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TECHNICAL ASSISTANCE FOR PROMOTING DECENT FUTURE OF WORK APPROACH WITH A FOCUS ON GENDER EQUALITY

(TREESP1.3. FoW/P-01)

TURKEY





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TURKEY

**CATEGORY 3 (SCIENTIFIC AND TECHNICAL STUDIES)
INTERVENTION 9 (REPORT ON EMPLOYMENT OF PWDS FOR DECENT FUTURE OF WORK)**

DESK RESEARCH



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LIST OF ABBREVIATIONS

Abbreviation	Meaning
AT	Assistive Technologies
COVID – 19	Corona virus disease
CRPD	UN Convention on the Rights of PwDs (CRPD)
EU	European Union
EYHGM	General Directorate of Services for PwDs and the Elderly
G20	Group of Twenty
GDP	Gross domestic product
ILO	International Labour Organisation
IMF	International Monetary Fund
IPA	Innovations for Poverty Actions
IT	Information Technology
OECD	Organisation for Economic Co-operation and Development
PwDs	PwDs
SDG	Sustainable Development Goals
TL	Turkish Lira
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNICEF	Nations International Children's Emergency Fund



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1. EXECUTIVE SUMMARY

PwDs (PwDs) are an integral component of all societies. In the past, they have been frequently stigmatised or side-lined, consigned to 'special schools' as children and left to the care of their families in adulthood. In recent times, attitudes have begun to change. Stellar role models such as Stephen Hawking have demonstrated how people beset by massive physical challenges can make major intellectual contributions; the Paralympics has produced a panoply of athletic champions who have transcended their physical disabilities. Such people and such events prove that being disabled need not necessarily relegate people to an unfulfilled and unfulfilling life. Some have argued that the term, 'PwDs' should be changed to 'people with different abilities' to shift the focus towards what can be achieved. A wholesale paradigm shift towards an acceptance of PwDs remains a 'work in progress', and there remains a situation, in most countries where PwDs, where they are employed are more likely to be in vulnerable employment, characterised by a pay gap, and where women with disabilities are often more disadvantaged than their male counterparts.

There are at least five goals to achieve in the future of work:

- New forms of employment and employment relations integrate disability inclusion
- Skills development and life-long learning made inclusive of PwDs
- Universal Design embedded in development of all new infrastructure, products, and services
- Assistive technologies, existing and newly developed, to be made affordable and available
- Measures to include PwDs in growing and developing areas of the economy.

Turkey has a Human Rights approach on this subject and the focal point is the General Directorate of Services for PwDs and the Elderly (EYHGM). The labour force participation rate is 71.4% for men and 34% for women, according to the 2019 study of TUIK. This rate is 35.4% for men with disabilities and 12.5% for women with disabilities¹. The Quota system is 3%. Regarding women with disabilities, a report made by the civil society affirms that they experience still experience disadvantages in terms of participation in the labour force.

The COVID -19 has consequences on work, income, and livelihood of PwDs in the country because they are less likely than others to be employed and when employed, they are more likely to be employed in the informal sector. Consequently, they have less access to social insurance based on employment than others which decreases their economic resilience in the current COVID-19 context.

Around the labour for PwDs and quota system, there are many public policies on Disability and labour market integration (Between other, policies to create incentives for employers, to finance entrepreneurship and self-employment of PwDs, to impulse social enterprises, to increase public procurement and public works, to support individuals with disabilities - employees, jobseekers; to give guidance and counselling; to improve skills enhancement, vocational training, and transition from education or give vocational rehabilitation and finally to intermediate between labor demand and supply.

¹This data of 2018 is provided by Professor Resa Aydin of Istanbul University in an interview available at: <https://deeply.thenewhumanitarian.org/womensadvancement/articles/2018/11/02/how-turkish-women-with-disabilities-are-entering-the-workforce>



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At the level of the employing organisation, many restrictions exist related to discrimination in the place of work.

Contextual and institutional factors must be considered because PwDs can be exposed to stigma, discrimination, and adverse societal attitudes. Finally, a special attention was played on the Quota system, particularly because very few of the quota laws reviewed make explicit provision for women with disabilities.

Relevant international conventions legislation and a comparison with selected EU members states were analysed, including some legal instruments (such as anti-discrimination legislation), plans and frameworks.

On challenges and possibilities in entering labour market for PwDs, important opportunities appear related to digitalisation and green economies.

2. CONTEXT

According to ToR, this report will be a desk study on disabilities' state of play in Turkey and selected the EU Member States by comparing and interpreting of data and statistics on relevant employment incentives, implemented employment policies, barriers to labour market, etc. taken from relevant institutions. The future of work approach may bring opportunities for PwDs due to improved IT based jobs. These opportunities and best practices will also be analysed to make recommendations for Turkey.

At a global level, current work situation of PwDs is over a billion people in the world and is expected to double to 2 billion by 2050. The current situation of PwDs is the following:

- The real employment situation of PwDs is not often reflected as many PwDs might not be registered as unemployed.
- In most countries, PwDs who are employed are more likely to be in vulnerable employment, characterised by inadequate earnings, low productivity and difficult working conditions that undermine workers' fundamental rights. Especially in developing countries, many PwDs work in the informal economy which normally "engages non-waged and unorganised workers in precarious work processes and labour arrangements that are largely unregulated and unregistered.
- Generally, PwDs face a pay gap
- PwDs generally experience significantly lower educational levels than people without disabilities.
- Women with disabilities are often more disadvantaged than their male counterparts.
- Disability has a bidirectional link to poverty: "disability may increase the risk of poverty, and poverty may increase the risk of disability"

3. AN INTRODUCTION TO THE EMPLOYMENT OF PwDs FOR DECENT FUTURE OF WORK WITH A GENDER PERSPECTIVE

In the context of a rapidly changing world, the Future of Work is a global concern, posing important challenges that need to be addressed urgently. One such challenge is how to ensure that the future of work is inclusive, leaving no one behind, including the one billion PwDs living on our planet. The ILO Centenary Declaration for the Future of Work, adopted in June 2019 highlights the necessity for a human-centred



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approach and incorporates an explicit reference to the need to ensure equal opportunities and treatment for PwDs.

ILO has presented the trends that will shape the future of work²:

- The technological revolution, which includes, among others, digitalization, artificial intelligence, the use of biometrics, automation, robotics, and big data, is one of the main driving forces behind the changes sweeping through the labour market.
- This technological revolution will affect the jobs of tomorrow and will require different skills from those of today, creating an important skill mismatch. In a society where knowledge will be easier to acquire, transversal skills will become much more relevant, as content and know-how will permanently be updated.
- The future of work will be affected not only by new technologies, but also by cultural change altering the preferences, needs and demands of upcoming generations. Responsible labour relations, work/life balance social values and sustainability will need to be embedded in the organizations of tomorrow.
- Demographic shifts, including ageing population, urbanisation, and migration, while varying according to region, will place strains on the labour market and the social security system.
- Lastly, climate change, as part of sustainability, is one of the major problems that concerns society in general and is increasingly regulated. The transition to a low-carbon economy, the adverse impacts of climate change and the new patterns in production models will also shape the future of work.

The 2030 Agenda for Sustainable Development provides the framework for inclusive global sustainable development efforts for the coming decade and PwDs are considered one of the groups meriting specific attention and it is aligned with the UN Convention on the Rights of PwDs (CRPD).

Employability data of PwDs are hard to obtain, however, where data are available the labour market participation rate of PwDs is lower than that of persons without disabilities. It is important to consider the diversity within the population with disabilities, not only considering the different types of disabilities themselves, but also other factors such as gender, age, or economic context. The situation of women with disabilities is always worse due to intersectionality of the disadvantages caused by disability and gender. With the foreseeable changes in the future labour market, this gap could widen further, and action must therefore be taken to ensure this is not the case.

The expected transformations in the future of work entail risks for PwDs, but they also offer opportunities. To mitigate these risks and maximise the opportunities, measures must be urgently put in place. The following five key objectives for the inclusion of PwDs in the future of work have been identified³:

- New forms of employment and employment relations integrate disability inclusion
- Skills development and life-long learning made inclusive of PwDs
- Universal Design embedded in development of all new infrastructure, products, and services
- Assistive technologies, existing and newly developed, to be made affordable and available

² Work for a brighter future. ILO Global Commission on the Future of Work, 2018 and Green Paper, p.7. Federal Ministry of Labour and Social Affairs of Germany, 2015.

³ Making the future of work inclusive of people with disabilities (2019), ILO and Fundación ONCE



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- Measures to include PwDs in growing and developing areas of the economy.

Labour market in Turkey is shaped by a gendered structure. Many of the women are out of labour force mainly due to the unbalanced gendered division of care work in a traditional society, which puts the burden of care on the shoulders of women exclusively. Domestic and care responsibilities of women are the biggest obstacles for women's participation in the formal labour market.

This situation is even worsened by intersectionality, which cause women with disabilities experience discrimination and obstacles in the labour market more than men. The employment rate of women with disabilities is lower than men with disabilities. According to the UN reports, only one in four women with disabilities participate in the labour market. Vocational rehabilitation programmes and active labour market measures need to be tailored according to the needs of the PwDs and women.

The prevailing prejudices for women with disabilities prevent many employers from employing women with disabilities, who have the potential to realize themselves if given the right tools and mechanism. Although national and international guidelines provide a framework for the reasonable adjustments at the workplace for better accommodation of PwDs, there is a low awareness among the employers regarding the scope and required investments that would make the workplace free from barriers preventing PwDs from joining. Many employers consider these adjustments as expensive and unnecessary. The unemployment rate among women with disabilities is almost 100% in many of the developing countries (Human Rights Watch, 2006). According to ISKUR statistics, among 36.165 public employees with disabilities, only 7.981 are women with disabilities. The gender disparities in terms of job placements are even more visible for men and women with disabilities. Each year, only 1 woman with disabilities is placed in a job whereas 5 men with disabilities are placed (ISKUR 2014 statistics on job placement).⁴

Another factor affecting low employment of women with disabilities is that there is no specific quota for employment of women with disabilities in the world. This puts the women with disabilities in a disadvantaged position. The sectors and occupational areas in which women with disabilities are employed mostly are the central operator or office services, which also indicates a gendered division of labour market. The lack of systematic data collection on PwDs aggregated by gender prevents further analysis in the labour market at international and national level.

4. RELEVANT INTERNATIONAL CONVENTIONS (ILO, UN, EU, OECD)

- One of the earliest international acknowledgements of the right of PwDs to work opportunities was made by the **ILO in 1944**. In a comprehensive and far-seeing Recommendation, the ILO stated unequivocally that disabled workers, 'whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialized vocational guidance, training and retraining, and employment on useful work.' The ILO said that PwDs should, wherever possible, be trained with other workers, under the same conditions and the same pay, and called for equality of employment opportunity for disabled workers and for affirmative action to promote the employment of workers with serious disabilities.⁵

⁴ <http://engellikadin.org.tr/wp-content/uploads/2017/09/ToplumsalCinsiyetEngelliKadin.pdf>

⁵ Employment (Transition from War to Peace) Recommendation No. 71, 1944 - Universal Declaration of Human Rights, adopted by the General Assembly on 10 Dec. 1948, Article 23



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- In **1948**, the right to work of everyone, including PwDs, was copper fastened by the **United Nations. Article 23 of the Universal Declaration of Human Rights** could hardly be more explicit: ‘Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests’.
- What proved to be one of the most important international instruments in relation to the right to work of PwDs was adopted by **the ILO in 1955. Recommendation No. 99** served as the basis for national legislation and practice in relation to vocational guidance, vocational training, and placement of PwDs. It built on the core provisions of earlier instruments in relation, for example, to vocational training, equality of opportunity and equal pay for equal work.⁶
- The **1966 International Covenant on Economic, Social and Cultural Rights** was drafted in close consultation with the ILO and reiterates those earlier provisions in binding treaty form. States Parties to the Covenant *recognize the right of everyone to work*, which includes the right to the opportunity to gain one’s living by work freely chosen or accepted and undertake to safeguard that right. Steps to be taken to achieve the full realization of that right include vocational guidance, training, and productive employment. States Parties also commit themselves to equal pay for work of equal value without distinction of any kind, safe and healthy working conditions, and equal opportunity for everyone to be promoted in employment to an appropriate higher level, subject to no considerations other than those of seniority and competence. The International Covenant on Civil and Political Rights, also adopted in 1966, does not deal specifically with employment, but it does contain an important provision prohibiting discrimination on any ground, including disability.⁷
- In **1971**, the **United Nations General Assembly** proclaimed a **Declaration on the Rights of Mentally Retarded Persons**, which affirmed, inter alia, their right to perform productive work or to fully engage in any other meaningful occupation of their capabilities.
- To encourage, assist and enable PwDs to exercise their right to work on an equal basis and without discrimination, the **ILO Convention concerning Human Resources Development (No 142)**, adopted in **1975**, called on member States to develop and implement open, flexible, and complementary systems of general, technical, and vocational education, educational and vocational guidance, and vocational training, including continuing employment information. An accompanying Recommendation spells out in detail how the provisions of this Convention should be realised, reinforcing the principle of mainstreaming in vocational guidance and training, highlighting the importance of educating the public, employers, and workers in relation to the employment of PwDs, and calling for adjustments in the workplace, where necessary, to accommodate disabled workers.
- The **ILO** adopted landmark **Convention No. 159** in **1983**. The Convention sets out a number of fundamental principles which should underlie vocational rehabilitation and employment policies, highlighting those of equal opportunity and treatment, affirmative measures which should not be regarded as discriminating against other workers, integration of PwDs into mainstream work-related programmes and services, services for those in rural areas and remote communities, the training of qualified staff, and the need to consult employers’ and workers’ organizations as well as

⁶ ILO Vocational Rehabilitation (Disabled) Recommendation No. 99, 1955

⁷ International Covenant on Economic, Social and Cultural Rights, adopted by G.A. Resolution 2200A (xxi) of 16 Dec. 1966



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representative organizations of and for PWDs. The accompanying **Recommendation No. 168** details measures which should be taken to promote equitable employment opportunities, including the making of 'reasonable adaptations to workplaces, job design, tools, machinery and work organization', and outlines steps which should be taken to ensure that the consultative processes mentioned in the Convention work effectively.

- The **1987 Global Meeting of Experts to Review the Implementation of the World Programme of Action** proposed that a guiding philosophy should be developed to indicate priorities for action in the years ahead, and that the basis of that philosophy should be the recognition of the rights (including the right to work) of PwDs. The Meeting recommended that the General Assembly convene a special conference to draft an international convention on the elimination of all forms of discrimination against PwDs. Following a failure by the General Assembly to reach a consensus on this issue, the Standard Rules on the Equalization of Opportunities for PwDs were adopted on 20 December 1993. The Standard Rules are a set of non-compulsory guidelines, though the UN Economic and Social Committee hoped they would become 'international customary rules when they are applied by a great number of States with the intention of respecting a rule in international law'. Employment is covered by Rule 7, which calls on all States to take various measures, most of which are contained in earlier relevant ILO Conventions and Recommendations, to ensure that PwDs have equal opportunities for productive and gainful employment in the labour market.
- In a further reaffirmation of the right to work, **the World Conference on Human Rights, meeting in Vienna in 1993**, in a direct reference to PwDs, emphasized that 'every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. 'The World Conference called on governments to adopt or adjust legislation to assure access to these and other rights for PwDs.
- Towards the end of **1994**, the **UN Committee on Economic, Social and Cultural Rights** pointed out that the effects of disability-based discrimination had been particularly severe in the fields of education, employment, housing, transport, cultural life and access to public places and services. The Committee considered the field of employment as one in which discrimination had been both prominent and persistent. In most countries, the unemployment rate among PwDs was two to three times higher than that for others. Physical barriers such as inaccessible public transport, housing and workplaces were often the main reasons why PwDs were not employed.
- Heads of State and Government at the **World Summit for Social Development in 1995**, acknowledging the employment difficulties faced by PwDs, committed themselves to putting the creation of employment, the reduction of unemployment, and the promotion of adequately remunerated employment at the centre of strategies and policies of governments, in full respect for those workers' rights.
- The **European Social Charter**⁸ recognizes the right of everyone to 'have the opportunity to earn (a) living in an occupation freely entered upon,' and that all workers have the right to just conditions of work. The Charter specifically acknowledges that PwDs have the right to independence, social integration, and participation in the life of the community.
- A **European Union Directive**, adopted at the end of **2000**, outlaws direct and indirect discrimination in the field of employment on several grounds, including disability. The Directive applies, inter alia, to selection criteria and recruitment conditions, vocational guidance, vocational training,

⁸ The European Social Charter is a Council of Europe treaty which was opened for signature on October 18, 1961 and initially became effective on February 26, 1965, after West Germany had become the fifth of the 13 signing nations to ratify it. By 1991, 20 nations had ratified it.



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employment and working conditions, including pay. Importantly, the Directive states that ‘reasonable accommodation’ shall be provided, i.e., that employers are to take appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to provide training, unless such measures would impose a ‘disproportionate burden’ on the employer.

