



Assessing National Action on Work Rights for Persons with Disabilities



In 2006, the U.N. adopted the Convention on the Rights of Persons with Disabilities (CRPD), a landmark global agreement committing countries to promote, protect, and ensure the human rights of persons with disabilities. Over the past decade, 168 countries and territories have ratified the CRPD, making it one of the most rapidly ratified human rights treaties in history. This fact sheet series by the WORLD Policy Analysis Center examines the extent to which countries have enacted and passed constitutional rights, laws, and policies consistent with CRPD commitments.

Background

- Article 27 of the CRPD calls on States Parties to “recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.”
- Approximately 470 million people of working age are estimated to have some form of disability.
- Yet the World Health Organization (WHO) Report on Disability, which examines 18 countries across different regions, reveals sizeable gaps in employment rates for persons with disabilities compared to the overall population. People with disabilities are also at greater risk of being employed in low-wage jobs and subject to poor working conditions.
- Article 4 of the CRPD requires that parties to the treaty “take all appropriate measures, including legislation,” to fulfill and promote the rights of persons with disabilities. Two important ways countries can support work rights include:
 - Constitutional guarantees of the right to work, which provide a foundation for demanding greater equity and overturning discriminatory legislation.

- Legislative provisions that explicitly prohibit discrimination based on disability in all aspects of employment, which are critical to advancing equal opportunities at work for persons with disabilities.

Findings

Gaps in Fundamental Protections

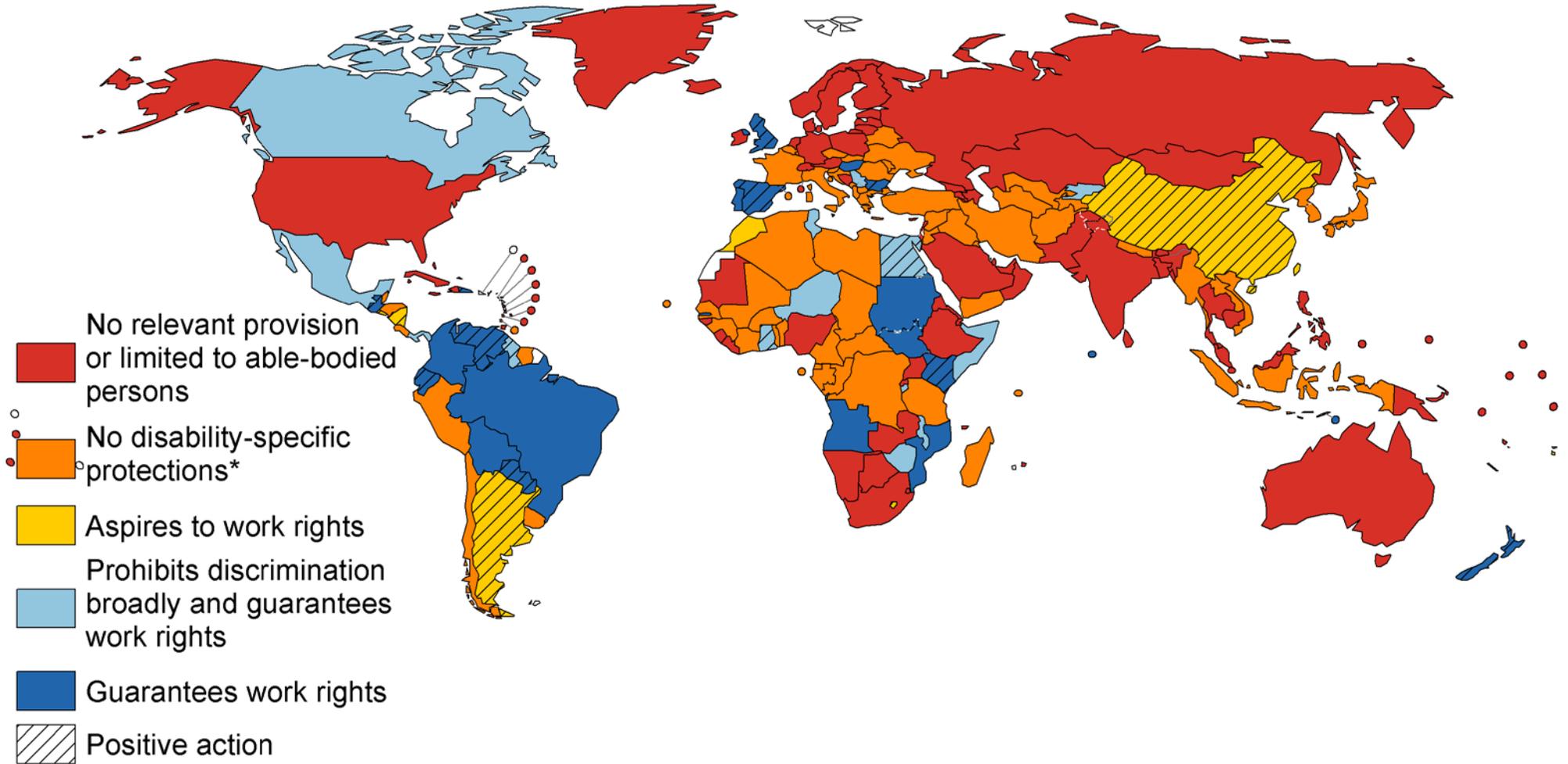
- Only 18% of 193 constitutions explicitly guarantee the right to work to adults with disabilities.
- However, these rights are becoming more common. 58% of constitutions adopted in 2010 or later guarantee the right to work for persons with disabilities compared to only 11% of those adopted before 1990.
- Some countries allow for positive action to expand access to employment for people with disabilities. 10% of constitutions have provisions that permit countries to promote the full exercise of work rights for persons with disabilities.
- By contrast, three percent of constitutions limit the right to work to “able-bodied” citizens, those “able to work,” or those “capable of working,” potentially leaving room for discrimination.

