages in the new Minimum Wage Directive. The rules will apply to all EU workers who have an employment contract or employment relationship, including those with disabilities.

After having been published in the Official Journal of the European Union on the 19 October 2022, the Member States now have two years to transpose the directive. This “transposition” period is the time in which Member States must change their existing laws to be in line with the new directive. If the national laws already have these provisions, or even go further than what the directive says on minimum wage, then nothing needs to be changed at national level. If, however, their national legislation offers less protection on minimum wage than the directive prescribes, then changes to the national laws must be made within this period.

Positively, the directive outlines a requirement for Member States to make information on statutory minimum wages and minimum wage protection accessible to persons with disabilities.

The text includes other mentions of disability, such as in its recitals, where it acknowledges that persons with disabilities are considered to have a higher probability of being minimum- or low-wage earners than other groups. It also outlines that persons with disabilities are generally less protected by minimum wages in some Member States, as they tend to “receive in practice a remuneration below the statutory minimum wage due to non-compliance with existing rules”.

Under the new directive, Member States will need to inform the Commission every two years about the rate and development of collective bargaining coverage, about lower-paid workers and those not covered by minimum wages. This information must be disaggregated by gender, age, company size, sector and disability. Nevertheless, this disaggregation will only be provided “as far as available”, which puts into doubt the impact that the directive could achieve in terms of the development of data on the situation of employment, rights and wages covering persons with disabilities.

While the rules theoretically also apply to workers in sheltered employment, the wording is unclear. The recital references the CRPD and the requirement to provide “equal remuneration for work of equal value”, and this principle includes minimum wage requirements in sheltered employment. However, the final wording remains ambiguous, and only time will tell how strictly this directive is implemented in sheltered work settings for persons with disabilities.

Corporate Sustainability Reporting Directive

EU rules on how businesses should report their non-financial activities are nothing new. However, in 2022 the existing directive underwent a review, and new rules and measures were agreed upon. This, in turn, will have a considerable impact on the obligation for businesses to report on how they account for disability and inclusion in their work, making them more aware of the need to plan for inclusion.

The new rules agreed upon in 2022, as part of what is known as the Directive on Corporate Sustainability Reporting, make several references to disability. The directive specifies that “[s]ustainability reporting standards should specify the information that undertakings should disclose on social factors, including working conditions, social partner involvement, collective bargaining, equality, non-discrimination, diversity and inclusion, and human rights”. It also clarifies that “[t]he reporting standards should also specify the information that undertakings should disclose with regard to the human rights, fundamental freedoms, democratic principles and standards established in the International Bill of Human Rights and other core UN human rights conventions, including the UN Convention on the Rights of Persons with Disabilities ...”.

More specifically, the directive explains that “reporting standards that address employment and inclusion of people with disabilities should specify, amongst other things, information to be reported about accessibility measures taken by the undertaking.”

Following the adoption of the directive and its final approval by the EU institutions in 2022, reporting standards were then drawn up with the assistance of the European Financial Reporting Advisory Group. The reporting standards will require undertakings to disclose the percentage of persons with disabilities in their workforce, and reveal any work-related incidents of discrimination on the grounds of disability. Undertakings will also need to report on whether disability is specifically covered in their policies on

diversity, as well as their general approach to combating discrimination and ensuring equal treatment and opportunities for all. It will also be necessary to disclose the percentage of employees, by gender and other aspects of diversity, who occupy roles in administrative, management and supervisory bodies. The Commission is working towards adopting the final standards as delegated acts in June 2023.

EU Strategy for the Rights of Persons with Disabilities and EU Disability Employment Package

The Commission has approved an EU Strategy for the Rights of Persons with Disabilities for the period 2021 to 2030. This includes a number of “flagship initiatives”, which are the main activities within the strategy to further the rights of persons with disabilities in the EU.

One such flagship initiative is the Disability Employment Package to improve labour market outcomes for persons with disabilities²⁰⁶, whose aim is to support improvements in different areas where persons with disabilities face particular barriers to employment.

While the package does not propose any binding legislation, it does contain a series of measures that, according to the Commission, will help to implement pre-existing legislation in six areas. These areas and related measures are:

1. **Strengthening the capacities of employment and integration services** through the publication of guidance for Member States to improve the accessibility and inclusiveness of employment services;
2. **Promoting hiring perspectives through affirmative action and combating stereotypes** through a catalogue of positive actions involving employers to facilitate the hiring of individuals with disabilities;
3. **Ensuring reasonable accommodation at work** by preparing guidelines for employers;
4. **Preventing disabilities associated with chronic diseases** by publishing a manual by the European Agency for Safety and Health at Work;

5. **Securing vocational rehabilitation schemes in case of sickness or accidents** by issuing guidelines;
6. **Exploring quality jobs in sheltered employment and pathways to the open labour market** by launching a study on improving employment for persons with disabilities through alternative employment models, including recommendations for fair working conditions and career development in alternative forms of employment and pathways to the open labour market that comply with the CRPD.

Some of these measures could become helpful instruments in the promotion of inclusive labour markets around the EU, particularly the guidelines for reasonable accommodation at work, the catalogue of positive actions to facilitate hiring, and the study and recommendations on fair working conditions through alternative forms of employment. However, the lack of funding and associated legal requirements are a large obstacle to their implementation, and a huge effort will be required to ensure the application of the employment package at national level and, therefore, to achieve results.

CHAPTER 11: Employment and education



Access to inclusive and quality education remains limited for many persons with disabilities. While it is not within the scope of this report to analyse access to education for persons with disabilities in the EU Member States, it is important to note that lack of access to quality, inclusive education can significantly impact access to the labour market as a whole, as well as to more stable, better paying jobs. This section highlights a few key issues.

Access to mainstream education is an issue in many countries, especially for those with high support needs. More than twice as many learners with disabilities leave school early in comparison to those without disabilities: 21.8% and 9.6% respectively in 2019, cutting their education short and limiting their future employment prospects²⁰⁷.

Only 32.5% of persons with disabilities completed tertiary education in 2019, compared to 43.6% of those without disabilities²⁰⁸. According to Eurofound, the education and vocational training offered often do not meet the needs of persons with disabilities, nor are they necessarily relevant or labour-market oriented²⁰⁹.

A high proportion of young persons with disabilities are educated in segregated settings. Consequently, persons with disabilities, particularly those not educated in mainstream schools, often lack the formal qualifications required to be hired for many jobs²¹⁰. As a result, they often end up in sheltered workshops or unemployment²¹¹.