- The **ILO Code of Practice on Managing Disability in the Workplace** was drawn up to provide guidance to employers on practical means of implementing the types of measures contained in international instruments such as those mentioned earlier. The Code was developed and unanimously agreed at a tripartite meeting of experts (representing governments, employers’ organizations and workers’ organizations), convened in October 2001 at the decision of the ILO Governing Body, taken at its 277th Session in March 2000. While addressed mainly to employers, the Code should also prove of considerable benefit to governments, which play a primary role in providing the necessary legislative framework for promoting equal opportunities and treatment in the workplace, and to workers’ representatives, whose main concern is to protect workers’ interests. The contents of the Code are based on the principles underpinning international instruments and initiatives. The Code should, accordingly, also help to inform the principles and contents of the employment provisions of the proposed UN Convention on the Rights of PwDs.
- **UN Convention on the Rights of PwDs, 2006.** In December 2001, the UN General Assembly decided to establish an Ad Hoc Committee to consider proposals for such a convention. The terms of reference of this Committee are: “to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of PwDs, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development” The work of this Committee commenced in July 2002. This Convention marked a major shift away from the traditional, medical perspective on disability towards a rights-based social model. The Convention reaffirms that PwDs have the same rights and recognizes that “...disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.
- Some of the important steps taken to include disability and accessibility as part of CSR and sustainability agendas:
 - The Guiding Principles on Business and Human Rights implementing the UN ‘Protect, Respect and Remedy’ Framework (UNGPs)
 - The OECD guidelines for Multinational Enterprises
 - The 2015 and 2019 Guides on “Disability in Sustainability Reporting” by GRI and Fundación ONCE, with the co-funding of the European Social Fund
 - The 2017 “Guide for business on the rights of PwDs” by ILO and UN Global Compact
 - The European Commission guidelines on non-financial reporting adopted in 2017
 - The European accessibility act, EU directive 2019/882 on the accessibility requirements of products and services.
 - EU directive 2016/2102 on the accessibility of website and mobile applications of public sector bodies
 - EU directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

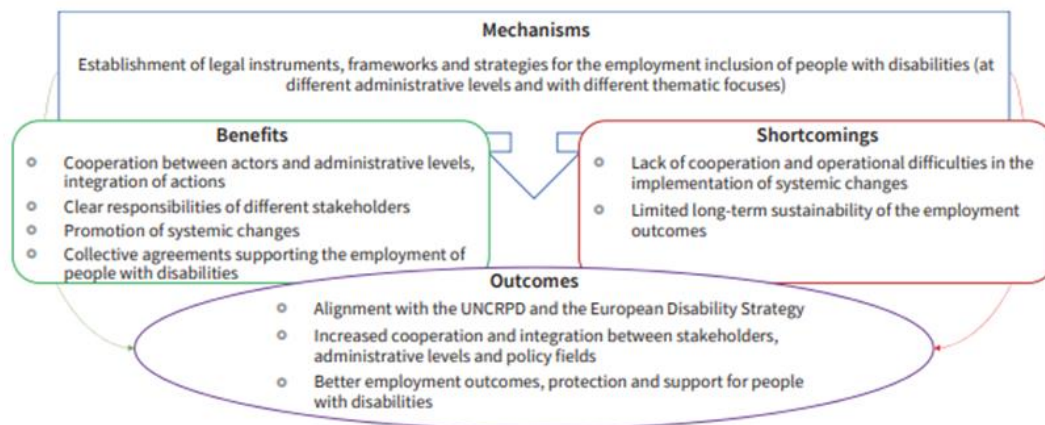
5. LEGISLATION COMPARISON WITH SELECTED EU MEMBERS STATES (INCLUSION OF TWO CASE STUDIES, FRANCE, SPAIN AND GERMANY)

Different types of legal instruments are available in EU Member States to protect the rights of PwDs, including employment. Some measures consist of national and regional legal instruments (such as anti-



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discrimination legislation), plans and frameworks. More specific interventions of a legal nature correspond to collective agreements and measures to protect PwDs against the risk of dismissal. While these instruments are crucial in creating a context that is inclusive, evidence shows that this is not sufficient per se to guarantee effectiveness. Complementary strategies and actions are important to ensure compliance, awareness among employers and employees, and the coverage of the whole population. Next Figure 4 provides a summary of the mechanisms, outcomes, and effectiveness of legal instruments



Source: Eurofound, 2021

Different models of disability can explain the variations between countries in terms of legal definitions and employment policies relating to PwDs. At least three main disability models can be distinguished:

- The **medical model** argues that people are disabled because of their impairment or difference from others. This model focuses on removing the impairment and looks at what is 'wrong' with an individual, not what an individual needs in order to function fully.
- **The social model** argues that disability is caused by the way society is organised rather than by a person's impairment. From this perspective, disability is the result of society's failure to meet the needs of disabled individuals⁹. PwDs developed the social model because the medical model did not explain their personal experiences and did not lead to greater inclusion in different aspects of life. However, the social model has also been criticised¹⁰. It has been accused of writing off the experience of impairment, downgrading the importance of medical treatment and ignoring social differences.
- **The biopsychosocial model**, introduced in 2001 by the International Classification of Functioning (ICF), which asserts that the way a person functions arises from the interaction between health conditions and environmental and personal factors¹¹. This model integrates both the medical and social models of disability and is seen as a good alternative because it recognises external barriers without ignoring the relevance of impairment.

The French definition of disability relies on the ICF and, therefore, uses the biopsychosocial disability model to define disability and implement employment policies. These policies include a quota system, which, as a compensation tool, is an emblematic feature of the biopsychosocial model of disability¹²

⁹ Oliver, 2013 in Richard, S., & Hennekam, S.,2020

¹⁰ Barnes and Mercer, 2005 in Richard, S., & Hennekam, S.,2020

¹¹ WHO, 2002

¹² Parkin et al., 2011 in Richard, S., & Hennekam, S.,2020.



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AUSTRIA

Under the Law of 11 December 1969 on the placement of PwDs, amended on 20 June 1973 and 23 January 1975, all employers with a staff of at least 25 are required to reserve 4 % of their jobs for PwDs whose earning capacity is reduced by at least 50 %, whatever the cause of their disability. The remuneration of disabled employees may not be reduced on account of their disability. Other special legislative provisions provide protection for disabled employees under this system. Employers who do not fulfil their obligation to employ a fixed quota of disabled workers are required to pay a compensatory levy. The levy is paid to a compensation fund administered by the Federal Ministry for Social Administration and is used to fund measures of assistance for PwDs, adapt jobs, set up sheltered workshops equipped with special tools to enable PwDs to participate in active life, and establish treatment centres and rest homes. The Federal Law on Labour Market Promotion of 12 December 1968, amended on 21 March 1973 and 6 March 1974, comprises a series of measures aimed at establishing the best possible labour market conditions, notably assistance for people whose disability compromises their chances of finding employment, including special assistance as follows: - PwDs qualify for special placement arrangements; -adaptation of the workplace is charged to the public authority. PwDs have greater access to all other assistance provided to help with placement and job security: determination of aptitude for work in vocational training, retraining and further training, subsidies in the event of necessary travel, double household allowances, assistance for the purchase of clothes and work tools. Subsidies are granted to create new jobs and to safeguard the employment of PwDs.

BELGIUM

Although medical/functional, vocational and social rehabilitation are included in legislation on social security and compensation, occupational integration of PwDs falls mainly to the three communities (Flemish, French and German speaking). The communities award a whole range of grants for the vocational training and employment of PwDs: - reimbursement of the expenditure on adaptation of the workplace (including alteration and access); - defrayment of additional expenditure on work tools required on account of disability; - defrayment of additional expenditure resulting from disability and disabled employee's expenditure on transport, -contribution to pay and social charges and contributions for one year maximum for a disabled worker in a new job. In addition, under collective labour agreement No 26 of 15 October 1975, in accordance with the 'equal pay for equal work' principle, the disabled employee is entitled to the pay laid down under the joint collective agreement and the competent authorities reimburse the employer for the reduced productivity resulting from the disability.

DENMARK

Danish policy on disability is based on the principles of solidarity, normalisation and integration. A 1974 law on social assistance abolished the special legislation on services for PwDs and put them on the same footing as other groups. It lays down that assistance may be granted to anyone in need of support in developing or regaining occupational abilities or of care, special treatment or educational support. The Employment Ministry is responsible for policy on integrating PwDs into ordinary working life and for vocational training programmes for PwDs. The Social Affairs Ministry is responsible for rehabilitation schemes and sheltered employment, while the Education Ministry is responsible for teaching. A legal provision introduced in 1990 enables counties and local authorities to introduce measures to combat unemployment among particularly disadvantaged groups of unemployed and uninsured people. They may include recruitment subsidies, placement and training courses. As for health and social services, the local authorities are responsible for guidance, rehabilitation and the payment of allowances. Responsibility for the provision and organisation of sheltered workshops and for rehabilitation and retraining measures for the uninsured jobless falls to the counties.



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FINLAND

Under the Finnish Constitution no person should be placed at a disadvantage on account of, among other things, disability. This provision is put into effect through various legal provisions, notably the law on cooperation in rehabilitation, the law on rehabilitation applied by the Social Security Institute, the law on rehabilitation benefits, the law on safety at work and a number of action programmes. Specific policy on employment is covered by separate legislation and is implemented by the Employment Ministry; it determines each year the budgets for the district employment offices which draw up local employment policies. The Labour Protection Authority is concerned with the work environment, including access to workplaces and health and safety. The local authorities are responsible for the social assistance granted to PwDs.

FRANCE:

The French disability legislation dating from 1975 set up a system of rights entitling the PwDs (having regard to their personal situation recognised as a priority) to be directed to a reception structure for vocational rehabilitation, training or employment and also to receive special benefits were warranted by their situation. The Commission Technique d'Orientation et de Reclassement Professionnel (Cotorep), represented throughout the country, is responsible for dealing with applications from PwDs for guidance on employment, training and supplementary public assistance.

The law of 1987 imposes a quota obligation on establishments with more than 20 employees, the State and local authorities and their respective establishments, other than those dealing with manufacturing and trade; they are required to employ disabled workers, persons with an occupational injury or disease, persons entitled to an invalidity pension and war veterans and similar so that they proportionately represent 6 % of their total staff.

Private-sector undertakings may also fulfil their statutory obligation: - by subcontracting to sheltered or adapted workshops for up to half of the quota; - by concluding and applying company and branch agreements setting out multiannual plans for recruitment, integration, Firms may also fulfil their obligation by paying a voluntary contribution to the fund for the vocational integration of PwDs. This fund is managed by AGEFIPH and administered by all parties concerned with the employment of PwDs (employees, employers, associations and specialists). Through its regional delegations, this body funds a wide range of measures to encourage access to employment and job retention, training, information and awareness-raising campaigns in companies and studies.

Disabled workers also qualify for all public employment assistance and vocational training measures like other groups in difficulty. National policy on the employment of disabled workers and the activities of the public and private bodies and services (Agence nationale pour emploi, Association pour la formation professionnelle des adultes, specialised placement bodies) are coordinated by the Ministry of Employment and Solidarity. At local level this policy is carried through within the framework of the PDITH (programmes départementaux d'insertion des personnes handicapées) which bring together all the competent parties concerned.

In France, employers are required to provide reasonable accommodations for disabled workers (L.5213-6, **French Labour Code**). The duty of reasonable accommodation requires all employers to take appropriate measures to enable disabled workers to obtain or keep a job corresponding to their qualifications (**EU-Directive 2000/78/EC**). Disabled individuals need to be legally recognised as disabled workers, under legislation known as Reconnaissance de la Qualité de Travailleur Handicapé [Recognition of the Quality of Disabled Workers] (RQTH), in order to be counted in the French quota system. Disabled workers who are



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registered as such are not, however, obliged to inform their employer of their disability status, even when they have a visible disability (L5213-2-1, French Labour Code). Employers who fail to fulfil their quota must make a financial contribution to a specific fund, which distributes the contributions to promote disabled individuals' access to employment. Organisations struggle to comply with the disability quotas, with 18.6 per cent of employers not hiring any disabled individuals and thus having to make the full financial contribution. Prior to Law 2018-771,¹³ half the quota (3 per cent) could be filled by sub-contracting goods and services to other organisations that employed disabled workers. However, since January 2020, this will no longer be possible, thus promoting the direct, rather than indirect, employment of disabled individuals.

14

GERMANY:

The basic principles of German policy on the occupational integration of PwDs are laid down in Volume I of the Social Code and in the law on the harmonisation of rehabilitation benefits which applies to sickness insurance, accident insurance and invalidity/old age insurance organisations, bodies responsible for social benefits and the Federal Employment Office. Under these provisions, medical, vocational and supplementary benefits and measures for the rehabilitation of PwDs must aim above all to integrate them into working life and into society. The measures must be set in train at the earliest stage possible and applied with care. The application of these provisions has led to the establishment of a very large network of institutions and vocational rehabilitation services which aim to provide the necessary assistance, taking into account the special needs of each disabled individual and meeting their specific requirements through a series of appropriate measures and means. Furthermore, under the law on severely PwDs all public and private companies with a workforce of 16 or more are required to set aside 6 % of their posts for severely PwDs or pay a compensatory levy for each unfilled compulsory post.

The law also provides for special protection for severely PwDs against dismissal, defence of their interests and possible special assistance. The Federal Employment Office receives payments from the Compensation Fund set up by the Employment and Social Affairs Ministry out of the compensatory levy imposed by the law on severely PwDs in order to pay subsidies to employers training severely PwDs or finding them permanent jobs.

German labour and employment law is not consolidated into a single labour code. Separate laws for issues exist – e.g., the Federal Vacation Act, the Working Time Act, or the Maternity Protection Act. The main sources of German employment law therefore are Federal legislation, collective bargaining agreements, works council agreements and individual employment contracts. Many labours and employment law matters are heavily influenced by case law so that judicial precedent is an important part of the legal framework. Numerous separate laws and case laws generally make German employment law difficult to navigate. There have been discussions about introducing a uniform Labour Code. The project was however abandoned and an introduction in the short- or mid-term is very unlikely.

For instance, the German Severely Disabled Persons Act 1986 That regulates the following measures:

- Recruitment. An employer looking to fill vacancies is required by the Act to check, together with a representative of PwDs, whether it can recruit PwDs, particularly those who are registered at the

¹³ Loi avenir professionnel [professional future law], which modifies continuing education in France.

¹⁴ Richard, S., & Hennekam, S. (2020). When can a disability quota system empower disabled individuals in the workplace? The case of France. *Work, Employment and Society*, 0950017020946672.



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employment office. Enterprises in the public and private sectors with more than 16 employees were obliged by the 1986 Act to employ a 6% quota of PwDs, or else pay a compensatory levy per month for every quota job not filled by a person with disabilities. Furthermore, employers may have fines imposed on them if they culpably violate their duty to employ PwDs. Amendments to the law adopted in 2000 reduced the quota to 5% (it will return to 6% in 2003 if disabled unemployment reduction targets are not met) and introduced a graduated compensatory levy, with companies employing a disabled quota of 3%-5% paying less than those employing under 2%.

- Vocational training. Besides providing free access for disabled employees to special rehabilitation centres and payments for maintenance and food, employers have the duty to give this group priority in workplace vocational training activities, to promote their professional advancement.
- Pay. Employers are obliged to employ PwDs on normal conditions of employment, like any other employee. This means principally that workers with disabilities are to be paid the same wage or salary as anyone else.
- Wage subsidies. Subsidies of up to 70% of the wage are paid, for a period of 12-24 months, to companies employing PwDs. In exceptional cases, the subsidy may amount to 80% of the wage for 36 months.
- Working conditions and promotion. Workplaces must be adapted to the needs of PwDs. Employers are required to give PwDs an opportunity to work that enables them to make use of their skills and expertise, and to provide them with further training to enlarge their work opportunities.
- Additional holidays and overtime work. Employers must grant disabled employees an additional five working days of annual leave. On demand, employers must exempt PwDs from overtime work; and
- Special protection from dismissal. The ordinary dismissal of PwDs requires the consent of the Employment Office.

GREECE

The two principles underlying legislation concerning PwDs are equal opportunities and full integration into society. A law on rehabilitation and vocational training for PwDs was adopted in 1979. It introduced compulsory employment in the public sector and assigned to OAED (the Manpower Employment Organisation) the task of overseeing the training and placement of PwDs. Companies may receive subsidies and grants to help encourage the recruitment of PwDs and adaptation of workplaces. PwDs may also receive financial aid to set up their own businesses in craftwork, trade and services.