Protection from Discrimination in National Laws and Policies

- According to preliminary findings for the 25 most populous countries from a forthcoming database focused on protections against workplace discrimination, countries at all income levels have taken important steps to advance access to decent work for persons with disabilities.
- Among these 25 countries, 14 broadly protect persons with disabilities from discrimination at work. However, 7 of these 14 countries allow for exceptions to non-discrimination provisions, which could potentially undermine these protections.
- Indirect discrimination occurs when a workplace policy or practice seems to treat all workers the same way, but actually has unfair, disparate impact on a group protected by law; 8 of the 25 most populous countries take an approach to guaranteeing protection from indirect discrimination for workers with disabilities.
- As an example, Tanzania's The Persons with Disabilities Act (2010) includes an explicit protection against indirect discrimination and harassment for workers with disabilities and further mandates that employers "provide job accommodation and provision of working tools."

- Similarly, in Brazil, the Law on Inclusion of People with Disabilities (2015) guarantees workers with disabilities protection in discrimination in hiring, advancement, professional training and terminations, as well as equal pay for work of equal value.

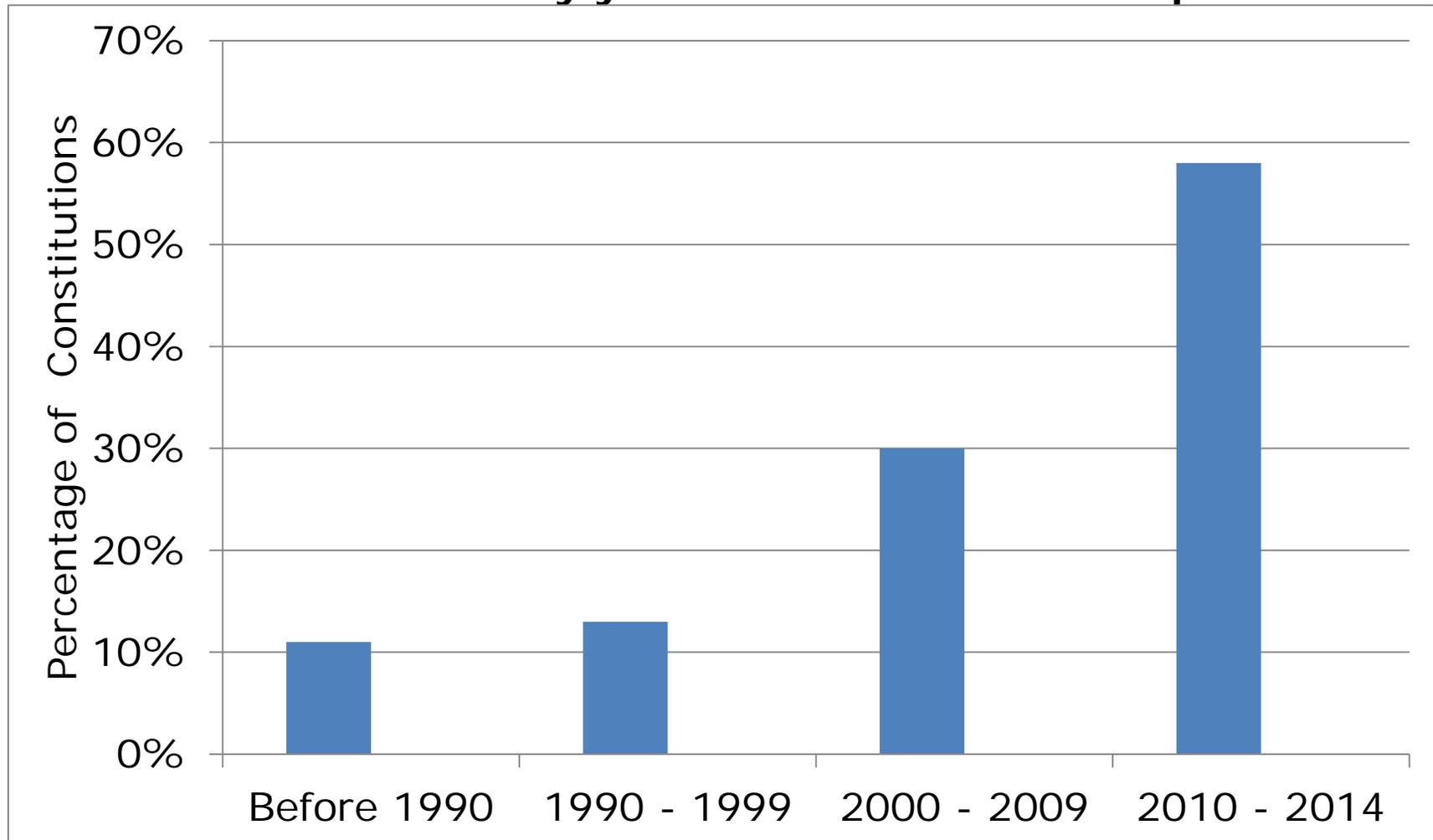
Map: Does the constitution guarantee the right to work for adults with disabilities?



*These constitutions do not include disability-specific protections, but they do broadly guarantee work rights. This map is focused on specific constitutional guarantees for persons with disabilities.

Source: *WORLD Policy Analysis Center, Constitutions Database, 2014*

Graph: Constitutional guarantees of the right to work for adults with disabilities by year of constitutional adoption



Source: WORLD Policy Analysis Center, Constitutions Database, 2014

About WORLD: The WORLD Policy Analysis Center aims to improve the quantity and quality of globally comparative data on policies affecting human health, development, well-being, and equity. With this data, WORLD informs policy debates, facilitates comparative studies of policy progress, feasibility, and effectiveness, and advances efforts to hold decision-makers accountable.

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