A 23-year-old man with a disability in Sweden, for instance, spoke about how his special education certificate influenced the employment choices offered to him:

“We are discriminated against when it comes to work; we can’t register with the Public Employment Office and expect to get a job, because we have marks from special education [special education certificates] and then you are offered daily activities instead of a regular job.”²¹²

Research in Spain has found stark differences in educational attainment among employees. Only 8% of employees with disabilities have undergraduate or postgraduate degrees (21.3% for persons without disabilities), and 22.5% of persons with disabilities have less than a primary education compared to 14.3% of those without disabilities²¹³.

CHAPTER 12:

Future of employment: digital skills



Society is undergoing a massive digital transformation, including the world of work, often at dramatic rates. The digital economy has been significantly accelerated by COVID-19. Emerging digital tools and jobs offer new employment opportunities, with the potential to improve and expand the employment of persons with disabilities. At the same time, there remain challenges. This chapter looks at a few key issues in a wide field.

Access to technology and skills

According to the ILO, “people with disabilities frequently experience digital exclusion as they encounter many difficulties when it comes to being able to afford or access Information and Communications Technologies (ICTs) and the Internet due to a myriad of factors”²¹⁴. Research in the UK, which may be insightful when thinking about the situation in the EU, found that 25% of persons with disabilities had never used the internet and were significantly less likely to have internet access than those without disabilities. This has a significant impact on employment, with UK employers reporting that 92% of the positions they recruit for require at least basic level IT skills²¹⁵. In the EU, 71% of employees need basic or moderate level digital skills to perform their jobs²¹⁶. Low digital experience also presents barriers to applying for jobs through online recruitment systems.

In the EU, according to the Commission Communication on the EU Strategy on the Rights of Persons with Disabilities 2021-2030, only 64.3% of persons with disabilities over the age of 16 have internet connection at home, compared to 87.9% of those without disabilities²¹⁷.

The inaccessibility of many websites, software and applications used by employers in recruitment, as well as in their day-to-day operations, remains a serious concern. Experts have identified a lack of inclusion of persons with disabilities when technologies are designed, developed and implemented²¹⁸. Relatedly, despite a pressing need for digital skills in the labour force, certification programmes for jobs in technology are not accessible to persons with disabilities.

In terms of opportunities, the use of digital tools can enhance reasonable accommodation, including in employment²¹⁹. These include assistive technologies enabled by artificial intelligence and used by persons with vision, hearing, mobility and learning disabilities. Predictive text, visual recognition, speech-to-text transcription and captioning have experienced great advances in the last few years²²⁰. Meetings via video conferencing software, at times equipped with captioning, have increased the potential for more accessible meetings, particularly between participants in different locations²²¹. However, not all digital tools are accessible, and many require the support of special assistive technologies.

Artificial intelligence

Artificial intelligence (AI) is the development of computer systems that can perform tasks normally requiring human intelligence. In a December 2021 report, the UN Special Rapporteur on the Rights of Persons with Disabilities noted the rapid growth in the use of AI, automated decision making and machine-learning technologies, and highlighted that “there is little detailed assessment of the direct benefits and potential harms of artificial intelligence for the world’s approximately 1 billion persons with disabilities”²²².

For example, AI has been increasingly used in recruitment. Data that informs recruitment AI is often based on previously successful candidates, a dataset that is both severely limited and may reinforce past biases. Since persons with disabilities are significantly less likely to be employed, they are also less likely to be represented in data on past successful employees. AI might also unfairly penalise candidates with disabilities for gaps in their CVs caused by barriers linked to their disability.

The underrepresentation of women in many fields, as well as the low employment rates of women with disabilities compared to both men with disabilities and women without disabilities across all sectors, can also mean that AI tools based on previously successful candidates will perpetuate their exclusion. Video screening tools enabled by AI are typically developed without persons with disabilities as test subjects. The same can be true of résumé-mining tools that rely on the CVs of previous hires as indicators of successful candidates for future employment. These tools do not allow for variations in experience, skills, communication styles and the like²²³. Gaps in a person’s CV because of rehabilitation or other disability-related issues can also cause persons with disabilities to fare particularly badly in AI-led recruitment processes²²⁴.

Remote working

With the right technology in place, remote working – or teleworking – can expand access to jobs that would otherwise be inaccessible to persons with disabilities, due to obstacles related to the workplace or other infrastructure or transportation. In addition, the geographical scope of many new employment opportunities is global. Flexibility in terms of work time and location can greatly benefit some persons with disabilities²²⁵. However, remote working should never be seen as a substitute for the provision of reasonable accommodations, accessible workplaces and accessible infrastructure such as transportation. It also entails the risk of isolation, loneliness and social exclusion²²⁶.

Additionally, while teleworking has increased in recent years, the practice has not increased equally. Although statistics on telework practices vary depending on sector and occupation, the increase in teleworking observed overall has not been mirrored among persons with disabilities. Since the COVID-19 outbreak, teleworking has mainly been used in high-paid, white-collar employment²²⁷. Many employees have faced major limitations to working from home, as they do not have the necessary equipment²²⁸. The World Health Organization (WHO) has published recommendations supporting flexible work arrangements allowing persons with disabilities to telework²²⁹.

Conclusions

Despite the existence of many different policies towards the inclusion of persons with disabilities in the open labour market throughout the EU, the available data and testimonies from persons with disabilities show that we are still a long way from significantly bridging the disability employment gap.

As the world of work changes, so too do the potential opportunities to increase not only the proportion of persons with disabilities who work, but also the quality of employment and perspectives for career development. As we have explored in this publication, increased quality can come from improving opportunities in the open labour market, which is in large part – although by no means entirely – reliant on the better provision of reasonable accommodation and flexibility to allow persons with disabilities to retain their disability allowance when working. It also comes from education and training, and better preparing persons with disabilities for the needs of the modern labour market.

Improvements in all these areas will come down to the willingness of policy makers at EU and national level to invest in change, and to support employers in adapting to an increasingly inclusive labour market. The success of new policies will also be heavily reliant on targeting actions towards persons with disabilities

who face particular barriers, notably young persons and women with disabilities.

While policies can change relatively quickly, mindsets are slower to adapt. We still have a huge way to go in reducing discrimination against persons with disabilities in both recruitment and the workplace. While EU legislation exists to outlaw such discrimination, it remains extremely difficult to hold employers responsible for acts of discrimination, and to prove that unfair treatment has been received on the basis of one's disability. Improving understanding of the value of inclusive workplaces and offering better assistance to employers to make workplace adjustments will therefore also be key in quashing doubts among those in a position to provide job opportunities to persons with disabilities.

Now more than ever, Europe's future lies in making the open labour market inclusive of all kinds of workers. With an ageing population and an acute shortage of workers, the need for Europe to improve access to work for persons with disabilities has never been more urgent. The time to start acting is now.