IRELAND

Under the Health Act 1970, responsibility for the training, guidance and occupational rehabilitation of PwDs is assumed by the Department of Health, which delegates this task to the National Rehabilitation Board (NRB). On behalf of the State and in agreement with PwDs, the NRB's role is to help the latter to live the life of their choice enabling them to develop their potential to the full. The NRB's remit includes: - identifying the needs of PwDs and contributing towards the measures and support services required to satisfy these needs; - developing, offering and coordinating appropriate services, and - promoting the recognition of rights and equal opportunities for PwDs. The services provided by NRB include: - vocational guidance to help PwDs in seeking opportunities for general and occupational training; - job clubs which provide assistance and training to PwDs to improve their chances on the labour market; - the Employment Support Scheme (ESS) which provides financial aid to encourage employers to recruit PwDs with reduced work productivity; - personal reader grants for blind or visually impaired persons needing assistance with reading at the workplace; - workplace/equipment grants awarded in certain cases to employers to help them adapt company premises or equipment to the requirements of disabled employees; - job interview



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interpreter grants which help towards the cost of providing an interpreter for people with hearing and speech impairments attending job interviews. In addition, NRB awards a 'Positive to Disability' symbol to employers who can demonstrate that they have met the 'Positive to Disability' equal opportunities criteria. A voluntary 3 % quota system for the employment of PwDs was introduced in the public sector in 1977. The Employment Equality Act 1998 prohibits discrimination in employment on nine different grounds. It applies to both the public and private sectors, occupational organisations and vocational training bodies. In July 1998, the Irish Government announced its intention of setting up a new body, the National Disability Authority, to be responsible for providing advice and proposing measures to promote policies for PwDs. In addition, the services of the NRB will be incorporated into the social affairs and employment departments.

ITALY

The general principles of Italian policy relating to PwDs are set out in Law 104 of 5 February 1992: respect for human dignity and fundamental freedoms and the autonomy of the disabled person; prevention and removal of obstacles which hamper the development of the disabled person; attainment of as much autonomy and participation in community life as possible; the fulfilment of civil, political and property rights. The law also contains special provisions to promote occupational integration, such as measures to make workplaces and transport accessible, extension of compulsory employment to people with psychological impairments and the establishment of funds to ensure fulfilment of the right of PwDs to vocational training. Italian law also includes a quota system for PwDs: Law 482 of 1968 regulates compulsory recruitment by private companies and public authorities of war-disabled civilians and servicemen, persons disabled in service, victims of occupational diseases and accidents at work, deaf and dumb people, orphans, war widows and widows of employees, former victims of tuberculosis and refugees. Law 104 of 1992 extends the compulsory employment system to PwDs with psychological impairments provided they are suitable for work in appropriate duties. The law does not apply to persons over 55, to those unable to work or those who, by virtue of the nature or extent of their disability, may constitute a danger to other workers or the safety of installations. Public and private employers with more than 35 workers (not including apprentices, persons recruited under work and training contracts and managers) are required to recruit 15 % of their staff from people belonging to the above categories. Public authorities and private companies submit to regional employment committees their proposals or applications for recruitment programmes for PwDs which provide, before actual employment, for vocational training by the authorities themselves. Such training must last at least six months and no more than two years. PwDs are placed by the provincial employment offices on the basis of a classification and criteria drawn up by the provincial compulsory placement committees. Special lists for each type of disability are drawn up by these offices.

LUXEMBOURG

The principles of Luxembourg policy in regard to PwDs are laid down in a Law of 12 November 1991 which provides for differentiated employment quotas. Public authorities are required to meet a 5 % quota. Private companies with a staff of at least 25 are required to employ one disabled person; companies with a staff of at least 50 must meet a 2 % quota and those with at least 300 employees, a 4 % quota. Where these quotas are not attained, in the private sector a levy amounting to 50 % of the minimum monthly wage must be paid for each post not filled. However, firms employing more disabled workers than the quota are entitled to reductions in social security contributions. Under the 1998 national employment plan, special measures of assistance are to be provided for occupational integration and reintegration (training, preparation, traineeships and wage support).

NETHERLANDS



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Measures to promote the employment of PwDs in the Netherlands were revised substantially in January 1998. The main aim of these recent legislative and policy reforms is to improve procedures for reintegration where necessary and above all to make them more effective so as to improve the chances of PwDs finding work. The reforms are based on a twofold strategy: firstly, giving greater responsibility to companies to introduce measures for prevention and early reintegration by adapting employers' insurance and invalidity contributions, within certain limits, to the risk of invalidity within each firm, and secondly, a new series of legislative measures has been prepared to help PwDs find and retain a job. Any employer recruiting a partially disabled person now qualifies for a flat-rate placement allowance and a set of 'tailor-made' measures. PwDs who follow training courses or work under a trial contract may also request 'reintegration benefit'. In addition to recruitment assistance and the switching of overall 'tailormade' benefits to employers, the new law introduces pilot schemes for individual assistance with reintegration. This support should encourage PwDs to seek employment.

PORTUGAL

Under Article 71 of the Portuguese Constitution, the State undertakes to develop a national policy for prevention, treatment, rehabilitation and integration of PwDs, to develop education to make society aware of its duties of respect and solidarity vis-à-vis PwDs and to assume responsibility for affording them their rights. This provision was included in a framework law of 1989 setting forth fundamental principles, including the elimination of all discrimination, notably in employment. The Employment and Vocational Training Institute is responsible for implementation of the principal vocational training and integration measures for PwDs. In particular, in cooperation with the Education Ministry, it is responsible for a programme designed to help young PwDs completing their final years of compulsory schooling gain their first contacts with the world of work, to give disabled youngsters over 16 the knowledge and skills required to obtain a vocational qualification and also to help physically PwDs to adapt to work by turning to account their occupational experience. PwDs setting up on their own account qualify for financial assistance in the form of outright grants. Where appropriate they may also be granted interest-free loans. Companies may receive financial assistance for: -recruitment of disabled employees under open-ended contracts; - recruitment of PwDs with reduced work capacity. The aid takes the form of financial compensation during the adaptation or readaptation stage (up to four years); - elimination of architectural barriers to adapt equipment to the functional needs of PwDs; - recruitment of PwDs requiring assistance and personalised attendance for integration purposes.

SPAIN

Law 13 of 7 April 1982 on the social integration of PwDs is based on a constitutional provision which lays down that the public authorities must apply policies on the prevention, treatment, rehabilitation and integration of persons with physical, mental or sensory impairments. Under the law the first aim of employment policy for PwDs is to integrate them into the open employment system or, where this is not possible, the sheltered employment scheme. The law prohibits any form of discrimination on grounds of disability in recruitment and/or in the course of employment. Employers of over 50 workers are required to reserve 2 % of their jobs for people registered as disabled with the employment services. For civil service staff the quota is set at 3 %. Support is also granted to companies to facilitate the employment of PwDs by establishing conditions such that they can take back their own disabled employees at the end of the period of convalescence and tax reductions are granted on the earnings of companies or individuals for any additional recruitment of disabled employees under open-ended contracts. The public authorities are also required to facilitate the integration of PwDs through the introduction of measures to make the urban environment and transport accessible. One case of a national law is the **Spanish General Law on Rights of PwDs and their Social Inclusion**, which is strongly oriented towards the entry of PwDs into the open labour



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market. This law stresses the need to adopt measures to prevent or compensate for the disadvantages caused by disability to guarantee full equality at work, encourage employment services to provide support, establish quotas in public and private organisations and guarantee basic conditions of accessibility in the workplace. It also calls on public authorities to promote autonomous work initiatives for PwDs through social economy organisations. National strategies and plans have also been designed in Member States to ensure the application of the UNCRPD and/or the European Disability Strategy.¹⁵

SWEDEN

The aim of Swedish policy is to encourage participation and full equality for all citizens. This task falls to society as a whole, more particularly the State and local authorities. In operational terms, the National Employment Agency is responsible for coordinating and developing labour-market policy in general, including the employment of PwDs in accordance with guidelines laid down by the Government and Parliament. Swedish legislation provides for access to employment for PwDs through the adaptation of workplaces and the elimination of architectural barriers. In addition, the employability institutes (AMI) provide assistance and vocational rehabilitation to jobseekers who require more support than that provided by the employment services in order to enter the labour market. The need for support may be due to reduced work capacity on account of disability or other problems of adaptation and special difficulties encountered on the labour market. In addition, any employer recruiting persons with physical, mental, intellectual or socio-medical disabilities receives wage subsidies. The subsidies may be paid for four years and may be extended. The amount paid depends on the relevant collective agreement. Subsidies constitute compensation for reduced work capacity on account of disability and may account for up to 80 % of monthly income. Subsidies may cover up to 100 % of wage costs for severely PwDs

6. BRIEF PROFILE OF PwDs IN TURKEY:

A. TYPE AND DEGREE OF DISABILITY PER GENDER AND DATA OF LABOUR FORCE PARTICIPATION/EMPLOYMENT AND UNEMPLOYMENT BY GENDER AND AGE

Human rights approach is adopted as the basis of disability policy of the Republic of Turkey. Within this scope, the main objective has been designated to ensure that PwDs lead a dignified life as equal citizens based upon the respect to diversity and social inclusion. While Convention on the Rights of PwDs (CRPD), which was ratified by the Republic of Turkey, constitutes the international basis in terms of disability policy, the national basis of Turkey is the Constitution and the Turkish Disability Act.

General Directorate of Services for PwDs and the Elderly (EYHGM) is the focal point of Turkey for promoting the implementation and monitoring of CRPD at national level. EYHGM aims at providing intersectoral coordination at national level and thus, reflecting the rights-based approach to national legislation and practices. In this context, a sustainable, efficient, and fruitful process of policy making in cooperation with civil society is targeted. By providing public sector and civil society cooperation, EYHGM coordinates harmonization of national policy, laws, public services, and resources with CRPD.

¹⁵ <https://ec.europa.eu/social/main.jsp?catId=1137>



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The labour force participation rate is 69,8% for men and 33% for women, according to Turk Stat data from July 2021.¹⁶ This rate is 35.4% for men with disabilities and 12.5% for women with disabilities.

According to a publication of EYHGM, the percentage of PwDs in total population is the following figure 1:

Figure: Proportion of Persons with Disabilities in Total Population by Type of Disability



* Above figures are based on the Turkish Population and Housing Census, 2011. All the categories include population aged 3 and above except for persons having difficulty in seeing and hearing.

Source: General Directorate of Services for PwDs and the Elderly

The most comprehensive research on the PwDs in Turkey is the Turkey Disability Survey conducted by TUIK in 2002. The most up-to-date research that includes statistics on the employment of the disabled is the TUIK Population Housing Research conducted in 2011. This is the related data:

Table No. 1- PwDs Employment Data

	Labour force participation rate	Employment rate	Unemployment rate
Disabled population (2011)*	22,1%	20,1%	8,8%
General population (2011)**	47,4%	43,1%	9,1%
General population (2020)**	49,3%	42,8%	13,2%

Source: *TÜİK Nüfus Konut Araştırması 2011 (15+ yaş), **TÜİK İşgücü İstatistikleri 2011, 2020 (15+ yaş)

Table No. 2. PwDs – Labour Force participation Rate per gender

¹⁶ <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-Temmuz-2021-37492>



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Labour force participation rate	women	men	Total
PwDs (2002)*	6,71%	32,22%	21,71%
PwDs (2011)**	12,5%	35,4%	22,2%

Source: *TÜİK Türkiye Engelliler Araştırması 2002, **TÜİK Nüfus Konut Araştırması 2011

In one of the latest bids for affirmative action for PwDs published by the press, Turkey announced the employment of 1,304 disabled citizens in the public sector. With the latest appointments, the number of PwDs employed in the public sector since 2019 reached 3,200.

The government has offered incentives for workplaces employing disabled citizens since 2014. Through them, the country ensured employment of 124,000 PwDs and runs a project to help the PwDs find jobs. Businesses creating jobs for the PwDs are eligible for free loans and tax incentives as well as partial payment for each disabled employee they hire. Regulations were implemented to increase the employment quota for the PwDs and introduced monthly benefits for families with PwDs members cared for at home. The PwDs are also provided free passes for public transit. Through a state-run employment agency, Turkey provides free loans for disabled entrepreneurs and for projects involving mass employment of PwDs.

Turkey has taken steps to apply affirmative actions to create equal and safer work conditions for PwDs by the provisions arranged in Labour Law No. 4857, Article 30, and the “Regulation on Employment of Disabled, Ex-convict and Terror-stricken Persons”.

About the Obligation of Employing PwDs, “In private sector workplaces employing fifty or more employees within the boundaries of a province, employer must employ PwDs, numbers of which cannot be less than the %3 of total employees”. The restrictions on Employment of Disabled are:

- The jobs assigned for PwDs must be consistent with their occupational skills and physical and mental capacities.
- Disabled personnel cannot be forced to work on hazardous and hard works without a health report stating that he can work on these types of tasks.
- No PwDs shall be employed in any underground and underwater work, and employees engaged in underground and underwater works shall not be considered in determining the number of disabled employees.
- Although there is no special provision forbidding the night work for disabled, persons who have health reports as to their incompetency to work at nights should not be worked at nights.
- Employer shall plan in the workplace, within the bounds of possibility, to facilitate disabled’s work, take the necessary measures to preserve their health, employ them in the works appropriate to their profession, and provide the necessary tools and equipment required for their work.
- When the circumstances allow, the starting and ending hours of work can be determined in accordance with the needs of PwDs.
- Being an employee with disability must not be the cause of wage discrimination. No provision to the detriment of PwDs can be inserted into employment contracts and collective bargaining agreements.



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About Paid Leave of Absence for Dependent Child with Disability: Employed parents whose child has at least seventy percent disability or chronic disease based on medical report, shall be allowed to take up to 10 days leave of absence with pay in a year for attending the treatment of the child; on condition that leave may be taken only one of the parents and without interruption or with segments.

Regarding women with disabilities, a report made by the Turkish Federation of the Blind with the financial support of EU within the scope of EU ¹⁷ affirms that they experience disadvantages in terms of participation in the labour force due to both disability and gender, face intersectional discrimination and are deprived of the right to work. Women with disabilities also experience the discrimination in terms of being included in the labour market during the employment phase.

EYHGM carries out various activities and projects in the fields of education, employment, participation to social life, accessibility, healthcare and rehabilitation, care, ageing, research, and development. Some of the actions¹⁸ ruled by the EYHGM are:

i. Awareness Raising

- Seminars on Human Rights and Disability
- Awareness raising seminars for institutions to be held on demand
- Publications on disability rights in accessible formats
- Distant training on accessibility for local governments
- M-CARE (Mobile Training Module for Home and Health Caregivers for People with Disabilities and Older People) Project
- Preparation of books, spot films and brochures for raising public awareness
- UNICEF Project on reducing social distances

ii. Promotion of Inclusive Policies

- Harmonisation of legislation
- Turkish Disability Act as a Framework Law
- Work on developing Turkish Sign Language

iii. Indicator Development and Data Collection

- Project on Fighting Against Disability Discrimination in Turkey
- UNDP Project on Supporting the Capacity of Implementing and Monitoring Convention on the Rights of PwDs.
- Preparation of Accessibility Map and Inventory of Turkey
- Project on Researching the Efficiency of Supportive Special Education Services
- Project on Analysis of Employment of PwDs in Public Sector

iv. Activities on Empowering Civil Society and Local Governments

¹⁷ <http://www.korlerfederasyonu.org.tr/images/4.pdf> and <https://etkiniz.eu/>

¹⁸ EYHGM, Disability policy in Turkey



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- Capacity Building Seminars for Civil Society
- Support Programme for Older Persons

v. Activities on Strengthening the Dialogue Between Public Sector and Civil Society

- IPA Project on Improving Integration of PwDs into Society
- Project on Providing Support to PwDs

vi. Activities on National Monitoring and Reporting

- Preparation of National Report to CRPD Committee in cooperation with relevant stakeholders.
- Accessibility Monitoring and Auditing Commissions

vii. Pilot Projects

- Improving Integration of PwDs into Society Grant Scheme
- Accessibility Support Projects
- Supported Employment (Join the Workforce, Join the Life Project)
- IPA Project on Improving Services for PwDs
- Project on Transferring Social and Cultural Values through Strengthening Intergenerational Solidarity

viii. Services for PwDs and the Elderly

- Community Based Care
 - Barrier Free Living Centres
 - Hope Houses
- Institutional Care
 - Disability Care and Rehabilitation Centres
 - Rest Homes

B. LEGISLATION IN TURKEY ON PWDS' EMPLOYMENT

Turkey has adopted a national policy to undertake all the necessary measures to ensure full and equal enjoyment rights and fundamental freedoms for PwDs since the 90s.

It was 2005 when Turkey stipulated [the Law No:5378 on PwDs](#). Together with its recent amendment,¹⁹ the Law explicitly declares the state's commitment to promote and protect the rights of PwDs and to eliminate violations of the rights. Since 2005, a number of regulations have been put into force to promote the provisions of the Law. [The Regulation on Care, Rehabilitation and Family Consultancy Services for PwDs](#), for example, set out the framework for the care services that can be delivered to PwDs at their own

¹⁹ Law No:5378 on Persons with Disabilities 2013 amendment
<http://www.resmigazete.gov.tr/eskiler/2013/05/20130503.pdf>.



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households. [The Regulation on Public Care Centres for PwDs](#), [Regulation on Private Care Centres for PwDs](#),²⁰ and [the Directive on Home Housing Units for PwDs](#), on the other hand, provide the legal basis for the residential care services. There is also [the Regulation on Identification of PwDs in Need of Care and Specification of Principles of Care Services](#)²¹ defining the procedures of assessment of care needs. In line with the Law, all these regulations highlight the ultimate goal of participation in to social and economic life on an equal basis with others. Apart from these legislative actions, [the Law on Social Services](#) explicitly declares that the state should undertake all the necessary measures for PwDs to lead an independent and dignified life.

Also, under this section, it is necessary to mention the following regulations:

- Articles 50 and 61 of the Constitution
- Articles 53 of Civil Servants Law No. 657

There are policy documents that have a direct and indirect reference to community living and promoting social and economic inclusion. [The National Strategy Document and Action Plan on Care Services 2011-2013](#) is one of the major documents that provide a framework to achieve high-quality care services for PwDs and the elderly. For persons with mental health problems, there is a distinct policy document titled [the National Mental Health Action Plan 2011-2023](#). Other policy papers addressing the independent living and being included in the community are [the Presidential Program 2019](#) and [Ministry of Employment, Family and Social Services Strategy Plan 2018-2022](#). The [Presidential Program 2019](#) also suggests actions for the betterment of care services for PwDs and inclusion of PwDs into the social and economic life.

Turkey is a signatory state to [UN CRPD](#) and its [Optional Protocol](#) has strengthened Turkey's commitment to promote and protect the rights of PwDs. [EYHGM](#), the focal point to the UN CRPD, placed the right based approach at the core of its actions. Compatibly, [the National Indicators for the Rights of PwDs](#)²² book was published to promote the implementation of UN CRPD provisions. Turkey has also been an active participant of the UN Economic and Social Commission for Asia Pacific (UN ESCAP) disability-related actions since the late 90s. Currently, Turkey is in its third decade of being a part of the decade- long regional action plans for PwDs.²³

Apart from the above-mentioned documents, the [National Strategy Document and Action Plan for the Rights of PwDs 2018-2023](#) aims to provide a road map to implement provisions of the UN CRPD. Under the scope of the project, training to increase the capacity of civil society organisations of/for PwDs were delivered in a number of provinces. In total 1,258 NGO representatives have participated in these training.

²⁰ Regulation on Private Care Centres for Persons with Disabilities <http://www.resmigazete.gov.tr/eskiler/2006/07/20060730-3.htm>. 2013 Amendment <http://www.resmigazete.gov.tr/eskiler/2013/08/20130816-6.htm>. 2016 Amendment <http://www.resmigazete.gov.tr/eskiler/2016/11/20161104-2.htm>.

²¹ Regulation on Identification of Persons with Disabilities in Need of Care and Specification of Principles of Care Services <http://www.resmigazete.gov.tr/eskiler/2007/10/20071023-10.htm>. The Regulation has been revoked recently, and yet its provisions are recognized as valid before the law till the replacing legislation put into force in the future.

²² For Article 16, 24, 25,27, 29 and 30.

²³ Birleşmiş Milletler Sisteminde Engellilik <https://eyh.aile.gov.tr/uluslararasi-mevzuat>.



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In collaboration with Ministry of Health and World Health Organisation (WHO), the government has conducted [Promoting Services for PwDs Project](#) between 2010 and 2014 with an aim to develop community-based care model and related support services for persons with mental health problems and intellectual disabilities. The project also had the goal of setting quality standards for the care services. Under the Project, a model of community-based care services has been developed, the number of group Hope Housing Units have also been established. Additionally, temporary guesthouse units and home care support services were introduced. Last but not the least, quality standards for care services were developed. [Guidelines for Community Mental Health Centres](#) was also prepared and disseminated under the scope of this project for the use of care personnel. Its follow up project, [the Social Inclusion of Persons with Mental Disabilities Project](#), on the other hand, aim to expand the implementation of newly built community-based living at the national level. The project also includes training of the related work force. No further information available online.

On work, the Law No. 5378 (Art 14) prohibits employment discrimination on grounds of disability, requires employers to make reasonable accommodations for the employment of PwDs and provides for specially-designated state-supported sheltered workshops. The Labour Law (Art 30) mandates a 3 per cent disability quota for the public sector and private employers of over 50 persons, although the quota is not applicable to the majority of Turkish enterprises, which are small and medium enterprises employing under 50 employees²⁴. Employers are exempted from social security contributions for employees with disabilities up to the 3 per cent quota and from 50 per cent of contributions for employees exceeding the 3 per cent requirement (LL, Art 30). The Directorate General of Services for PwDs and the Elderly (EYHGM) coordinates service delivery across institutions while employment support is provided by employment agency İŞKUR.

Turkey's National Employment Strategy 2014-23 highlights and sets objectives to address limitations in current employment policy implementation. These include improving the implementation of quotas, as employers have been reported to engage in pseudo-hiring of PWD wherein PWD are registered in employment but not required to work. ²⁵Other issues affecting PWD's access to employment and skills include inaccessible and insufficient physical infrastructure in workplaces and discriminatory practices in hiring, working conditions, wages and access to social benefits, as well as provision of reasonable accommodation by employer. Women with disabilities are affected by intersecting gender discrimination²⁶

On entrepreneurship: State programmes offer targeted entrepreneurship support to PWD, with KOSGEB, the state SME development organisation, and İŞKUR providing business training and financial support to entrepreneurs with disabilities²⁷. A range of tax reductions apply to PWD, including income, VAT, real estate, special consumption, customs and motor vehicle taxes which reduce the tax burden on self-employed PWD. The Regulation on the Accessibility of Banking Services introduced accessibility rules for customers with disabilities in 2016, stipulating the provision of documentation in braille, sign language and audio format, as well as changes to ATM functions and security. However, there is little information on the

²⁴ Yilmaz, V. (2020). An examination of disability and employment policy in Turkey through the perspectives of disability non-governmental organisations and policy-makers. *Disability & Society*, 35(5), 760-782.

²⁵ Yilmaz, op. cit.

²⁶ Tekin, A- (2018) How Turkish Women with Disabilities Are Entering the Workforce available at: <https://deeply.thenewhumanitarian.org/womensadvancement/articles/2018/11/02/how-turkish-women-with-disabilities-are-entering-the-workforce>

²⁷ İSKUR, 2016



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enforcement of accessibility standards in banking²⁸. Additionally, the websites of many Turkish banks do not meet the international Web Content Accessibility Guidelines aimed at making web content more accessible for PWD (Akgül, 2018).

On quota' employment, per the Article 30 of the Labor Law numbered 4857, workplaces employing fifty or more employees in the private sector are obliged to employ "three percent disabled" employees.

The main points of the Article 30 of the Labor Law are:

1. Employers are obliged to employ disabled employees "in jobs suitable for their profession, physical and mental status."
2. The number of employees would be calculated according to the total number of employees for the employer, who has more than one workplace within the boundaries of the same province.
3. Part-time contracts are converted to full-time contract, taking into account their working hours.
4. In the calculation of the ratio, fractions up to half are not taken into account, those that are half or more are converted to full.
5. Priority should be given to the employees who become disabled while working at the workplace.
6. Employers would employ the disabled employees via Turkish Employment Agency (İŞKUR)
7. The qualifications of the employees to be employed, the jobs in which they can be employed, how they can be recruited by the employer in terms of occupation, would be regulated by the Ministry of Labor and Social Security.
8. Disabled employees cannot be employed in underground and underwater works and for the determination of the number of employees in the workplaces per the statements above, underground, and underwater employees are not taken into account.

If the disabled employees are not employed per the above statements, administrative fines are applied per the Article 101 of the Labor Law. For 2021, the administrative fine for "each disabled person and ex-convict who is not employed and per month not employed" is TRY 4,345.

C. CONSEQUENCES OF COVID ON PwDs

Globally, PwDs have faced a greater impact from COVID-19 for many reasons. Firstly, they have a higher risk of contracting the virus as they face barriers to access preventive measures and they are more likely to develop severe illness due to their pre-existing health conditions and limited access to healthcare. Moreover, mobility restrictions and social distancing measures have increased the pre-existing barriers for PwDs and created new disruptions and risks to their autonomy, health, and lives. Finally, the solutions adopted have not, in many cases, been inclusive of PwDs. PwDs who faced exclusion in employment before this crisis are now more likely to lose their job and experience greater difficulties in returning to work.

Even when the consequences of COVID-19 are generic, and not specifically related to PwDs in Turkey, it is important to reflect about what is the impact of COVID19 on work, income, and livelihood of PwDs in the country. PwDs are less likely than others to be employed and when employed, they are more likely to be

²⁸ UN CRPD, 2019



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employed in the informal sector.²⁹ As a consequence, they have less access to social insurance based on employment than others which decreases their economic resilience in the current COVID-19 context. For those who are employed or self-employed,³⁰ they may be prevented from working from home due to the absence of equipment and support which are available in the workplace and face increased risks of losing their income and job. In addition, COVID-19 measures may indirectly affect PwDs by preventing family and breadwinners of the household from working, negatively impacting the overall income of the household.

What are some promising practices?

- In response to COVID-19, Bulgaria, Malta, and Lithuania have increased funding to their social protection systems to expand social support services and cover more beneficiaries, including PwDs.³¹
- In Argentina and Peru, persons receiving disability benefits will receive an additional amount considering the COVID-19 crisis.³²
- The United States of America³³ has established tax relief programmes that may contribute to alleviate the financial situation of PwDs in this context.

Even when the Report presented from Turkey in July 2021 to the IFM on the fiscal measures during the pandemic does not include a reference to PwDs, presents some key points related to equity and inclusion: “As of March, the authorities estimate that the entire discretionary fiscal support package will amount to TL638 billion (12.7 percent of GDP). Of this, around TL165 billion (3.3 percent of GDP) is in the form of ‘on-budget’ measures. Key fiscal measures include – i) loan guarantees to firms and households (6.4 percent of GDP); ii) loan service deferrals by state-owned banks (2.6 percent of GDP); iii) tax deferrals for businesses (1.4 percent of GDP; iv) equity injections into public banks (0.4 percent of GDP); and v) a short-term work scheme (0.6 percent of GDP), which expired in March 2021. In addition, VAT has been reduced on certain goods (e.g., food and accommodation services) until May 2021. Finally, a nationwide ban on employee layoffs is in force until mid-May 2021. In late April 2021, Parliament approved a new omnibus law that included additional temporary measures to support employment in sectors hit hardest by the pandemic. The short-term work allowance system for all sectors was also extended through June, as was the ban on layoffs”.

Monitoring reports prepared by the CSOs in Turkey provide some insight to the current level of impact of the pandemic on women with disabilities. A recent report prepared by the Association of Women with Disabilities (ENKAD) indicates that 26.86% of the women with disabilities who were interviewed in the field said that their income reduced during the pandemic.³⁴ The same report also suggests that majority of women with disabilities were not sufficiently informed on the government incentives for PDWs during the pandemic.

²⁹ OECD, *Sickness, Disability and Work: Breaking the barriers*, page 23, indicating that persons with disabilities present higher rates of inactivity compared to others: 49% to 20%, respectively

³⁰ UNDESA, *Disability and Development Report*, page 157, Figure II.81, indicating that persons with disabilities are 9% more represented among the self-employed (Data on 19 countries)

³¹ Bulgaria, *State Gazette*, 24 March 2020, Art.12; IMF, *Policy responses to COVID-19*, <https://www.imf.org/en/Topics/imf-and-covid19/PolicyResponses-to-COVID-19#T>

³² <https://www.argentina.gob.ar/noticias/bono-extraordinario-para-las-personas-con-discapacidad-que-cobran-pensiones-no>

³³ <https://www.benefits.gov/benefit/945>

³⁴ <http://engellikadin.org.tr/wp-content/uploads/2021/03/ENKAD-COVID-19-IZLEME.pdf>



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7. LABOUR MARKET AND QUOTA SYSTEM FOR PWDs

The integration of PwDs into the world of work is a dynamic process that involves interactions between organisational (demand side), personal (supply side) and contextual/institutional factors and characteristics. The manifestations of these factors and characteristics differ significantly, depending on the specific individual, employer/workplace, and context of the country under consideration.

Despite legislation and initiatives promoting diversity in the workplace, PwDs still have fewer opportunities to enter, remain in or return to employment than other people.³⁵ According to OECD³⁶, the employment rate of PwDs is significantly lower than those without. The employment gap of this group ranges between 0.46 and 0.91 in the prime age population. While most of them can work, they often need additional support and the coordinated provision of employment, health, and welfare services to be able to return to the labour market. The employment gap between PwDs and those without is determined by demographic and economic factors, as well as national welfare policies, but with no definitive empirical evidence on their relative strength. This lack of clarity on the causes is partly due to the lack of reliable and comparable data on PwDs. The share of PwDs varies between 5 % and 24 % of the working age population across Europe; this relatively wide range is likely to reflect medical practices, perceptions, and institutional features, as well as health conditions. A further difficulty in explaining the gap is that demand for workers with disabilities is determined by the perceived productivity of such employees and possibly also by discrimination. While some of the employment gap can be clearly attributed to the lower educational attainment of the population with disabilities³⁷, the remaining gap is difficult to account for as the underlying causes cannot be directly measured. It is possible to identify institutional, economic, and social challenges³⁸:

i. Disability and labour market integration: Policy trends and support in EU Member States

The shift towards a social model of disability and a human rights approach is reflected in the types of public support provided to ensure that PwDs can enjoy their rights, on an equal basis with others, to access, remain in and return to the labour market. To shed light on the key approaches adopted in Europe, Eurofound collected evidence on available measures offered to PwDs in all Member States to support their right to work and ensure fair labour market outcomes, as a key step to enable them to fully enjoy their right to make a living.

³⁵ Eurostat, 2019 'Part-time Employment and Temporary Contracts – Annual Data: Percentage of Total Employment [Dataset]', available at https://ec.europa.eu/eurostat/databrowser/view/LFSI_PT_A__custom_658097/default/table?lang=en (accessed 18 April 2019). and ANED (2018) European Comparative Data on Europe 2020 and People with Disabilities. Final report. Brussels, Belgium: Academic Network of European Disability Experts (ANED), February.

³⁶ OECD, 2016, Disability and labour market integration

³⁷ Jones, E., et al. "Quantifying the relationship between increased disability and health care resource utilization, quality of life, work productivity, health care costs in patients with multiple sclerosis in the US." *BMC health services research* 16.1 (2016): 1-9.

³⁸ ILO and OECD, 2018 **Labour market inclusion of people with disabilities**. Paper presented at the 1st Meeting of the G20 Employment Working Group and Giermanowska et al, 2020 Giermanowska, E., Raclaw, M., & Szawarska, D. (2020). Multivariate Conditions of Introducing People with Disabilities to the Labour Market: Coupled Impact and the Effect of Synergy. In *Employing People with Disabilities* (pp. 37-65). Palgrave Pivot, Cham.



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With the support of the Network of Eurofound Correspondents, Eurofound collected 154 examples of policy measures across all EU Member States. This included actions promoted by governments, public authorities/agencies, the social partners, and other business/employer organisations. Measures fully organised and funded by employers or NGOs and civil society organisations were excluded. To select measures, the correspondents used the definition of disability in Article 1 of the UNCRPD. The population covered was PwDs aged 15–64 years.

The different intervention types covered also included supported employment (assisting PwDs to access employment opportunities and achieve economic independence and social inclusivity) and measures supporting transitions from sheltered employment or education to the open labour market, but not sheltered employment (supporting individuals who are viewed as being unable to work in a competitive employment setting) or purely educational measures.

The 154 policy measures can be categorised into four key groups:

- support for job creation (labour supply and demand): 44 measures (29%)
- support for individuals with disabilities (employees, jobseekers) (supply side): 54 measures (35%)
- support for employing organisations (demand side): 33 measures (21%)
- support for the institutional environment (context): 23 measures (15%)

There is a high concentration of measures in certain categories, with the most common ones being workplace adaptations and assistance; all-encompassing individual support and bundles of measures; incentives for employers; matching services and placements; and quotas. The identification of other types of measures, although more infrequent, provides a richer overview of existing approaches.

The Next Figure 2 shows Policy measures by key type:



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Source: Eurofound, 2021

- Of the 154 policy measures, three-quarters address a combination of work entry, job retention and return to the labour market. Entry to work is the aspect most frequently covered, followed by labour market return. Job retention is covered less often, although early exit from the labour force is frequently identified as a key disability challenge (lack of retention of workers acquiring an impairment during their working lives and the need to focus on the sickness absence phase). Job retention is a particularly complicated goal to achieve, given its sustainability perspective, which relates to people not only entering employment, but also securing their jobs through, for instance, permanent contracts.
- In almost half of cases, the measures cover both labour market demand and supply, mainly consisting of workplace adaptations and assistance, matching services, and quota systems.
- Another 35% of the measures specifically target labour supply (employees/jobseekers with disabilities), consisting mainly of all-encompassing interventions, adaptations, and assistance; they also support entrepreneurship, self-employment and vocational rehabilitation.
- A further 17% of the interventions target labour demand (employing organisations) exclusively; these mostly relate to incentives for employers and, to a lesser extent, support for adaptations.
- A small proportion of the measures target other actors.