Recommendations

Guiding principles around employment policies and initiatives

- While many forms of employment exist, policies and initiatives for the employment of persons with disabilities should ultimately promote inclusion in the open labour market.
- Policies and initiatives by the EU and the Member States must focus not only on employment rates for persons with disabilities, but equally on quality of employment, job retention, career progression and fair pay and working conditions.
- Policies and initiatives to promote the employment of persons with disabilities should aim to reach groups that are particularly prone to exclusion from the labour market. These include women with disabilities, migrants and refugees with disabilities, persons with disabilities of ethnic minorities such as Roma, persons with high support needs, persons with multiple disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, among others.
- Persons with disabilities who seek employment should not be penalised by losing entitlement to support such as disability allowance. Disability allowance is a way of compensating the extra cost of living that comes with having a disability. Therefore, it is not a substitution, but must be compatible with other forms of income.

- Legislation must include effective and proportionate penalties for companies and compensation for victims of discrimination.
- Member States must better enforce EU legislation, for instance by improving access to justice and by empowering equality bodies to tackle discrimination in access to employment and to support victims.

Recommendations on reasonable accommodation

- The EU guidelines for employers on the different forms that reasonable accommodation can take, which the Commission is developing as part of the EU Disability Employment Package to Improve Labour Market Outcomes for Persons with Disabilities, must focus on how to offer person-centred and flexible support to persons with disabilities, and how to approach the issue of work adjustments with employees with disabilities.
- These guidelines should provide clear guidance to employers and employees alike. They should offer clarity on how to discuss and come to an agreement on the types of reasonable accommodation that can be offered. They could also explore the potential role of external advisors and mediators in explaining the possibilities that exist to make adaptations, and to facilitate agreements between employers and employees on the chosen solutions. It will also be important to set quality standards such as maximum timeframes in which the adaptations should be put in place.

- The guidelines should also focus on the role of national, regional and local authorities in supporting employers with any additional costs that might be incurred. The guidelines should set quality standards regarding how quickly the state should reimburse employers for the costs of workplace adaptations or the purchasing of assistive technologies. They could also explore the extent to which different costs should be reimbursed by the state, exploring the potential for increased reimbursement rates for employers with fewer resources.
- The EU guidelines on reasonable accommodation should also specify the rights of temporary workers and trainees, etc.
- The guidelines should aim to improve the understanding of employers and local authorities about the role that EU funds can play in fostering the inclusion of persons with disabilities in the open labour market. They should outline which forms of EU funding can be used to support such investments, and how applications for funding can be made.
- The guidelines should also stress the importance of access to sign language interpreters and personal assistants for persons with disabilities in their professional lives.
- It is paramount for the EU institutions and Member States to focus on the dissemination of these guidelines, supporting their implementation at national level together with later assessments.

Recommendations on compatibility of paid work and disability allowance

- A coordinated approach should be ensured among Member States that allows persons with disabilities to retain their disability allowance when receiving a salary in return for paid work. For persons with disabilities, it is paramount that one can retain disability allowance when working, to offset the extra cost of living with a disability. This burden, or the fear of losing support, leaves many persons with disabilities outside the labour market in most EU Member States.

Recommendations on quality of employment and fair and equal wages

- In accordance with the CRPD and the Minimum Wage Directive, Member States must crack down on employers who allow workers with disabilities to be paid below the minimum wage. In turn, the EU must crack down on Member States that legally allow persons with disabilities to be employed in work settings where they are not given the legal status of employee, thus being deprived of their legal rights as workers.
- Member States must ensure that sheltered employment settings, while they still operate, provide their employees with fair remuneration and proper working contracts, and promote transition to the open labour market.

- Collective bargaining must be made more accessible to different kinds of workers who are typically underrepresented in trade unions, such as workers with disabilities. Efforts and adjustments should be encouraged to bring persons with disabilities into the process, to make it navigable for all, and to ensure that any accessibility requirements for their participation are foreseen without exception.
- Member States must ensure equal pay and pay transparency, in order to address inequalities in pay based on gender and disability.
- Pay transparency obligations must apply to all employers, regardless of the size of the organisation and the type of employment (including sheltered and part-time employment).
- Information on pay transparency must be available and accessible to all persons with disabilities, using communication formats such as easy-to-read and accessible digital documents.
- Equality bodies must have access to pay reports, and be equipped to support complaints of pay inequalities from women and men with disabilities.

Recommendations on freedom of movement of workers with disabilities

- Mutual recognition of disability assessment should be ensured in all Member States, with the help of the EU Disability Card. It is important that the card is accepted in all Member States, and that it is supported by a directive or regulation to make it legally binding. For persons moving to

another Member State for a longer period of time, or permanently, the card, as a means to mutual recognition of disability status, should be the basis for which a person with a disability can begin to request access to the support services provided by their host country. The card should therefore provide access to support and services during the transition period in which the person is reassessed for disability recognition in their new Member State of residence.

- An accessible online information platform should be created, giving workers with disabilities information on the services to contact when moving to different Member States in order to receive the support they are entitled to.

Recommendations on targeted measures for women with disabilities

- Women with disabilities should be included in the measures related to employment, developed under the Disability Rights and Gender Equality Strategies, including all actions within the EU Disability Employment Package.
- Quality inclusive and non-stereotyped education should be promoted to ensure the choice of fields of study to girls and women with disabilities, so that they can choose their work in light of their desires and talents, rather than being limited by inaccessibility, bias and stereotypes.
- Member States should be encouraged, through the European Semester process, to make use of EU funding, particularly European Social Fund Plus

- (ESF+) and the Recovery and Resilience Facility, to invest in targeted actions to reduce the gender and disability employment gap. This could take the form of training and outreach programmes for girls and women with disabilities to build skills relevant to the current job market and their own career of choice. Investment should also be made in employer-jobseeker mediation services, mentoring programmes within the workplace, and guidance/support services to assist in career progression. Member States should be encouraged to facilitate access to capital for female entrepreneurs.
- EU legislation should be better enforced, for instance by improving access to justice and empowering equality bodies to tackle discrimination in access to employment, and to support victims.
- Awareness-raising campaigns and other measures to tackle harassment in the workplace should be developed, including against sexual harassment and retaliation for speaking up, which hinders access to work and employment, job retention and equal career paths.
- Pay transparency obligations must apply to all employers, regardless of the size of organisation and type of employment (including sheltered and part-time employment).
- Information on pay transparency must be available and accessible to all women with disabilities, using communication formats such as easy-to-read and accessible digital documents.
- Equality bodies must have access to pay reports, and be equipped to support complaints of pay inequalities made by women with disabilities.