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Between the policies, we can consider³⁹:

✓ **Incentives for employers**

Incentives for employers operating in the private sector aim to enhance the hiring of PwDs and to avoid discouraging employers because of stronger job retention obligations. They provide employers with some form of financial gain to compensate for a perceived or actual increase in financial costs that may arise when employing PwDs. Working with an employee for a certain period at a lower cost provides the employer with the time and opportunity to assess their suitability. This is intended to eliminate barriers related to stereotypes and uncertainty about workplace abilities. Incentives mainly consist of wage subsidies, cost coverage and rebates for social security contributions. Financial support typically focuses on enabling skills development, compensation for lower productivity, and retention. In more integrated measures, the support tends to be combined with flexible work arrangements and workplace adaptations and assistance.

✓ **Entrepreneurship and self-employment**

The UNCRPD stresses the need to promote opportunities for self-employment, entrepreneurship and starting one's own business. EU Member States typically promote these avenues for PwDs through financial aids (loans, subsidies, income support and funding for workplace adaptations) and by providing PwDs with guidance, training, and support for accessibility. Several measures disincentivise a reliance on disability benefits and pensions by making them less attractive.

✓ **Social enterprises**

The social economy can be a source of valuable labour market support for people in vulnerable situations. It can enhance their employability in mainstream businesses by fostering sustainable job creation, social integration, upskilling and active citizenship. Social economy organisations cover different legal forms – cooperatives, mutual societies, non-profit associations, foundations, and social enterprises. Their activities mainly relate to work integration (training and inclusion of PwDs and unemployed people), personal social services (health, professional training, and education support for elderly and vulnerable people), local development of disadvantaged areas, and actions in other thematic fields (for example, environment, sports and science). Social enterprises support various models of work integration. Transitional employment/on-the-job training and the creation of permanent self-financed jobs are of relevance in the field of disability. In these cases, social enterprises follow market-driven models and are run as businesses that can mostly cover their costs. Employment outcomes depend on the viability of the business models.

✓ **Public procurement and public works**

³⁹ Eurofound (2021) Disability and labour market integration: Policy trends and support in EU Member States



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Public authorities can support the employment of people in a vulnerable position by incorporating social and employment criteria in public procurement processes, while respecting the rules relating to state aid. Key mechanisms involve partnerships with suppliers such as social enterprises, which deliver goods and services and create social benefits; clauses in contracts that oblige commercial suppliers to achieve social goals; requirements for suppliers to employ local jobseekers who are in disadvantaged situations; and requirements for large suppliers to subcontract part of their work to social benefit providers. Next figure provides a summary of the mechanisms, outcomes and effectiveness of public procurement and public works. This model can work at different administrative levels. Examples are found, especially in regional and local administrations, where the socioeconomic characteristics of the territory are taken into account.

✓ **Support for PwDs (employees, jobseekers)**

Several measures provide support for individuals (jobseekers or employees) with disabilities to get ready for work and achieve better employability and employment outcomes, bridging the gap to the labour market. The Network of Eurofound Correspondents identified 54 measures that aim to impact labour supply. They consist mainly of measures providing all-encompassing, individual support (17 measures), measures focused on skills (19 measures: vocational training, transition from education and skills enhancement/assessment), vocational rehabilitation (12), guidance and counselling (5) and extra benefits to PwDs who are in employment (1). Examples were identified in all countries except Ireland, Italy and Romania.

Overall, these measures have a more integrated nature than those focused solely on job creation. Personalised services tend to be more effective than large, uniform interventions in supporting the inclusion of PwDs in the open labour market. The individualised treatment, accompanied by a client-centred approach, allows for the needs of beneficiaries to be better met. An individual case management approach can support beneficiaries in finding their way through multiple and complex support systems. The flexible adjustment of services, their integrated delivery through collaboration across fields, a multistakeholder approach involving different administrative levels and the availability of specially trained staff are considered necessary for the effective provision of such support. Weaknesses mainly relate to difficulties in the delivery of complex measures and inefficiencies in stakeholder cooperation.

✓ **Guidance and counselling**

Guidance and counselling feature in many measures and are prominent dimensions of integrated services, but some interventions provide this type of assistance exclusively in an individualised manner, for instance, on a case management basis. The support is sometimes universal, targeting the general population, and sometimes specific to PwDs. Positive results have been seen in terms of the job search capacity and self-esteem of PwDs and connections to the labour market. Limitations relate to the scale, sustainability and reach of such measures, which require the continuous, tailored follow-up of beneficiaries.

✓ **Skills enhancement, vocational training and transition from education**

Vocational support and skills enhancement with a work orientation (both for searching and performing a job) are central to the labour market integration of PwDs. They typically consist of internships and vocational programmes, the establishment of specialised training centres and personalised training pathways. Assessing the skills of jobseekers with disabilities is also used to facilitate their professional reintegration, for instance, in combination with internship opportunities. Employers are typically interested



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in conducting the capacity assessment from a productivity point of view. Other interventions support the transition from education into employment, with highly tailored services. Overall, these measures tend to enhance the employment outcomes of participants, but in this case too, selection effects can occur (measures addressing those who are more work-ready may appear to be more effective).

✓ **Vocational rehabilitation**

Vocational rehabilitation is a multidisciplinary, evidence-based approach that is provided in different settings and services for working age individuals with health-related restrictions that affect their ability to work. It focuses on retention and return for those who have acquired an impairment. Its objective is to optimise work participation. Strongly integrated in nature, it can cover guidance, accommodation, support from specialised staff and the provision of certificates, and is often combined with elements from subsidised and supported employment. These interventions allow for a thorough follow-up of the beneficiaries and yield positive returns on investments and results, especially when activated at an early stage: better employability, decision-making and emotional well-being, and a reduction in the number of employees unable to work because of health impairments. They are acquiring increasing relevance in national policies (ILO and OECD, 2018) and are becoming more integrated in-service provision.

✓ **Intermediation between demand and supply**

A positive institutional environment also supports the intermediation between labour supply and labour demand – namely through matching services and offers of placements. Effective matching provides opportunities for initial contact between employers and jobseekers, increased awareness in the workplace and ongoing assistance for jobseekers' long-term labour market inclusion once placements have ended. Cooperation is key to enable these mechanisms to function. Aspects that hinder effectiveness mainly relate to the limited reach of these measures, which are resource intensive; limited awareness of their availability; and difficulties in ensuring sustained employment effects.

ii. At the level of the employing organisation

A Special Eurobarometer on discrimination in the EU (2019) showed that 52% of Europeans with disabilities felt discriminated against in the previous 12 months. The engagement with and openness to diversity of employers and their positive attitudes towards PwDs are fundamental for their integration into the workplace.

At an organisational level – on the demand side – key barriers relate to several factors, including:

- a lack of awareness of the composition of the workforce, in quantitative and qualitative terms
- the adoption of approaches based on compliance rather than there being a genuinely inclusive organisational culture and work ethic
- unfavourable personnel practices, work schedules, intensity, and pressure
- a lack of or a limited health and safety policy discrimination from colleagues towards PwDs
- ineffective communication between jobseekers and employers
- resource constraints, such as a lack of resources to provide support to PwDs in the workplace, which may hinder their ability to remain in an organisation for an extended period
- capacity constraints, such as a lack of relevant training provision to support effective career



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- development interventions for PwDs. The drivers of these barriers mainly consist of negative stereotypical beliefs, preconceptions and stigma from both employers and co-workers. These factors can be identified throughout the whole work cycle – from recruitment to performance management⁴⁰
- Recruitment processes and employee selection
- Accommodation: apprehension about the costs of accommodating PwDs (including the costs and time required for training) and lack of awareness of the real accommodation costs; denial of the need for accommodation actions deriving from a misunderstanding and distrust of disabilities and lack of awareness of related needs; and lack of information on how to accommodate PwDs.
- Social context and integration at work: concerns related to organisational characteristics and interpersonal relationships at work, for instance the possible impact of PwDs on their co-workers and supervisors. This may relate to disruption of the functioning of work teams or fear of unfair work redistribution to accommodate the needs of PwDs, resulting in an increase in job difficulty or higher workload.
- Performance management: stereotypes deriving from prejudice or imperfect information relating to the perception that PwDs are less productive, slow down work and show higher levels of absenteeism, lateness, and dependence and lower levels of motivation than their counterparts without disabilities. Additional concerns are linked to the occupational health and safety behaviour of workers with disabilities, the uncertainty around how to manage discipline and work performance assessments, and the disclosure of health and disability information.

iii. Contextual and institutional factors

Contextual factors (social, legal, institutional, and economic) also play a role. PwDs can be exposed to stigma, discrimination, and adverse societal attitudes. These can manifest themselves in their daily lives as ableism – a cultural and systemic preference in society for a set of physical, cognitive, and sensory abilities, and the consideration of people with differing abilities as impaired – and disability – prejudices and negative attitudes that result in social exclusion and the oppression of PwDs.

A legal setting that does not include ambitious anti-discrimination laws, segregation and labour law regulations and legal mechanisms to implement international regulations at a national level might lack the capacity to counteract stereotypes and discrimination.⁴¹

Access to basic services is an additional obstacle. Access to mainstream education is an issue in many countries, and especially for those with severe disabilities acquired in early life. Moreover, the education and vocational training offered often do not meet the needs of PwDs, nor are they necessarily relevant or market oriented. Additional barriers are a lack of relevant or flexible provision of social services in the fields of professional and social rehabilitation, healthcare and social assistance and support for independent living.

⁴⁰ Strindlund, L., Abrandt-Dahlgren, M., & Ståhl, C. (2019). Employers' views on disability, employability, and labor market inclusion: a phenomenographic study. *Disability and Rehabilitation*, 41(24), 2910-2917.

⁴¹. Giermanowska, E., Raclaw, M., & Szawarska, D. (2020). Multivariate Conditions of Introducing People with Disabilities to the Labour Market: Coupled Impact and the Effect of Synergy. In *Employing People with Disabilities* (pp. 37-65). Palgrave Pivot, Cham.



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iv. A special attention is needed on the Quota system

Many international organisations have reports and documents on this subject, looking for promoting employment opportunities for PwDs. Particularly the ILO ⁴² reflects the importance of the UN Convention on the Rights of PwDs (UNCRPD), that entered into force in 2008. The UNCRPD obliges States Parties to recognize the right of PwDs to work on an equal basis with others; and to safeguard and promote the realization of the right to work by taking appropriate steps, among other measures, to:

- Prohibit discrimination based on disability about all matters concerning all forms of employment,
- Employ PwDs in the public sector.
- Promote the employment of PwDs in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives, and other measures.

The concern is also apparent in the Sustainable Development Goals (SDGs) adopted by all UN Member States for the period 2015 to 2030. The SDGs include several goals which explicitly mention PwDs – Goal 4 on education and life-long learning which includes ensuring equal access to all levels of education and vocational training for the vulnerable, including PwDs; Goal 8 on economic growth, full and productive employment and decent work for all which includes achieving full and productive employment and decent work for women and men with disabilities, and equal pay for work of equal value; and Goal 10 on reducing inequality within and among countries including by promoting the social, economic and political inclusion of PwDs. More recently, the employment of PwDs was a topic of discussion at a joint meeting of G20 Education and Labour and Employment Ministers in Argentina in September 2018. Following the joint meeting, a G20 Declaration was adopted, recognizing that a comprehensive policy is needed to improve employment outcomes for PwDs, reflecting the diversity of this group comprising individuals who require different approaches. G20 Principles for the Labour Market Integration of PwDs, list policy options for promoting employment in the public and private sectors. These include:

- the introduction of nationally defined goals for the labour market participation of PwDs.
- the provision of tax, financial incentives, or other support for the employment of PwDs.
- and incentives and supports to private sector investment in accommodations in the workplace and promotion of accessibility to help workers with disabilities retain their jobs or access employment.

This commitment to promoting the labour market inclusion of PwDs was reiterated in the G20 Osaka Leaders Declaration, focusing on working towards an inclusive society, adopted following the Osaka Summit in June 2019. Given this growing concern, the discussion is to how to review the operation of quota schemes as a measure to promote employment opportunities for this marginalized group in the labour market. The next Figure 3 shows G20 countries with compulsory employment quotas for PwDs:

⁴²https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_735531.pdf



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G20 Countries with compulsory employment quotas for people with disabilities

Percentage of People with Disabilities in G20 Countries					
	Country	Compulsory Employment Quota	Public	Private	Percentage
1	Argentina	Yes	✓	✓ ¹²	4%
2	Australia	No	-	-	-
3	Brazil	Yes	✓	✓	2-5% ¹³
4	Canada	No	-	-	-
5	China	Yes	✓	✓	1.5%
6	France	Yes	✓	✓	6% ¹⁴
7	Germany	Yes	✓	✓	6% ¹⁵
8	India	Yes	✓	✓ ¹⁶	3% ¹⁷
9	Indonesia	Yes	✓	✓	1% ¹⁸
10	Italy	Yes	✓	✓	7% ¹⁹
11	Japan	Yes	✓	✓	2-2.3% ²⁰
12	Mexico	No	-	-	-
13	Russia	Yes	✓	✓	2-4% ²¹
14	Saudi Arabia	Yes	✓	✓	4% ²²
15	South Africa	No ²³	-	-	-
16	South Korea	Yes	✓	✓	2% ²⁴
17	Turkey	Yes	✓	✓	3% ²⁵
18	United Kingdom	No	-	-	-
19	United States	No	-	-	-
20	European Union	No ²⁶	-	-	-

Source: G20, 2019

According to the reports submitted by States Parties to the UNCRPD to the Committee on the Rights of PwDs (the Committee), 103 countries were identified as having quota systems in place. Available information made it possible to make a preliminary classification of existing quotas into those which are backed by levies or fines payable for non-compliance and systematically enforced, and those for which no effective sanction or enforcement method appeared to be in place. 33 of the countries identified (32%) have quotas backed by levies or fines; 64 (62%) have binding quotas though it is unclear from the available information whether or how these are enforced; and 6 (6%) have quotas introduced by government decisions or decrees, rather than laws, so may not be binding. 6 further countries were either in the process of introducing a legally binding quota or considering the introduction of a quota.⁴³

⁴³ Committee on the rights of persons with disabilities, information available at <https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>



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All European countries except Denmark, Finland, Latvia and Sweden have a quota system in place, whereby employers must employ a minimum percentage of PwDs, typically between 2% and 7%. Their target is to stimulate labour demand by committing employers to employ a certain share of employees with disabilities. In most countries the degree of fulfilment ranges between 30% and 70%. According to available empirical data, quota systems only lead to small net employment gains. While already employed persons who become disabled and can be included are more likely to remain employed, quotas only provide small incentives to hire PwDs.⁴⁴

About the European quota system, there are some points to consider:

- Generally, quotas are only valid above a certain manpower threshold, which ranges between 15 (Italy) and 50 employees (Estonia, Lithuania)
- Alternatively, in some of the existing systems it is possible to conclude sub-contracts with organisations which feature a significant share of employees with disabilities, etc. (e.g., Czech Republic, Denmark, France).
- From differences in employment rates, no clear recommendations for certain measures for PwDs can be derived empirically. In case the commitments are not met by the employers, usually they have to pay a fee to special funds (Austria, Denmark, Hungary, Italy, Slovenia). Those funds distribute the resources to employees with disabilities, providers of special activities and employers with disabled employees. The spectrum of sanctions ranges from almost completely lacking fines in Spain, via small sanctions in most countries (additional payroll tax of approximately 0.5%, e.g., Austria, Denmark) to relatively high sanctions (1 to 4% of the payroll, in France, Italy and Poland). In principle, the lack of sanctions or enforcement instruments represents a problem of quota systems. In some countries there is also a bonus for companies which employ more than the required number of disabled persons (e.g., Poland, Slovenia)
- Almost all countries with quota systems have implemented measures for the registration of PwDs at public institutions. They should determine the entitlement to working places reserved for PwDs. For the quota only those persons registered as disabled count who fulfil the stipulated criteria. The legally registered status defines disability rather in a narrow way. Thus, for persons with less disabilities or health constraints quota systems are not relevant. However, a broad definition would not provide an adequate foundation, as quota systems have to be selective.⁴⁵

Quota systems stress the concept of “limitation of abilities” and rely less on the concept of “capability”. They implicitly act on the assumption that PwDs are unable to compete for an occupation on the open labour market. A certain share of working places has to be reserved. Thus, quotas coincide only to a limited extent with the principle of equal access and equal chances for all or with the social model of disability. Accordingly, the required registration and classification processes have been criticised as potentially representing a discriminating treatment themselves.

Furthermore, an exclusive anti-discrimination approach could be insufficiently directed towards clearly defined policy targets. The EU-Directive 2000/78/EG should guarantee equal treatment of all persons on the labour market and prevent discrimination inter alia related to disability. The directive is inspired by a “civil rights”-approach and guarantees PwDs individual rights for equal treatment with persons without disabilities. It considers reasonable workplace adaptations which do not represent an undue burden for employers. The directive also indicates that more far-reaching measures related to disability are permitted.

⁴⁴ Fuchs, M. (2014). *Quota Systems for Disabled Persons: Parameters, Aspects, Effectivity*. Policy Brief 3/2014. Vienna: European Centre.

⁴⁵ Fuchs, op. cit.



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Thus, it grants the option to Member States to continue with quota systems along the required anti-discrimination legislation. Also, disabilities are more or less the only reason for which Member States have implemented quota systems or similar measures. In fact, in most EU countries the directive co-exists with other approaches which are embedded in employment and welfare measures already existing before, among them quota systems in 20 of 27 countries. Thus, the majority of EU countries has implemented approaches to prevent discrimination in addition to quota systems.⁴⁶

According to OECD, **Experiences on the quota system are mixed:**

- Employment rates neither systematically higher nor lower
- Overall employment prospects play a more important role
- In some countries, quota system works better for severely disabled persons
- In general, governments are not subsidising levy funds which are often statutory bodies (e.g., PFRON in Poland, AGEFIPH in France)
- However, in some country's employment services are organised and co-funded by local governments (e.g., Germany)
- Some quota countries do not apply sanctions in case of nonfulfillment (e.g., Luxembourg, Spain). (OECD, 2020)

Very few of the quota laws reviewed make explicit provision for **women with disabilities**. Exceptions are South Korea and Albania. In South Korea, the law provides for special emphasis to be given to the employment promotion of women with disabilities (Article 3 (2)), and business owners employing disabled women are entitled to preferential treatment (Article 21). As an example, in the grant aid provisions for employers with disabled workers, the government provides more financial assistance to business owners who hire women with disabilities than to those who hire men with disabilities. In Albania, provisions are made to encourage the employment of women with disabilities along with other groups of disadvantaged women and girls, with the Government paying a proportion of mandatory insurance on behalf of the employer. Incentives for employers who comply Employers who fulfil the quota obligation are entitled to avail of different measures – including financial incentives and employment-related support services. Information on these incentives Quota systems – an overview 5 were available for two in five (40%) of the quota schemes reviewed, with more than one type of incentive involved in 17 cases. The most frequent incentives were in the form of wage subsidies for the workers with disabilities employed under the quota (over a third of these schemes – 35%); followed by tax exemptions or rebates (a third of the schemes - 33%); subsidies to promote accessibility/workplace adaptation/ purchase of suitable equipment/reasonable accommodation (30%); reduction or exemption from social security contributions (23%); or unspecified grants (17%). In some countries, in the tendering process for public procurement, preference is given to companies that meet their quota obligation.

Other affirmative action measures have been taken by several countries that have explicitly avoided the introduction of quotas but have established other positive action measures to promote the right to work of PwDs which can be considered close to quotas in terms of their requirements. In Ireland, for example, a statutory target of 3% has been set for public sector agencies, except for the police force and prison officers. In the United States, regulations were introduced in 2014, updating the Rehabilitation Act of 1973, adding

⁴⁶ The EU Directive can be consulted on this link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>



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a nationwide disability employment ‘utilization goal’ of 7% for businesses with federal contracts or subcontracts.

Other measures such as reserved occupations or designated employment which were suggested as options in the UN Standard Rules on the Equalization of Opportunities for PwDs (1993, Rule 7) do not aim to achieve equality of opportunity or treatment in employment, and thus appear to be incompliant with the UNCRPD. Such reserved jobs are still maintained in some countries. In Argentina, for example, as part of provisions for the quota, one of the mechanisms established for increasing public employment opportunities is the reservation of jobs to be filled only by PwDs. In Italy, a law was introduced in 1985 concerning the employment of visually impaired people as switchboard operators (Law no. 113, 1985). The Committee on the Rights of PwDs has on occasion expressed concern about the practice of reserved employment, which it considers as discriminating against PwDs in their vocational and career choices and recommended that all necessary measures be undertaken to ensure PwDs freedom of choice to pursue vocations according to their preferences.⁴⁷

Some case analysis:

GERMANY:

In 1953, a quota system for the employment of PwDs was introduced in Germany. All public and private companies with a minimum of 20 employees in the yearly average have to employ at least 5% of people with severe disabilities. If the company does not fulfil this quota, it has to pay a penalty: the so-called equalization levy. The maximum is € 320 per month and work place not occupied by a PwDs. If a company awards a contract to a sheltered workshop, half of the value of the work done by the sheltered workshop (minus the materials costs) can be subtracted from the equalization levy. The amount of money collected from the equalization levy is put into the so-called equalization fund. The equalization fund has to be used for the financial support of measures for employers hiring a PwDs and for measures and infrastructures supporting the participation of PwDs in working life. If an employer hires a former workshop user who is trying to make the transition onto the open labour market, there is financial support for a testing-period of three months. The complete costs of labour of the person can be paid by the rehabilitation agency. In some cases, financial support can be given for more than three months, depending on the individual case.

The rehabilitation, the integration or the federal employment agency bears the costs for the accessibility and the workplace adaption for a person with disability. The employer is entitled to receive the complete costs depending on the individual case.

Additionally, there is a compensation for the lower working performance of PwDs who work under the conditions of the open labour market. The amount of money paid depends on the level of performance and also on the need for qualification, adjustment to the new job, etc. Support of up to 70 % of the wages for a period of 24 months is possible. For people with particular severe disabilities – for example PwDs who come from sheltered workshops and are no longer considered fully incapacitated for work – can receive support for a period of 60 months. If the work performance improves after 12 months, the financial support is reduced by 10 % per year.

PwDs who are considered fully incapacitated for work and are therefore entitled to the services of a sheltered workshop can also use the so-called “budget for work”. This measure was explicitly introduced by the new legislation described above to provide an alternative to the services of sheltered workshops for

⁴⁷ See for example the Concluding observations on the initial report of China:

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5



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people unable to work under the conditions of the open labour market, but who still prefer to work outside a sheltered workshop.

The new regulation states that PwDs who are entitled to the services of a sheltered workshop and who are offered an employment contract on the open labour market, which is remunerated according to market conditions or a collective agreement, are entitled to a “budget for work”. Basically, the “budget for work” is a service to enable participation in working life and thus despite their employee status, these people remain fully incapacitated for work.

The “budget for work” includes a wage subsidy of up to 75 % paid to the employer to compensate for lower work performance. In addition, it covers the expenses for disability-related guidance and assistance at the workplace. The services related to the “budget for work” can be carried out by a sheltered workshop or other service providers.⁴⁸

FRANCE:

France, as we mentioned before, has an important legislation:

Disability Act of 11 February 2005

- Reaffirms the right to employment
- Extends the principle of access to new collective housing and buildings open to the public. Public buildings must not only be accessible but also ensure a continuous chain of access: access to railway stations, public transport, curbs and ramps.

The national government in 2016 revised the Compulsory Declaration of Employment for Disabled Workers (DOETH) framework, covering many relevant disability employment policy areas including quota hiring policies and procedures.

UN CRPD ratification in February 2010

Employer Legal Requirements

And French law sets an employment obligation quota of 6% of disabled workers for any employer with at least 20 employees. Employers are provided with 3 options to meet this target: Hiring PwDs (direct hire), subcontracting workers from the sheltered sector (indirect hire), paying a contribution fee to a specific organization which then uses the funds to further professional inclusion in both the private and public sectors. Up to 80% of the measures taken to hire a disabled worker, including equipment and specific training, can be compensated through public funding.

The French measures to promote employment of PwDs are double-sided., and consist of (1) the employment obligation to employ specified percentage of PwDs (employment quota system), and (2) improvement of law concerning employment and work conditions for those people. Reasonable accommodation falls in the latter and is considered to be indispensable for ensuring the principle of equal treatment of PwDs. The government tries to promote the employment of PwDs and improve their work conditions through these two approaches.

The employer’s “obligation to exercise reasonable accommodation” can be interpreted as an extension and development of the employer’s “obligation to provide readaptation” (obligation to maintain at work) that has existed for some time. It is clearly stated in the labor law that employer’s refusal to provide reasonable accommodation would be regarded as a discriminatory treatment.

⁴⁸ All the information is provided by the Bundesarbeitsgemeinschaft Werkstätten für behinderte Menschen e. V. (BAG WfbM) and can be found on this link: <http://www.bagwfbm.eu/page/quota>



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Reasonable accommodation provided by employers is supported by various forms of financial assistance given through labor contracts and institutions such as AGEFIPH in France.

Beginning in 2018, France has launched a comprehensive disability inclusion campaign nationally, spanning policy areas of human rights, social safety nets, education. For employment, the campaign's theme is "Accessing the job market and working like everyone else." Priority areas under this theme include reducing the gap between the unemployment rates for people with and without disabilities; making recruitment and retention easier for both public and private entities; reforming the requirement to employ disabled workers from what is perceived as a punitive approach through fines into an asset-value proposition aligned with social responsibility; increasing skills training and easing school-to-work transitions.⁴⁹

8. CHALLENGES AND POSIBILITIES IN ENTERING LABOUR MARKET FOR PwDs (DIGITALISATION AND GREEN ECONOMIES)

A. About Digitalisation

The technological revolution is radically transforming the world of work and this trend is not expected to slow down. In fact, the digital economy has been significantly accelerated by the COVID-19 pandemic. Digital measures have been essential in the immediate response to the crisis, in mitigating future outbreaks and in the recovery policies of institutions and companies. Considering the role digitalisation plays in the future of work, involving PwDs in the digital realm has become an important aspect. The big question is how to increase awareness of the impact of a digital world of work on PwDs and identify actions needed to shape a future of work in a more disability-inclusive way.

The challenges for PwDs in this field such as new skill requirements, technological barriers or challenges associated with working conditions such as low and irregular pay, long working hours or isolation can be overcome by appropriate actions to turn them into opportunities.

The following main levers for an inclusive digital labour market have been identified throughout recent research:

- Ensuring accessibility for PwDs
- Promoting digital skills amongst PwDs
- Promoting the digital employment of PwDs. Digital tools are playing a central role across the employee life cycle. If digital tools are not inclusive and accessible, PwDs will find barriers at every step of the cycle. Many digital tools remain inaccessible without the support of special assistive technologies (AT). However, although ATs could allow PwDs to work and build a career in equal conditions to their counterparts without disabilities, challenges in terms of digital accessibility are still being encountered. As the technological revolution is constantly transforming jobs and creating

⁴⁹ Richard, S., & Hennekam, S. (2020). Op cit and The Official Government Website for People with Disabilities : <https://www.handicap.gouv.fr/> , LADAPT Association for Social and Professional Inclusion of People with Disabilities: <https://www.ladapt.net/> and Vornholt, K., Villotti, P., Muschalla, B., Bauer, J., Colella, A., Zijlstra, F., ... & Corbiere, M. (2018). Discapacidad y empleo: visión general y aspectos destacados. *Revista europea de trabajo y psicología organizacional*, 27(1), 40-55.



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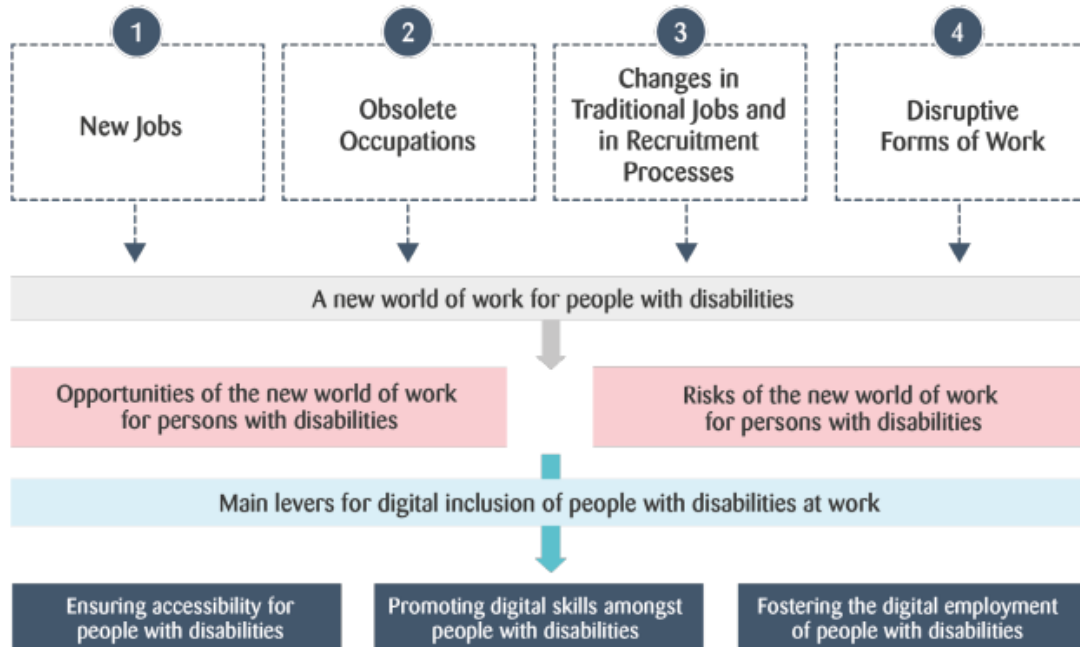
new ones, the required skills are also changing. The demand for digital skills in both existing jobs and in new digital jobs is growing at a constant pace.

The new world of work brings unprecedented opportunities for the inclusion of PwDs in the labour market. Nonetheless, this segment of the population may also encounter many barriers. Digital transformation implies significant structural and organisational changes in the labour market, both within companies and across entire sectors. The four main impacts of the technological revolution in the world of work are: new jobs, obsolete occupations, changes in traditional jobs and in recruitment processes and disruptive forms of work.



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Figure 5: The new world of work scenario



Source: Disability Hub Europe

The digital transformation of societies creates many jobs both in traditional and in more recently created markets, offering **new employment opportunities**. Some new digital jobs such as Artificial Intelligence Specialists and Data Scientists require strong digital expertise, while many others are entry level jobs such as Community Manager or Web Designer. There is a very significant mismatch between supply and demand of new digital jobs.⁵⁰

Opportunities for PwDs:

- New digital jobs (both in traditional and more recently created markets) offer a range of new employment opportunities, particularly interesting for PwDs.
- The mismatch between supply and demand of new digital jobs presents an opportunity for PwDs.
- PwDs with different levels of education can access digital jobs since some require high skills and others are entry level jobs.

Risks for PwDs:

- PwDs often encounter barriers in accessing education and training. Consequently, there is a risk that PwDs might not have the required skills to be eligible for new digital job positions.
- All new digital jobs are not necessarily decent jobs.

⁵⁰New markets and new jobs. 2016 ministerial meeting on the digital economy. OECD, 2016. Work for a brighter future. ILO Global Commission on the Future of Work, 2019. Jobs of Tomorrow. Mapping opportunity in the New Economy. World Economic Forum, 2020.



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- There are instances of highly qualified individuals undertaking low-skilled digital work, which in turn signifies an important challenge, including for PwDs.

About **obsolete occupations**, while work automation leads to a lower demand for mid-level qualified jobs, it results in a greater demand for low and highly qualified jobs. As a result, the wages of high-level expertise jobs are set to increase, while those associated with lower qualified employment are expected to drop, triggering a major inequality effect. Hence, digitalisation plays its part in “job losses, wage stagnation and rising wage inequality”

Risks for PwDs:

- There is likely to be an overrepresentation of PwDs amongst those affected by technological unemployment and wage inequality. This can negatively impact their already vulnerable situation.
- The lack of statistics on where PwDs are currently working means the impact of obsolete occupations on PwDs cannot be ascertained.

On Changes in Traditional Jobs and in Recruitment Processes: The digital age is transforming traditional professions. The use of digital tools to support people in their job activities is increasingly common in the workplace. One example is the use of smartphones and computers for remote work or to provide services online, which has been heightened by COVID-19. Additionally, the digital revolution has also had an impact on the process of traditional job hunting, as recruitment and job searches have converged towards digital platforms which connect employers with job seekers. There is also widespread use of AI tools in recruitment processes.

Opportunities for PwDs:

- Digital tools can support PwDs to perform tasks that they might otherwise be unable to do as affectively as others due to their disabilities.
- The use of online recruitment platforms, if accessible, offers PwDs direct access to employment and employers. Digitalisation expands PwDs range of possibilities to access the traditional labour market.
- Remote work can also provide flexibility which may promote a better work-life balance for PwDs
- Remote working makes PwDs suitable candidates for jobs, irrespective of the accessibility shortcomings of the workplace or transport
- Digitalisation and, more specifically, remote work foster innovation in the workplace in the form of “organisational changes, flexibility, online learning and new forms of cooperation”. Its potential for cultural change could help in making workplaces more inclusive of PwDs
- The use of digital tools can enhance reasonable accommodation. They are key to accommodate PwDs in the workplace or at home.

Risks for PwDs:

- As mentioned before, PwDs may find difficulties when it comes to being able to afford and access the Internet and ICTs which can prevent them from accessing the companies’ online recruitment processes or recruitment platforms.
- If digital tools required to enter the labour market and to support people in their tasks are not inclusive and accessible, this would prevent PwDs from benefitting from the opportunities that could arise. Therefore, PwDs would be at a disadvantage compared to those without disabilities.



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- There is also a risk of employers pushing PwDs to work from home to avoid having to adapt the workplace. Remote work should not be an obligation but a choice and, therefore, employers must continue to make their workplace and the office accessible.