Recommendations on awareness of workers' rights

- Persons with disabilities and employers should be made aware of the legal rights of workers with disabilities. This should focus particularly on the rights to work and employment under the CRPD's Article 27 and General Comment 8, with particular emphasis on accessibility and reasonable accommodation.
- Collaboration between employers and entities representing persons with disabilities should be promoted to improve the exchange of information and knowledge about legal rights, good practices and available resources.
- Awareness-raising campaigns and other measures to tackle harassment in the workplace should be developed, including sexual harassment and retaliation for speaking up, which hinders access to work and employment, job retention and equal career paths, especially of women with disabilities.

Recommendations on data collection

Collaboration with Eurostat and EU Member States' national statistics offices should be ensured, to collect data disaggregated by type of disability (for example by using the Washington Group short set of questions). Data collected in all fields – from education to employment, from homelessness to migration – should be disaggregated by age, gender and type of disability.

Endotes

- 1 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crpdcg8-general-comment-no-8-2022-right-persons>
- 2 See the UN overview of countries that have ratified the Convention: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-15&chapter=4
- 3 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities#article-27>
- 4 Liechtenstein signed the Convention in September 2020.
- 5 European Disability Expertise (2022), European Semester 2020-2021 synthesis report on disability equality, prepared as input for the European Commission European Semester in 2021, Luxembourg: Publications Office of the European Union, <https://ec.europa.eu/social/main.jsp?catId=1532&langId=en>
- 6 Ibid.
- 7 EDF (2020), A Strong Social Europe for Just Transitions: Implementing the EU Pillar of Social Rights, April, <https://www.edf-feph.org/content/uploads/2021/01/EDF-Position-Paper-on-Social-Pillar-Action-Plan-2020.pdf>
- 8 EDF, Our Work on Employment Policy, EDF website, <https://www.edf-feph.org/employment-policy/>
- 9 Grammenos, S. (2022), European comparative data on Europe 2020 and persons with disabilities: Labour market, education, poverty, and health analysis trend, developed under Contract VC/2020/0273 with the European Commission, Luxembourg: Publications Office of the European Union, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>
- 10 Ibid, table 18, p. 101, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>
- 11 European Commission, The European Semester, webpage, https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en
- 12 EDF analysis of data from Eurostat, Disability employment gap by level of activity limitation and sex (source EU-SILC), retrieved 18 July 2022, https://ec.europa.eu/eurostat/databrowser/view/HLTH_DLM200_custom_3081764/default/table?lang=en
- 13 Ibid.

14 Ibid.

15 Ibid.; Eurostat, Employment and activity by sex and age (1992-2020) – annual data, retrieved 18 July 2022, https://ec.europa.eu/eurostat/databrowser/view/LFSI_EMP_A_H_custom_1188659/bookmark/table?lang=en&bookmarkId=180c2f03-bbe9-4980-bb66-9a85fc2d6940

16 EDF analysis of data from Eurostat, Employment and activity by sex and age (1992-2020), op. cit. endnote 15.

17 Eurostat, Disability employment gap by level of activity limitation and sex (source EU-SILC), op. cit. endnote 12.

18 Ibid.

19 Ibid.

20 Ibid.

21 Grammenos, S. (2022), op. cit. endnote 9.

22 Ibid.

23 Cámara, A., Martínez, M^a I. and Santero-Sánchez, R. (2020), “Macroeconomic cost of excluding persons with disabilities from the workforce in Spain”, IZA Journal of Labor Policy, Vol. 10, No 1, Sciendo, March, <https://sciendo.com/article/10.2478/izajolp-2020-0015>

24 Indecon International Research Economists (Indecon) (2021), The Cost of Disability in Ireland, Final Report submitted to the Department of Social Protection, November, <https://www.gov.ie/en/publication/1d84e-the-cost-of-disability-in-ireland-research-report/>

25 European Institute for Gender Equality (EIGE) (2021), Gender Equality Index: Work Indicators in the EU, <https://eige.europa.eu/gender-equality-index/2021/domain/work/disability>

26 Ibid. The full-time equivalent employment rate is obtained by comparing each worker’s average number of hours worked with the average number of hours worked by a full-time worker. The original source of EIGE’s calculated data is from the EU Statistics on Income and Living Conditions (EU SILC) microdata 2019.

27 Ibid.

28 Ibid.

29 Eurofound (2018), The social and employment situation of people with disabilities, Publications Office of the European Union, Luxembourg, <http://eurofound.link/ef18023>

30 Ibid.

31 Grammenos, S. (2022), op. cit. endnote 9.

32 Ibid.

33 45,000 respondents surveyed in spring 2021. Eurofound (2022), People with disabilities and the COVID-19 pandemic: Findings from the Living, working and COVID-19 e-survey, COVID-19 series, Publications Office of the European Union, Luxembourg, <https://www.eurofound.europa.eu/publications/report/2020/living-working-and-covid-19>

34 Inclusion Europe and Plena inclusion (2020), Employment of people with intellectual disabilities before, during and after the COVID-19 pandemic, December, https://www.inclusion-europe.eu/wp-content/uploads/2021/01/Covid-report-design-finalised_accessible.pdf

35 Flynn, E. et al. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Ireland, under contract with the European Commission, Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL), November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

36 Hirschberg, M. and Welti, F. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Germany, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

37 Gudavičius, A. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Lithuania, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

38 Król, A. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Poland, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

39 Ondrušová, D., Kešelová, D. and Machajdíková, M. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Slovakia, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

40 Jenaro, C. and Verdugo, M.A. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Spain, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

41 Sakkeus, L., Abuladze, L. and Leppik, L. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: Estonia, under contract with the European

Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

42 Ebersold, S. and Zander, C. (2021), COVID-19 and people with disabilities: Assessing the impact of the crisis and informing disability inclusive next steps: France, under contract with the European Commission, DG EMPL, November, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

43 Wong, J., Ezeife, N., Kudla, A. et al. (2022), “Employment Consequences of COVID-19 for People with Disabilities and Employers”, Journal of Occupational Rehabilitation, 32, pp. 464-472, January, <https://doi.org/10.1007/s10926-021-10012-9>

44 Five measures are from the UK. Eurofound (2021), Disability and labour market integration: Policy trends and support in EU Member States, Publications Office of the European Union, Luxembourg, <http://eurofound.link/ef20013>

45 Van der Zwan, R. and de Beer, P. (2021), “The disability employment gap in European countries: What is the role of labour market policy?” Journal of European Social Policy, Vol. 31, No 4, 21 April.