Disruptive Forms of Work With the emergence of online platforms new economic models such as the sharing economy and the gig economy have emerged. They provide digital marketplaces for information, goods, and services, allowing demand and supply to match in real-time and globally. Also, digitalisation is enhancing entrepreneurship and start-ups. Online platforms are transforming the world of work. As stated by the ILO, online platforms make it possible, on the one hand, to “outsource work through an open call to a geographically dispersed crowd (“crowd work”)” and, on the other, “to allocate work to individuals in a specific geographical area, typically to perform local, service-oriented tasks such as driving, running errands or cleaning houses”

Opportunities for PwDs:

- Flexible and low barrier access to income opportunities, including selfemployment⁸⁰ and entrepreneurship, increases the likelihood of PwDs finding a job.
- Flexibility in terms of managing work time independently and of choosing the place of work can greatly benefit some PwDs, thus improving their work-life balance. Furthermore, it offers opportunities for some that might not be able to work full time or at set times.
- The geographical scope of new employment opportunities is global. Online platforms can remove the barriers encountered by PwDs to work abroad due to the lack of transferability of disability support services (also in the EU). This is a chance for PwDs to work globally.
- Available technology can be provided at the workplace as reasonable accommodation.

Risks for PwDs:

- Difficulties PwDs face when it comes to being able to afford or access Internet subscriptions and/or electronic devices, they might have no opportunity to participate in the new economies
- Lack of accessibility of the digital tools and online job platforms would also be an obstacle for PwDs to benefit from the new employment opportunities these present.

B. About Green Economies

The world needs an inclusive transition to a low-carbon economy. The changing trends in the world of work offer significant opportunities to address disability-based discrimination and to promote equality for PwDs at work from the outset. In the short- and medium-term, changing the current labour market situation where many PwDs are un- or under-employed can reverse the social and economic losses caused by exclusion, estimated by the ILO to cost between 3 and 7 per cent of low- and middle-income countries’ GDP.

- Education, training, and employment for PwDs will accelerate the progress to achieve the SDGs, particularly SDGs 1, 4, 8, 10 and 11. In fact, the goals of all the major international agreements of 2015 – be it the SDGs, the Paris Agreement, or the Sendai Framework – stand to make progress when PwDs are engaged.



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- Furthermore, encouraging green businesses owned and controlled by entrepreneurs with disabilities can provide underlying infrastructure support for green industries. At the same time, negative effects of the transition to a low-carbon economy can be minimised by focusing on building capacity and securing green jobs for PwDs.
- Intersecting identities – such as gender, age, indigenous or ethnic identity, or migrant status – play an exacerbating role in pushing PwDs into informal, part-time, or segregated working arrangements.
- Paying attention to identify specific needs, while providing opportunities for decent work, can help counter such marginalization. In the long term, including PwDs in the design and decision-making processes of new low-carbon sectors will lead to increased integration of universal access and universal design principles and contribute to designing inclusive societies for all.
- Furthermore, inclusive, and decent work will promote positive attitudes about PwDs and help undo misconceptions about their work capacities.
- From a public policy perspective, implementing a just transition that ensures disability inclusion will require appropriate legal standards, social protection mechanisms, skills development initiatives and finally, attitudinal changes at the societal level.
- Legal standards can promote progress towards more inclusive and decent work during the transition to a low carbon economy. There is a rich body of international legal standards on the human rights of PwDs and on their inclusion in the world of work. One concrete area that national legal standards can shape is discrimination-free recruitment. Progress must be made to ensure mainstream green jobs are advertised in accessible ways and that recruitment must be free of discrimination, with PwDs seen as potential contributors to economic activity. Governments can have a profound impact on this by creating an enabling environment through antidiscrimination legislation and by explicitly referencing PwDs in national green jobs promotion efforts.⁵¹
- Similarly, international climate change and disaster risk reduction frameworks also provide for a social pillar that prioritizes inclusion and, in some instances, makes explicit mention of PwDs (see section on ‘existing frameworks to guide action’ above).

9. SOME RECOMMENDED ACTIONS AND POLICIES FOR PwDs

9.1. Consideration of the diversity of disability

Many of the European countries strategies analysed takes account of the diversity of disability, resulting from the interaction between long-term physical, mental, intellectual or sensory impairments, which are often invisible, with barriers in the environment, as well as the increased prevalence of disabilities with age, with almost half of persons aged above 65 reporting some form of disability. The utility to promote an intersectional perspective, addressing specific barriers faced by PwDs who are at the intersection of identities (gender, racial, ethnic, sexual, religious), or in a difficult socioeconomic or other vulnerable situation. Among PwDs, women, children, older persons, homeless persons, refugees, migrants, and other

⁵¹ <https://www.ilo.org/greenjobs> and <https://www.ilo.org/disability>



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ethnic minorities need particular attention. This diversity needs to be reflected in the statistics of the country.

9.2. Accessibility

Accessibility – an enabler of rights, autonomy and equality Accessibility to the built and virtual environments, to information and communication technologies (ICT), goods and services, including transport and infrastructure, is an enabler of rights and a prerequisite for the full participation of PwDs on an equal basis with others.

During the last decade, a number of EU rules have been adopted in different areas to make the EU more accessible for PwDs: the European Accessibility Act covering products and services, the Web Accessibility Directive, the Electronic Communications Code, the Audio-visual Media Services Directive and copyright legislation. European accessibility standards have been put in place to support implementation in the built environment and ICT and for organisations to adopt a Design for All approach. European policies promote a digital transformation and digital public services that are inclusive of and accessible for PwDs⁵²

9.3. Decent quality of life and living independently

Independent living, quality social and employment services, accessible and inclusive housing, participation in lifelong learning, adequate social protection and a strengthened social economy are indispensable for decent living for all PwDs

9.3.1-Developing independent living and reinforcing community-based services

The European Commission will, by 2023, issue guidance recommending to Member States improvements on independent living and inclusion in the community, in order to enable PwDs to live in accessible, supported housing in the community, or to continue living at home (including personal assistance schemes). Building on the existing voluntary European Quality Framework for Social Services, the Commission will present, by 2024, a specific framework for Social Services of Excellence for PwDs, to improve service delivery for PwDs and to enhance the attractiveness of jobs in this area including through upskilling and reskilling of service providers.

9.3.2- About developing new skills for new jobs

Having the right skills and qualifications is a prerequisite for accessing and succeeding in the labour market. As set in the European Skills Agenda, this requires national skills strategies that should also cover the specific needs of PwDs. Equal access to education and labour-market oriented training at all levels has to be ensured. European States are responsible to adapt education and training policies to the needs of PwDs in a manner consistent with the UNCRPD.

As in all European countries the participation of PwDs in adult learning is lower compared to persons without disabilities, The Council Recommendation on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience has invited Member States to design vocational programmes so they are inclusive and accessible for vulnerable groups, such as PwDs with disabilities. The

⁵² More information could be consulted on: Accessibility standards resulting from Commission Mandates 376, 554, 420 and 473 and Tallinn Declaration on eGovernment, 2017; Berlin Declaration on Digital Society and Value-Based Digital Government. The EU space programme also supports eGovernment policies with data, information and services



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renewed European Alliance for Apprenticeships will contribute to sharing knowledge on how apprenticeships can be used as a tool for social inclusion, and will encourage pledges on quality apprenticeships providing support⁵³.

9.3.3- Fostering access to quality and sustainable jobs

Participation in employment is the best way to ensure economic autonomy and social inclusion. The employment gap between persons with and without disabilities remains high in all the world: PwDs have a lower employment rate, are disproportionately affected by unemployment, and leave labour markets earlier.⁵⁴

The EU Employment Equality Directive is contributing significantly to promoting equal rights of PwDs in employment including as regards reasonable accommodation at work, more needs to be done to ensure better labour market outcomes for PwDs.

In 2022, the Commission will present a package to improve labour market outcomes of PwDs, seeking cooperation with the European Network of Public Employment Services, social partners and organisations of PwDs. The package will provide guidance and support mutual learning on strengthening capacities of employment and integration services, promoting hiring perspectives through affirmative action and combating stereotypes, ensuring reasonable accommodation, securing health and safety at work and vocational rehabilitation schemes in case of chronic diseases or accidents, exploring quality jobs in sheltered employment, and pathways to the open labour market.

About the quota system, even when the debate on the appropriateness and effectiveness of the of the statutory reserved quota continues it is true the importance of the system according to many PwDs organisations has a good effect on the employment of many people.

9.3.4- Leading by example on employment of PwDs

Many countries aim to lead by example making selection, recruitment, employment and retention processes disability inclusive. A Human Resources (HR) strategy plan actions to boost the recruitment, effective employment and career perspectives of staff with disabilities and to create inclusive work environments, reinforcing its commitment as an employer to foster diversity and equality while also ensuring that accessibility and reasonable accommodation are provided for.

9.3.5- Consolidating social protection systems⁵⁵

Alongside fair employment, adequate social protection, including retirement schemes, is an essential prerequisite to ensure an adequate income for a decent standard of living of PwDs and their families.

⁵³ More information could be find in Commission Communication (COM (2020)274 fin): European Skills Agenda for sustainable competitiveness, social fairness and resilience

⁵⁴ N. Crowther (ANED), 2019: The right to live independently and to be included in the community in European States, and Academic Network of European Disability Experts (ANED), 2018: Mainstreaming Disability Rights in the European Pillar of Social Rights – a compendium, p. 94f

⁵⁵ ILO: Disability-inclusive social protection



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Social protection schemes should cover disability-related extra costs and provide incentives for PwDs to enter and stay in the labour market.

The structure of social protection schemes can be an obstacle to the employment of PwDs. Even if employment could result in higher levels of income, PwDs may still choose to receive benefits because of the risk of attempting to hold down a job that does not provide adequate support, or is not flexible enough towards their needs. Moreover, working often includes extra costs for PwDs which cut into the return to work, if not covered by social protection schemes.

Thus, social protection systems – both mainstream schemes and those targeting PwDs only – can play a critical role in laying the foundation for many PwDs to enter and/or stay in employment. By ensuring that PwDs have income security, that their disability-related needs and extra costs are met and that they have effective access to health care services, these systems can significantly promote the participation of PwDs in the labour market and in society at large.

The main policy defined for ILO and European Commission is to define measures to further tackle gaps in social protection for PwDs to reduce inequalities, including by compensating extra costs related to disability and eligibility for disability benefits.⁵⁶

9.4. Working with local authorities and other stakeholders in the implementation of the UNCRPD

Working with local authorities as key actors to implement the UNCRPD involving governments and other stakeholders at various levels. They have to regularly report to the UN Committee on their measures to implement the UNCRPD including national strategies for PwDs.

9.5. Equal Access and non-discrimination

PwDs have the right to protection from any form of discrimination and violence, equal opportunities in and access to justice, education, culture, housing, recreation, leisure, sport and tourism, and equal access to all health services.

There are many initiatives in other countries, particularly in European countries to be considered:

- With initiatives for **digitalisation of justice systems**, protection of victims' rights and training for professionals the Commission takes account of disability in line with the UNCRPD. Digitalisation of judicial systems is essential for improving access to justice, including for PwDs when accessibility is provided. This strategy can pay particular attention to women with disabilities who are two to five times more likely to face violence than other women⁵⁷, and also to PwDs living in institutions.
- **On Inclusive education**, there is still a considerable need for action as demonstrated by the gaps in educational outcomes between learners with and without disabilities. Younger PwDs leave school early and fewer learners with disabilities complete a university degree (gap of 14.4pps). Many children and young PwDs are enrolled in special schools which do not always offer effective bridges to the mainstream education system, continued training, or to the labour market. No sufficient

⁵⁶ ILO - R202 - Social Protection Floors Recommendation, 2012 (No. 202)

⁵⁷ In its Resolution on the situation of women with disabilities (2018/26855RSP), the European Parliament also stresses that 34% of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime. Another important Guidelines is: United Nations, 2020: International Principles and Guidelines on Access to Justice for Persons with Disabilities



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systematic research has been carried out so far on the conditions necessary for learners with disabilities to succeed, including learners with invisible disabilities such as autism, dyslexia, or hyperactivity. One of the solutions achieved for many European countries is to support the development of inclusive schools that can become a reference in inclusive and innovative teaching and learning and to ensure that their education systems at all levels comply with the UNCRPD to advance on supported learning in inclusive mainstream settings.

- **Sustainable and equal access to healthcare-** One important decision is taken by the European Commission that calls on Member States to: improve access for PwDs to the entire healthcare portfolio including sexual and reproductive healthcare and prevention services, including by way of Commission guidance on access to healthcare for PwDs based on inclusive, accessible, person-centred healthcare, and free and informed consent; and to raise awareness and develop support strategies for patients with disabilities related to rare diseases and identify and examine ways of facilitating access to state-of-the-art treatment including making use of digital innovations across Member States.⁵⁸

10. FACTSHEET

1. CONTEXT:

- Lack of Data of employment or unemployment situation of PwDs
- PwDs who are employed are more likely to be in vulnerable employment, characterised by a pay gap; and it has a link to poverty
- PwDs generally experience significantly lower educational levels than people without disabilities.
- Women with disabilities are often more disadvantaged than their male counterparts. For this, it is important to have an intersectionality vision that consider gender, age, economic context

2. GOALS TO ACHIEVE IN THE FUTURE OF WORK

- New forms of employment and employment relations integrate disability inclusion
- Skills development and life-long learning made inclusive of PwDs
- Universal Design embedded in development of all new infrastructure, products, and services
- Assistive technologies, existing and newly developed, to be made affordable and available
- Measures to include PwDs in growing and developing areas of the economy.

3. RELEVANT INTERNATIONAL CONVENTIONS

- ILO, Recommendation in 1944.
- In 1948, United Nations. Article 23 of the Universal Declaration of Human Rights
- ILO, Recommendation No. 99, 1955.
- The 1966 International Covenant on Economic, Social and Cultural Rights
- In 1971, the United Nations General Assembly proclaimed a Declaration on the Rights of Mentally Retarded Persons
- The ILO Convention concerning Human Resources Development (No 142), adopted in 1975

⁵⁸ European Commission- Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030



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- The ILO Convention No. 159 in 1983
- The 1987 Global Meeting of Experts to Review the Implementation of the World Programme of Action
- The World Conference on Human Rights, meeting in Vienna in 1993
- Towards the end of 1994, the UN Committee on Economic, Social and Cultural Rights
- Heads of State and Government at the World Summit for Social Development in 1995
- The European Social Charter
- A European Union Directive, adopted at the end of 2000.
- The ILO Code of Practice on Managing Disability in the Workplace
- UN Convention on the Rights of PwDs, 2006.
- Other steps

4. LEGISLATION COMPARISON WITH SELECTED EU MEMBERS STATES

Different types of legal instruments are available in EU Member States to protect the rights of PwDs, including employment. Some measures consist of national and regional legal instruments (such as anti-discrimination legislation), plans and frameworks. More specific interventions of a legal nature correspond to collective agreements and measures to protect PwDs against the risk of dismissal

5. BRIEF PROFILE OF PwDs IN TURKEY:

- Human rights approach is adopted as the basis of disability policy of the Republic of Turkey.
- General Directorate of Services for PwDs and the Elderly (EYHGM) is the focal point of Turkey for promoting the implementation and monitoring of CRPD at national level.
- The labour force participation rate is 71.4% for men and 34% for women, according to the 2019 study of TUIK. This rate is 35.4% for men with disabilities and 12.5% for women with disabilities.
- Turkey announced the increasing of the employment of PwDs in the public sector.
- Businesses creating jobs for the disabled are eligible for free loans and tax incentives as well as partial payment for each disabled employee they hire.
- The Quota system is 3%
- Regarding women with disabilities, a report made by the civil society affirms that they experience disadvantages in terms of participation in the labour force due to both disability and femininity, face intersectional discrimination and are deprived of the right to work.

6. CONSEQUENCES OF COVID ON PwDs

The impact of COVID-19 on work, income, and livelihood of PwDs in the country is important because they are less likely than others to be employed and when employed, they are more likely to be employed in the informal sector. Consequently, they have less access to social insurance based on employment than others which decreases their economic resilience in the current COVID-19 context.

7. LABOUR FOR PwDs AND QUOTA SYSTEM

i. Disability and labour market integration:

Around 150 policy trends and support in EU are identified, and can be categorised into four key groups:

- support for job creation (labour supply and demand)



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- support for individuals with disabilities (employees, jobseekers) (supply side)
- support for employing organisations (demand side)
- support for the institutional environment (context)
- Between the policies, we can consider:
- Incentives for employers
- Entrepreneurship and self-employment
- Social enterprises
- Public procurement and public works
- Support for individuals with disabilities (employees, jobseekers)
- Guidance and counselling
- Skills enhancement, vocational training, and transition from education
- Vocational rehabilitation
- Intermediation between demand and supply

ii. At the level of the employing organisation

A Special Eurobarometer on discrimination in the EU (2019) showed that 52% of Europeans with disabilities felt discriminated against in the previous 12 months. At an organisational level – on the demand side – key barriers relate to several factors, including between others:

- a lack of awareness of the composition of the workforce, in quantitative and qualitative terms
- the adoption of approaches based on compliance rather than there being a genuinely inclusive organisational culture and work ethic
- unfavourable personnel practices, work schedules, intensity, and pressure
- a lack of or a limited health and safety policy discrimination from colleagues towards PwDs
- Performance management: stereotypes deriving from prejudice or imperfect information relating to the perception that PwDs are less productive, slow down work and show higher levels of absenteeism

iii. Contextual and institutional factors

Contextual factors (social, legal, institutional, and economic) also play a role. PwDs can be exposed to stigma, discrimination, and adverse societal attitudes.

iv. A special attention is needed on the Quota system.

- 103 countries were identified as having quota systems in place, classified into those which are backed by levies or fines payable for non-compliance and systematically enforced, and those for which no effective sanction or enforcement method appeared to be in place.
- Very few of the quota laws reviewed make explicit provision for women with disabilities.
- Other measures such as reserved occupations or designated employment do not aim to achieve equality of opportunity or treatment in employment.

8. CHALLENGES AND POSIBILITIES IN ENTERING LABOUR MARKET FOR PwDs

a. About digitalisation

The main Opportunities for PwDs:

- New digital jobs (both in traditional and more recently created markets) offer a range of new employment opportunities, particularly interesting for PwDs.



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- The mismatch between supply and demand of new digital jobs presents an opportunity for PwDs.
- PwDs with different levels of education can access digital jobs since some require high skills and others are entry level jobs.

Risks for PwDs

- PwDs often encounter barriers in accessing education and training.
- All new digital jobs are not necessarily decent jobs.
- There are instances of highly qualified individuals undertaking low-skilled digital work, which in turn signifies an important challenge, including for PwDs.

a. About green economies

Opportunities for PwDs:

- Education, training, and employment for PwDs will accelerate the progress to achieve the SDGs,
- Encouraging green businesses owned and controlled by entrepreneurs with disabilities can provide underlying infrastructure support for green industries.
- Intersecting identities – such as gender, age, indigenous or ethnic identity, or migrant status – play an exacerbating role in pushing PwDs into informal, part-time, or segregated working arrangements.
- Paying attention to identify specific needs, while providing opportunities for decent work, can help counter such marginalization.
- Inclusive, and decent work will promote positive attitudes about PwDs.
- Legal standards can promote progress towards more inclusive and decent work during the transition to a low carbon economy.

10. Actions and Policies recommendations for Turkey

- Consideration of the diversity of disability
- Accessibility
- Decent quality of life and living independently
 - Developing independent living and reinforcing community-based services
 - About developing new skills for new jobs
 - Fostering access to quality and sustainable jobs improving the quota system
 - Strengthening the employment of PwDs in the public sector
 - Consolidating social protection systems⁵⁹
 - Working with local authorities and other stakeholders in the implementation of the UNCRPD
 - Equal Access and non-discrimination

11. ISSUES FOR FURTHER EXPLORATION

The following are issues which have emerged from the desk research which we propose to examine further during the field survey we will be conducting in the context of Intervention:

On Quota System:

⁵⁹ ILO: Disability-inclusive social protection



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- What are stakeholders' views regarding the efficiency and effectiveness of the quota system for enhancing employment prospects for PwDs?
- Is the quota system adequately monitored?
- The quota is enough in the public sector? Which were the results achieved?

About employing PwDs

- does anyone know of any particularly good practices of employers benefitting from employing PwDs?
- what could be other effective measures for encouraging employers to take on PwDs?
- Which are the best measures to contribute significantly to promoting equal rights of PwDs in employment? (e.g., including as regards reasonable accommodation at work, etc.)

About developing new skills for new jobs

- Which is the role of the diverse stakeholders to ensure equal access to education and labour-market oriented training at all levels?

About the consolidation of social protection systems ⁶⁰

- Social protection schemes cover disability-related extra costs in Turkey?
- Social protection provides incentives for PwDs to enter and stay in the labour market?

About working with local authorities in the implementation of the UNCRPD and other strategies for employment of PwDs

- Are the local authorities involved in the national strategies for employment of PwDs? IN which manner?

FoW TAT

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12. Annex 1_ Comparative Table on Laws and policies relative to PwDs employment in some European Countries

European Countries	LAWS				
	Quota	Remuneration	Vocational Training	Other Special legislative provisions	Subsidies
Austria	-All employers with a staff of at least 25 are required to reserve 4 % of their jobs for	-The remuneration of disabled employees may not be reduced on account of their disability	Determination of aptitude for work in vocational training, retraining and	- PwDs qualify for special placement arrangements; -adaptation of the workplace is	-Subsidies are granted to create new jobs and to safeguard the employment of PwDs.

⁶⁰ ILO: Disability-inclusive social protection



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	<p>PwDs whose earning capacity is reduced by at least 50 %, whatever the cause of their disability.</p> <p>-Employers who do not fulfil their obligation to employ a fixed quota of disabled workers are required to pay a compensatory levy.</p>		further training.	<p>charged to the public authority;</p> <ul style="list-style-type: none"> -subsidies in the event of necessary travel, double household allowances, -assistance for the purchase of clothes and work tool 	
Belgium		<p>-In accordance with the 'equal pay for equal work' principle, the disabled employee is entitled to the pay laid down under the joint collective agreement and the competent authorities reimburse the employer for the reduced productivity resulting from the disability.</p>	<p>-The communities award a whole range of grants for the vocational training</p>	<ul style="list-style-type: none"> -Reimbursement of the expenditure on adaptation of the workplace (including alteration and access); -defrayment of additional expenditure on work tools required on account of disability; -defrayment of additional expenditure resulting from disability and disabled employee's expenditure on transport, -contribution to pay and social charges and contributions for one year maximum for a disabled worker in a new job. 	
Denmark				<p>A legal provision introduced in 1990 enables counties and local authorities to introduce measures to combat unemployment among particularly disadvantaged</p>	<p>Assistance may be granted to anyone in need of support in developing or regaining occupational abilities or of care, special treatment or educational support</p>



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				groups of unemployed and uninsured people	
Finland				Various legal provisions, notably the law on cooperation in rehabilitation, the law on rehabilitation applied by the Social Security Institute, the law on rehabilitation benefits, the law on safety at work and a number of action programmes The Labour Protection Authority is concerned with the work environment, including access to workplaces and health and safety.	The local authorities are responsible for the social assistance granted to PwDs
France	The law of 1987 imposes a quota obligation on establishments with more than 20 employees, the State and local authorities and their respective establishments, other than those dealing with manufacturing and trade; they are required to employ disabled workers, persons with an occupational injury or disease, persons entitled to an invalidity pension and war veterans and similar so that they proportionately represent 6 % of their total staff.			The French disability legislation dating from 1975 set up a system of rights entitling the PwDs (having regard to their personal situation recognised as a priority) to be directed to a reception structure for vocational rehabilitation, training or employment and also to receive special benefits were warranted by their situation . The Commission Technique d'Orientation et de Reclassement Professionnel (Cotorep), represented throughout the	



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	<p>-Private-sector undertakings may also fulfil their statutory obligation: - by subcontracting to sheltered or adapted workshops for up to half of the quota; - by concluding and applying company and branch agreements setting out multiannual plans for recruitment, integration, Firms may also fulfil their obligation by paying a voluntary contribution to the fund for the vocational integration of PwDs.</p> <p>-Employers who fail to fulfil their quota must make a financial contribution to a specific fund, which distributes the contributions to promote disabled individuals' access to employment. Organisations struggle to comply with the disability quotas, with 18.6 per cent of employers not hiring any disabled individuals and thus having to make the full financial contribution.</p>			<p>country, is responsible for dealing with applications from PwDs for guidance on employment, training and supplementary public assistance.</p> <p>In France, employers are required to provide reasonable accommodations for disabled workers (L.5213-6, French Labour Code). The duty of reasonable accommodation requires all employers to take appropriate measures to enable disabled workers to obtain or keep a job corresponding to their qualifications (EU-Directive 2000/78/EC). Disabled individuals need to be legally recognised as disabled workers, under legislation known as Reconnaissance de la Qualité de Travailleur Handicapé [Recognition of the Quality of Disabled Workers] (RQTH), in order to be counted in the French quota system. Disabled workers who are registered as such are not, however, obliged to inform their employer of their disability status, even when they have a visible</p>	
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				disability (L5213-2-1, French Labour Code).	
Germany	<p>Furthermore, under the law on severely PwDs all public and private companies with a workforce of 16 or more are required to set aside 6 % of their posts for severely PwDs or pay a compensatory levy for each unfilled compulsory post.</p> <p>If the company does not fulfil this quota, it has to pay a penalty: the so-called equalization levy. The maximum is € 320 per month and work place not occupied by a PwDs. If a company awards a contract to a sheltered workshop, half of the value of the work done by the sheltered workshop (minus the materials costs) can be subtracted from the equalization levy. The amount of money collected from the equalization levy is put into the so-called equalization fund. The equalization fund has to be used for the financial support of measures for employers hiring a PwDs and for</p>	Employers are obliged to employ PwDs on normal conditions of employment, like any other employee. This means principally that workers with disabilities are to be paid the same wage or salary as anyone else	Besides providing free access for disabled employees to special rehabilitation centres and payments for maintenance and food, employers have the duty to give this group priority in workplace vocational training activities, to promote their professional advancement.	<p>The measures must be set in train at the earliest stage possible and applied with care. The application of these provisions has led to the establishment of a very large network of institutions and vocational rehabilitation services which aim to provide the necessary assistance, taking into account the special needs of each disabled individual and meeting their specific requirements through a series of appropriate measures and means.</p> <p>-The law also provides for special protection for severely PwDs against dismissal, defence of their interests and possible special assistance</p> <p>-Workplaces must be adapted to the needs of PwDs. Employers are required to give PwDs an opportunity to work that enables them to make use of their skills and expertise, and to provide them with further training to enlarge their work opportunities.</p> <p>-Additional holidays and overtime work. Employers must</p>	<p>. The Federal Employment Office receives payments from the Compensation Fund set up by the Employment and Social Affairs Ministry out of the compensatory levy imposed by the law on severely PwDs in order to pay subsidies to employers training severely PwDs or finding them permanent jobs.</p> <p>Wage subsidies. Subsidies of up to 70% of the wage are paid, for a period of 12-24 months, to companies employing PwDs. In exceptional cases, the subsidy may amount to 80% of the wage for 36 months</p>



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	measures and infrastructures supporting the participation of PwDs in working life.			grant disabled employees an additional five working days of annual leave. On demand, employers must exempt PwDs from overtime work; and -Special protection from dismissal. The ordinary dismissal of PwDs requires the consent of the Employment Office.	
Greece				. A law on rehabilitation and vocational training for PwDs was adopted in 1979. It introduced compulsory employment in the public sector and assigned to OAED (the Manpower Employment Organisation) the task of overseeing the training and placement of PwDs.	-Companies may receive subsidies and grants to help encourage the recruitment of PwDs and adaptation of workplaces. -PwDs may also receive financial aid to set up their own businesses in craftwork, trade and services.
Ireland	A voluntary 3 % quota system for the employment of PwDs was introduced in the public sector in 1977.		The services provided by NRB include: - vocational guidance to help PwDs in seeking opportunities for general and occupational training	On the National Rehabilitation Board (NRB): On behalf of the State and in agreement with PwDs, the NRB's role is to help the latter to live the life of their choice enabling them to develop their potential to the full. The NRB's remit includes: - identifying the needs of PwDs and contributing towards the measures and support services required to satisfy these needs; - developing,	personal reader grants for blind or visually impaired persons needing assistance with reading at the workplace; - workplace/equipment grants awarded in certain cases to employers to help them adapt company premises or equipment to the requirements of disabled employees; - job interview interpreter grants which help towards the cost of providing an interpreter for people with hearing and speech impairments attending job interviews. In addition,



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				offering and coordinating appropriate services, and - promoting the recognition of rights and equal opportunities for PwDs.	NRB awards a 'Positive to Disability' symbol to employers who can demonstrate that they have met the 'Positive to Disability' equal opportunities criteria
Italy	<p>Italian law also includes a quota system for PwDs: Law 482 of 1968 regulates compulsory recruitment by private companies and public authorities of war-disabled civilians and servicemen, persons disabled in service, victims of occupational diseases and accidents at work, deaf and dumb people, orphans, war widows and widows of employees, former victims of tuberculosis and refugees. Law 104 of 1992 extends the compulsory employment system to PwDs with psychological impairments provided they are suitable for work in appropriate duties.</p> <p>Public and private employers with more than 35 workers (not including apprentices, persons recruited under work and</p>		Establishment of funds to ensure fulfilment of the right of PwDs to vocational training	The general principles of Italian policy relating to PwDs are set out in Law 104 of 5 February 1992: respect for human dignity and fundamental freedoms and the autonomy of the disabled person; prevention and removal of obstacles which hamper the development of the disabled person; attainment of as much autonomy and participation in community life as possible; the fulfilment of civil, political and property rights	



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	training contracts and managers) are required to recruit 15 % of their staff from people belonging to the above categories.				
Luxembourg	The principles of Luxembourg policy in regard to PwDs are laid down in a Law of 12 November 1991 which provides for differentiated employment quotas. Public authorities are required to meet a 5 % quota. Private companies with a staff of at least 25 are required to employ one disabled person; companies with a staff of at least 50 must meet a 2 % quota and those with at least 300 employees, a 4 % quota. Where these quotas are not attained, in the private sector a levy amounting to 50 % of the minimum monthly wage must be paid for each post not filled.			However, firms employing more disabled workers than the quota are entitled to reductions in social security contributions. Under the 1998 national employment plan, special measures of assistance are to be provided for occupational integration and reintegration (training, preparation, traineeships and wage support).	
Netherlands	Any employer recruiting a partially disabled person now qualifies for a flat-rate placement allowance and a set of 'tailor-made' measures		. PwDs who follow training courses or work under a trial contract may also request 'reintegration benefit'	The main aim of these recent legislative and policy reforms is to improve procedures for reintegration where necessary and above all to make them more effective so as to improve the chances of PwDs	



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				<p>finding work. The reforms are based on a twofold strategy: firstly, giving greater responsibility to companies to introduce measures for prevention and early reintegration by adapting employers' insurance and invalidity contributions, within certain limits, to the risk of invalidity within each firm, and secondly, a new series of legislative measures has been prepared to help PwDs find and retain a job.</p>	
Portugal				<p>The Employment and Vocational Training Institute is responsible for implementation of the principal vocational training and integration measures for PwDs. In particular, in cooperation with the Education Ministry, it is responsible for a programme designed to help young PwDs completing their final years of compulsory schooling gain their first contacts with the world of work, to give disabled youngsters over 16 the knowledge and skills required to obtain a vocational qualification and also to help physically PwDs to</p>	<p>PwDs setting up on their own account qualify for financial assistance in the form of outright grants. Where appropriate they may also be granted interest-free loans. Companies may receive financial assistance for:</p> <ul style="list-style-type: none"> -recruitment of disabled employees under open-ended contracts; - recruitment of PwDs with reduced work capacity. The aid takes the form of financial compensation during the adaptation or readaptation stage (up to four years); - elimination of architectural barriers to adapt equipment to the functional needs of PwDs; - recruitment of PwDs requiring assistance and personalised attendance for integration purposes.



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				adapt to work by turning to account their occupational experience	
Spain	<p>Employers of over 50 workers are required to reserve 2 % of their jobs for people registered as disabled with the employment services.</p> <p>-For civil service staff the quota is set at 3 %.</p> <p>Support is also granted to companies to facilitate the employment of PwDs by establishing conditions such that they can take back their own disabled employees at the end of the period of convalescence and tax reductions are granted on the earnings of companies or individuals for any additional recruitment of disabled employees under open-ended contracts.</p>			<p>Under the law the first aim of employment policy for PwDs is to integrate them into the open employment system or, where this is not possible, the sheltered employment scheme. The law prohibits any form of discrimination on grounds of disability in recruitment and/or in the course of employment.</p> <p>-Spanish General Law on Rights of PwDs and their Social Inclusion, which is strongly oriented towards the entry of PwDs into the open labour market. This law stresses the need to adopt measures to prevent or compensate for the disadvantages caused by disability to guarantee full equality at work, encourage employment services to provide support, establish quotas in public and private organisations and guarantee basic conditions of accessibility in the workplace. It also calls on public authorities to promote autonomous work</p>	



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				initiatives for PwDs through social economy organisations	
Sweden				The aim of Swedish policy is to encourage participation and full equality for all citizens. This task falls to society as a whole, more particularly the State and local authorities.	The need for support may be due to reduced work capacity on account of disability or other problems of adaptation and special difficulties encountered on the labour market. In addition, any employer recruiting persons with physical, mental, intellectual or socio-medical disabilities receives wage subsidies. -The subsidies may be paid for four years and may be extended. The amount paid depends on the relevant collective agreement. -Subsidies constitute compensation for reduced work capacity on account of disability and may account for up to 80 % of monthly income. Subsidies may cover up to 100 % of wage costs for severely PwDs

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