46 Eurofound (2021), op. cit. endnote 44.

47 Ibid.; Agefiph (2022), Europe: l’emploi des personnes en situation de handicap: Panorama, enjeux et perspectives, May, [https://www.agefiph.fr/sites/default/files/medias/fichiers/2022-05/N%C2%B017bis%20%20Agefiph Europe-Handicap mai%202022%20 1.pdf?utm_campaign=newsletter-interne&utm_medium=CFHE%20-%20Newsletter%20Mai%202022&utm_source=email](https://www.agefiph.fr/sites/default/files/medias/fichiers/2022-05/N%C2%B017bis%20%20Agefiph%20Europe-Handicap%20mai%202022%201.pdf?utm_campaign=newsletter-interne&utm_medium=CFHE%20-%20Newsletter%20Mai%202022&utm_source=email)

48 Eurofound (2021), op. cit. endnote 44; International Labour Organization (ILO) (2019), Promoting Employment Opportunities for People with Disabilities Quota Schemes Volume 1, https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_735531.pdf

49 ILO (2019), op. cit. endnote 48.

50 Ibid.

51 Ibid.

52 In enterprises.

53 <https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/employing-persons-disability>

54 Slovenia has a quota system for the employment of persons with disabilities, which is implemented by law by the Public Fund, established to promote the employment of persons with disabilities. In the event that the

person liable for the quota does not reach the prescribed quota of employed persons with disabilities (2-6%, prescribed depending on the activity), they must pay 70% of the minimum wage every month for each person with a disability who is not employed. An employer subject to a quota can substitute the quota fulfilment by ordering goods or services from a company for persons with disabilities (employs 40% or more persons with disabilities) or an employment centre.

55 Not in all regions.

56 In the public sector.

57 In the public sector only. While a compliance report is kept to name and shame public bodies that are non-compliant, no penalties are imposed.

58 There is no quota in the open labour market in Lithuania. There was previously an obligatory quota for employing persons with disabilities in social enterprises, but the social enterprise law was changed.

59 Eurofound (2021) identifies programmes that the Commission's DOTCOM information does not include. European Commission, DOTCOM: The Disability Online Tool of the Commission: EU Member States, Employment, Workplace Adaptations and Financial Incentives, https://ec.europa.eu/social/main.jsp?catId=1542&langId=en#Bulgaria_0

60 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

61 <https://www.gov.ie/en/service/38fdd0-workplace-equipment-adaptation-grant/> https://www.citizensinformation.ie/en/employment/employment_and_disability/grants_for_adapting_or_equipping_the_workplace_for_disabled_staff.html

62 Ibid.

63 Lithuania used to be counted among these, but sign language interpretation was specifically offered in social enterprises. Now financial assistance is offered for subsidising work assistants for work functions.

64 Analysis of laws summarised in European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

65 European Blind Union (EBU) (2018), EBU focus on blind and partially sighted people's employment in Europe: Examples of good practice, December, <https://www.euroblind.org/newsletter/2018/december/en/17-examples-good-practice>

66 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

67 Eurofound (2021), op. cit. endnote 44.

68 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

69 Ibid.

70 Ibid.

71 Ibid.

72 Eurofound (2021), op. cit. endnote 44.

73 Government of Ireland, Reasonable Accommodation Fund, webpage, <https://www.gov.ie/en/service/62fd96-reasonable-accommodation-fund/>

74 Financial support for workplace adaptations is available to both public-sector and private employers (except state administration) to compensate workplace adaptations, the elimination of architectural barriers, wages and social security contributions if they employ persons with disabilities.

75 Assistive devices or other support needed for work range from adapted individual transport (including compensation for taxi costs) and location-bound provisions such as adapted workplaces, ramps, etc. to person-bound devices such as electronic equipment or adaptations to laptops, etc. Personal assistance needed for work, more specifically sign language interpreters for Deaf persons, can also be provided.

76 From Financial Incentives: The amount of funding provided by the Agency for Persons with Disabilities (APD), however, is fixed at a minimum level and regardless of the person's individual needs. No personal assistance or transportation allowance is provided to employees with disabilities.

77 The possibility exists to obtain grants from employment support programmes, with priority for the adaptation of workplaces for persons with disabilities.

78 This varies depending on the different regions of Spain.

79 Compensatory aids can only be granted if the expenditure is above what the employer is assumed to bear, and if the working device does not commonly occur in the workplace.

80 Adaptation of the workplaces, the provision of special equipment and adaptive technologies at work are available for employees with disabilities and their employers. These allowances and services are highly individualised, but require formal application and bureaucratic procedures. The funding is available through different rehabilitation services.

81 Employers who hire persons with disabilities can benefit from a contribution to removing barriers and adapting the workplace.

82 The Workplace Accessibility Scheme was set up in 2010 to provide tax

deductions to employers who employ persons with disabilities and need to make modifications within their place of work. More information on the scheme is available here: <https://www2.deloitte.com/mt/en/pages/Gi3/articles/alerts/2021/mt-gi3-alert-21-13-facilitating-work-life-for-individuals-with-disability.html>

83 Support in the workplace in terms of assistive devices or physical adaptation can be provided up to a certain amount of money. Technical aids are provided as grants for work aids to employees returning to work after a longer period of sick leave or preventive leave. Both employees and employers can apply for the grants.

84 The right to apply for a benefit for arranging the working conditions to enable the employment of a person with a disability. The Social Insurance Institution of Finland provides the assistive devices needed to enable employment. Such devices may include video magnifiers, Braille displays or other computer equipment. The main adaptations to the workplace may concern working times, ergonomics and the employee's own work planning. The employee receives subsidies for these adaptations.

85 Employers may receive compensation of up to 100% of the cost incurred for the adjustment, based on the reasonableness of the expenses for eliminating disability-related workplace barriers.

86 Employers must pay at least 35% for the adaptation of workplaces. The possibility exists to obtain grants (special money) from employment support programmes, with priority for the adaptation of workplaces for persons with disabilities.

87 Employers who employ persons with disabilities for at least 36 months may receive reimbursement from the State Fund for Rehabilitation for creating (or adapting existing) workplaces to meet the needs of persons with disabilities, or adapting or buying devices that help persons with disabilities to function at work.

88 Employers (including businesses) that set up jobs for citizens with disabilities can receive a financial contribution of up to eight times the average wage in the national economy.

89 To make a workplace or vocational training place and all related facilities accessible for an employee with a disability, adaptations can be funded or financially supported by the Social Ministry Service.

90 Special incentives such as funds for adaptation of the workplace and architectural adaptation (Articles 16-21), and funds for adaptation of the workplace and technical adaptations (Articles 22-27). There are special

conditions for the adaptation of workplaces in work centres, which are regulated by the by-law on conditions regarding premises, equipment and professional workers in work centres. regulated by the by-law on conditions regarding premises, equipment and professional workers in work centres.

91 The allowance can be used to cover the employer's expenses related to establishing a sheltered workshop, or to accommodate a sheltered workplace and facilities, and to purchase special equipment and work aids required by an employee with a disability to perform the job tasks.

92 State subsidies for workplace adaptations, adaptive technologies and personal assistance are guaranteed.

93 A deduction, when calculating the taxable profit, of the amounts related to the adaptation of the protected jobs, and in relation to the purchase of special equipment and/or equipment used in the production process by an employee with a disability.

94 Since 2010, employers have been able to apply to APD projects for funding to ensure access to the workplace, adaptation of the workplace, and equipment of the workplace of persons with permanent disabilities (Article 25). The amount of funding provided by the APD, however, is fixed at a minimum level and regardless of the person's individual needs. No personal assistance or transportation allowance is provided to disabled employees.

95 Financial support for adjusting a workplace according to the specific health needs of each person with a disability is possible but limited to a small number of beneficiaries, according to the disability movement in Latvia.

96 There is no established mechanism for providing ongoing funding support for workplace adaptations. Funding schemes for workplace adaptations are periodically available, normally through European Structural and Investment Fund (ESIF) co-funded employment-related calls. For example, in Greece, the Public Employment Service (DYPA) provides support (in the form of a grant) for reasonable accommodation for 50 persons with disabilities who are beneficiaries of the DYPA programme. More specifically, private sector enterprises, social enterprises, regional and local government enterprises, and public sector enterprises may receive a grant from the DYPA in order to recruit, among others, persons with disabilities.

97 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

98 Ibid.

99 Ibid.

100 Ibid.

101 Ibid.

102 Ibid.

103 Agefiph (2022), op. cit. endnote 47.

104 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

105 LO (2019), op. cit. endnote 48.

106 European Commission, DOTCOM: The Disability Online Tool of the Commission, op. cit. endnote 62.

107 Name changed to keep the person anonymous.

108 Data from EIGE (2021), Gender Equality Index: Work Indicators in the EU, <https://eige.europa.eu/gender-equality-index/2021/domain/work/disability>. Mean equivalised net income is an indicator of financial resources including pensions, investments, benefits and other sources in addition to paid work. The indicator is expressed in purchasing power standard (PPS), an artificial currency that accounts for price differences between Member States. The original source of EIGE's calculated data is from the EU Statistics on Income and Living Conditions (EU SILC) microdata 2019, <https://www.edf-feph.org/content/uploads/2022/09/EDF-recommendations-on-employment-of-women-with-disabilities-September-2022-final.pdf>

109 Ibid.

110 Bulgaria, Croatia, Czechia, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Spain.

111 Indecon (2021), op. cit. endnote 24.

112 Eurofound (2018), The social and employment situation of people with disabilities, Publications Office of the European Union, Luxembourg, <http://eurofound.link/ef18023>

113 Eurofound (2022), op. cit. endnote 33.

114 Priestly, M. (2022), European Semester 2020-2021 synthesis report on disability equality, under contract for the European Commission, Luxembourg: Publications Office of the European Union, <https://ec.europa.eu/social/main.jsp?catId=1540&langId=en>

115 EIGE (2021), op. cit. endnote 111.

116 Cámara, A., Martínez, M^a I. and Santero-Sánchez, R. (2020), op. cit. endnote 23.

117 Ibid.

118 Ibid.

119 Using the Survey of Health, Ageing and Retirement in Europe (SHARE) data. The housing cost overburden rate is defined as the percentage of the

population living in households where total housing costs represent more than 40% of disposable income. Eurostat (2021), Housing costs heavier burden for people with disability, 10 March, <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210310-2>

120 European Parliamentary Research Service (2018), Equality and the Fight against Racism and Xenophobia, March, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS_STU\(2018\)615660_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS_STU(2018)615660_EN.pdf)

121 The (then) 28 Member States of the EU and Iceland, Norway and Switzerland. Antón, J.I. et al. (2016), “An analysis of the cost of disability across Europe using the standard of living approach”, Journal of the Spanish Economic Association, No 7, <https://link.springer.com/article/10.1007/s13209-016-0146-5>

122 Indecon (2021), op. cit. endnote 24.

123 Antón, J.I. et al. (2016), op. cit. endnote 124.

124 European Union Agency for Fundamental Rights (FRA) (2018), From Institutions to Community Living for Persons with Disabilities: Perspectives from the Ground, p. 67.

125 European Disability Forum (EDF) (2021), Ensuring adequate wages and workers’ rights for persons with disabilities, January, <https://www.edf-feph.org/employment-policy/>

126 European Commission, DOTCOM: The Disability Online Tool of the Commission: Estonia and Latvia, Employment and Financial Incentives, <https://ec.europa.eu/social/PDFServlet?mode=edeDotcomSearch&country=5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31&heme=40>

127 Indecon (2021), op. cit. endnote 24, p. 63.

128 Morris, Z.A. and Zaidi, A. (2020), “Estimating the extra costs of disability in European countries: Implications for poverty measurement and disability-related de commodification”, Journal of European Social Policy, Vol. 30, No 3, 1 July, <https://journals.sagepub.com/doi/abs/10.1177/0958928719891317>

129 Eurofound (2020), Role of social partners in tackling discrimination at work, Publications Office of the European Union, Luxembourg, <http://eurofound.link/ef20011>

130 Eurobarometer (2019), Discrimination in the European Union, report and country fact sheets, 2251/SP493, September, <https://europa.eu/eurobarometer/surveys/detail/2251>. The discrimination of Roma is considered the most widespread (61%) followed by ethnic origin and skin colour, sexual orientation and gender identity.

- 131 Eurofound (2020), op. cit. endnote 132.
- 132 Various national research studies, as cited in: Eurofound (2020), op. cit. endnote 132.
- 133 Indecon (2021), op. cit. endnote 24, p. 39.
- 134 Ibid., p. 40.
- 135 Ibid., p 43.
- 136 FRA (2012), Choice and Control: The Right to Independent Living, June <https://fra.europa.eu/en/publication/2012/choice-and-control-right-independent-living>
- 137 Research study as cited in: Eurofound (2020), op. cit. endnote 132.
- 138 Eurobarometer (2019), op. cit. endnote 133.
- 139 Ibid.
- 140 Ibid.
- 141 Name changed to keep the person anonymous.
- 142 Bonaccio, S., Connelly, C.E., Gellatly, I.R., Jetha, A. and Martin Ginis, K.A. (2020), “The Participation of People with Disabilities in the Workplace Across the Employment Cycle: Employer Concerns and Research Evidence”, Journal of Business and Psychology, Vol. 35, No 2, <https://pubmed.ncbi.nlm.nih.gov/32269418/>
- 143 Ibid.
- 144 Eurofound (2020), op. cit. endnote 132.
- 145 Bonaccio, S. et al. (2020), op. cit. endnote 145.
- 146 Ibid.
- 147 World Economic Forum (WEF) (2019), What Companies Gain by Including People with Disabilities, 23 April, <https://www.weforum.org/agenda/2019/04/what-companies-gain-including-persons-disabilities-inclusion/>
- 148 Lithuania, Office of the Equal Opportunities Ombudsperson, Case No (20)SN-44) SP-48, as cited in: <https://equineteurope.org/wp-content/uploads/2021/03/Reasonable-Accommodation-Disability-Discussion-Paper.pdf>
- 149 European Network of Legal Experts in the non-discrimination field (2009), European Anti-Discrimination Law Review, No 8, p. 52, <https://www.equalitylaw.eu/downloads/2728-law-review-8>
- 150 EDF (2021), EDF Input on Article 27 General Comment, March, <https://www.edf-feph.org/employment-policy/>

- 151 Judgment of the Court (Grand Chamber), In Case C 303/06, S. Coleman v Attridge Law and Steve Law, 17 July 2008, <https://curia.europa.eu/juris/document/document.jsf?jsessionid=22BCE4C19E1EF5550161C-4745C81C03C?text=&docid=67793&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2919267>
- 152 CRPD Committee, General Comment 6, paras 17 and 20.
- 153 CRPD Committee, General Comment 6, para. 18, [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654206/EPRS_STU\(2020\)654206_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654206/EPRS_STU(2020)654206_EN.pdf)
- 154 WRC (2020), What you should know: Parental leave, 1 September, https://www.workplacerelations.ie/en/what_you_should_know/leave/parental%20leave/
- 155 World Policy Analysis Center (2019), How much paid leave is specifically made available to meet the everyday and disability-specific health needs of school-age children with disabilities?, June.
- 156 Danske Love, Serviceloven §42, <https://danskelove.dk/serviceloven/42>
- 157 Working Families (2018), Off Balance: Parents of disabled children and paid work, <https://workingfamilies.org.uk/publications/off-balance-2018/>
- 158 CRPD, Article 2. The reasonableness of an accommodation relates to its relevance, appropriateness and effectiveness. An accommodation is reasonable if it is effective in meeting the requirements of the person with a disability and meets the purpose of ensuring equality and non-discrimination.
- 159 CRPD Committee (2018), General Comment 6 on equality and non-discrimination.
- 160 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Article 5, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>
- 161 European Union (2000), How to Put Reasonable Accommodation into Practice: Guide of Promising Practices, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8341&furtherPubs=yes>
- 162 Court of Justice of the European Union, Press Release No 26/22, Judgment in Case C-485/20, HR Rail, Luxembourg, 10 February 2022; Equinet (2022), The One with The Reasonable Accommodation Measures, 6 May, <https://equineteurope.org/the-one-with-the-reasonable-accommodation-measures/>

163 Equinet, European Network of Equality Bodies (2021), Reasonable Accommodation for Persons with Disabilities: Exploring challenges concerning its practical implementation, p. 4, <https://equineteurope.org/wp-content/uploads/2021/03/Reasonable-Accommodation-Disability-Discussion-Paper.pdf>

164 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, preamble para. 21 and Article 5.

165 Equinet (2021), op. cit. endnote 166, p. 6; European Parliament Research Service (2020), Employment Equality Directive in light of the UN CRPD: European Implementation Assessment, December, p. 46, [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654206/EPRS_STU\(2020\)654206_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654206/EPRS_STU(2020)654206_EN.pdf)

166 Ferri, D. and Lawson, A. (2016), Reasonable accommodation for disabled people in employment: A legal analysis of the situation in EU Member States, Iceland, Liechtenstein and Norway, European network of legal experts in gender equality and non-discrimination, pp. 56-59, <https://op.europa.eu/en/publication-detail/-/publication/ada7afd0-57ab-4495-8b03-f11757c561f6>

167 The Employment Equality Directive does not include a definition of disability. The challenging task of determining the scope of this term has been deliberately left to national legislation and the CJEU. In Ring and Werge v Denmark (2013), the CJEU explicitly aligned the definition of disability with CRPD Article 1 guidance. Ferri D. and Lawson, A. (2016), op. cit. endnote 169; Equinet (2021), op. cit. endnote 166.

168 Ferri, D. and Lawson, A. (2016), op. cit. endnote 169, p. 62. See also Equinet (2021), op. cit. endnote 166, p. 32.

169 Crowley, N. (2020), A perspective from the work of equality bodies on: European equality policy strategies, equal treatment directives, and standards for equality bodies, Equinet, https://equineteurope.org/wp-content/uploads/2020/04/taking_stock_web.pdf

170 Ibid.

171 European Parliament Research Service (2020), op. cit. endnote 168, pp. 47-48; EDF (2010), Ten Years On; Crowley, N. (2020), op. cit. endnote 172.

172 Lockwood, G., Henderson, C. and Thornicroft, G. (2014), “Mental Health Disability Discrimination: Law, Policy and Practice”, International Journal of Discrimination and the Law, 14.

- 173 Bonaccio, S. et al. (2020), op. cit. endnote 145.
- 174 WEF (2019), op. cit. endnote 150.
- 175 Bonaccio, S. et al. (2020), op. cit. endnote 145.
- 176 For detailed and practical information on the inclusion of persons with intellectual disabilities, see: Inclusion International for Inclusive Futures, Including People with Intellectual Disabilities in the Workplace: A Guide for Employers, <https://s38312.pcdn.co/wp-content/uploads/Employer-Toolkit-Intellectual-Disability-Final-Version.pdf>
- 177 Great Britain, Employment Appeal Tribunal 26 August 2016, G4S Cash Solutions v Powell, Appeal No UKEAT/0243/15/RN.
- 178 European Standard EN 301 549 on accessibility requirements for ICT products and services, https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf
- 179 CRPD Committee (2014), General Comment 2 on accessibility.
- 180 European Union (2000), How to Put Reasonable Accommodation into Practice: Guide of Promising Practices, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8341&furtherPubs=yes>
- 181 Inclusive Futures (2022), Five Cost-Free Ways to Make Your Workplace Disability Inclusive, June, <https://inclusivefutures.org/five-cost-free-ways-to-make-workplace-disability-inclusive/>
- 182 National Disability Authority (2014), Reasonable Accommodations for people with Autism Spectrum Disorder, p. 13, as cited in <https://journals.sagepub.com/doi/full/10.1177/1023263X211035268>
- 183 Eurofound (2021), op. cit. endnote 44.
- 184 European Parliament Research Service (2020), op. cit. endnote 168.
- 185 Eurofound (2020), op. cit. endnote 132.
- 186 Daly, P. and Wheelan, D. (2022), “Disability in employment equality law: A reappraisal of the reasonable accommodation duty and issues arising in its implementation,” Maastricht Journal of European and Comparative Law, 24 January, <https://journals.sagepub.com/doi/full/10.1177/1023263X211035268>
- 187 Sayce, L. (2011), Getting in, staying in and getting on: Disability employment support fit for the future, CM 8081, Department for Work and Pensions, June, p. 7; UK Government, Access to Work: get support if you have a disability or health condition, <https://www.gov.uk/access-to-work>
- 188 Available at: https://europa.eu/euandme/passion/work-and-live-abroad_en
- 189 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>

190 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012E/TXT>

191 Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

192 Ibid., Article 34 f): “Costs of constructing, installing or modernising the production units of the undertaking concerned, and any costs of administration and transport, provided that such costs result directly from the employment of workers with disabilities”.

193 These needs tend to be measured through the disability degree of the hired employees.

194 European Commission (2022), Union of Equality: Strategy for the Rights of Persons With Disabilities 2021-2030, Joint Commission Services – Disability Platform Paper; European Commission, Disability Employment Package to improve labour market outcomes of persons with disabilities, <https://ec.europa.eu/social/main.jsp?catId=1597&langId=en>

195 Lantegi Batuak (2006), Estudio de impacto social en Bizkaia, Bilbao: Lantegi Batuak; VV.AA. (2007), Factores de éxito en la integración laboral en Centro Especial de Empleo de personas con trastorno mental desde su perspectiva, Bilbao: Lantegi Batuak.

196 CRPD Committee (2022), General Comment 8 on the right of persons with disabilities to work and employment.

197 European Commission (2021), Building an economy that works for people: an action plan for the social economy, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2021) 778 final.

198 Santero-Sanchez, R., Castro Núñez, R., Martínez Martín, M.I. and Rodriguez, N. (2016), Social Economy and disability. Enablers and obstacles in the integration of workers with disabilities in the Social Economy entities, 88, pp. 29-59.

199 Pizarro Escribano, F. and Miranda González, F.J. (2022), Creation of Work Integration Social Enterprises (WISEs) by Social Action Organizations: Proposal of a Model for Decision-Making, Voluntas.

200 CBM, International Centre for Evidence in Disability and London School of Hygiene & Tropical Medicine (2015), The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities: Evidence from Low and Middle-Income Countries.

201 Lee, J., Mathews, M., Shing, W. and Kuansong, Z. (2017), “Beyond the Business Case: Different Models of Including People with Disabilities at

- Work”, Disability Studies Quarterly, Vol. 37, No 4, 10.18061/dsq.v37i4.6099.
- 202 ESF Transnational Platform (2019), Job carving and job crafting.
- 203 Name changed to keep the person anonymous.
- 204 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX-52020PC0682&from=EN>
- 205 European Commission, Adequate minimum wages in the EU, webpage, Employment, Social Affairs & Inclusion, <https://ec.europa.eu/social/main.jsp?catId=1539&langId=en>
- 206 <https://ec.europa.eu/social/main.jsp?catId=1597&langId=en>
- 207 Grammenos, S. (2022), op. cit. endnote 9.
- 208 Ibid.
- 209 Eurofound (2021), op. cit. endnote 44.
- 210 FRA (2018), op. cit. endnote 127.
- 211 Ebersold, S. (2011), Inclusive Education for Young Disabled People in Europe: Trends, Issues and Challenges: A Synthesis of Evidence from ANED country reports and additional sources, April, p. 70; http://www.youth-metro.org/uploads/4/7/6/5/47654969/aned_2010_task_5_education_final_report.pdf
- 212 FRA (2012), op. cit. endnote 139.
- 213 Cámara, A., Martínez, M^a I. and Santero-Sánchez, R. (2020), op. cit. endnote 23.
- 214 ILO and Fundación ONCE (2021), An inclusive digital economy for people with disabilities, joint publication by Fundación ONCE and the ILO Global Business and Disability Network, developed within the framework of Disability Hub Europe, a project led by Fundación ONCE and co-funded by the ESF, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_769852.pdf
- 215 Good Things Foundation, Doing Disability Inclusion: Disability Handbook, Good Things Foundation website, <https://www.goodthingsfoundation.org/insights/doing-digital-inclusion-disability-handbook/>
- 216 European Centre for the Development of Vocational Training (2018), Insights into Skill Shortages and Skill Mismatch, January, <https://www.cedefop.europa.eu/en/publications/3075>
- 217 European Commission (2021), Union of Equality: Strategy for the Rights of Persons With Disabilities 2021-2030, Employment, Social Affairs & Inclusion, Joint Commission Services, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

- 218 Global Disability Innovation Hub (2021), Powering Inclusion: Artificial Intelligence and Assistive Technology, Policy Brief, March, https://cdn.disabilityinnovation.com/uploads/images/AIATPolicyBrief_ToPublish.pdf?v=1619774523
- 219 ILO and Fundación ONCE (2021), op. cit. endnote 217.
- 220 EDF (2021), Powering Inclusion: Artificial Intelligence and Assistive Technology, 30 August, <https://www.edf-feph.org/powering-inclusion-artificial-intelligence-and-assistive-technology/>
- 221 Raskin, J., Digitalization in the Employment Sector: A Break or Breakthrough?, Estonian Blind Union, <https://www.euroblind.org/newsletter/2022/january/en/digitalization-employment-sector-break-or-breakthrough>
- 222 Special Rapporteur on the Rights of Persons with Disabilities (2021), Thematic Study on Artificial Intelligence and the Rights of Persons with Disabilities, Report to the Human Rights Council, 28 December, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/397/00/PDF/G2139700.pdf?OpenElement>
- 223 Nugent, Selin et al. (2020), Recruitment AI has a Disability Problem: questions employers should be asking to ensure fairness in recruitment, 25 July, 10.31235/osf.io/emwn5, https://www.researchgate.net/publication/343217484_Recruitment_AI_has_a_Disability_Problem_questions_employers_should_be_asking_to_ensure_fairness_in_recruitment; Special Rapporteur on the Rights of Persons with Disabilities (2021), op. cit. endnote 225.
- 224 EDF (2021), Disability Perspective on Regulating Artificial Intelligence, Position paper, <https://www.edf-feph.org/publications/disability-perspective-on-regulating-artificial-intelligence/>
- 225 ILO and Fundación ONCE (2021), op. cit. endnote 217.
- 226 Ahrendt, D. and Patrini, V. (2020), How to use the surge in teleworking as a real chance to include people with disabilities, Eurofound blog, 17 August, eurofound.link/ef20072
- 227 Eurofound (2021), op. cit. endnote 44.
- 228 ILO and Fundación ONCE (2021), op. cit. endnote 217.
- 229 Eurofound (2021), op. cit. endnote 44.



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