



## **Non-Discrimination and Inclusion at Work for Persons with Disabilities**



More than twelve years since the landmark adoption of the Convention on the Rights of Persons with Disabilities (CRPD) and over three years since the Sustainable Development Goals (SDGs) were launched with the ambitious mission to “leave no one behind”—have countries taken necessary action to advance equal rights and inclusion for persons with disabilities? Meeting the transformative goals outlined in both the CRPD and the SDGs requires that the global community regularly examine the steps countries are taking—to highlight countries in every region that are leading the way to dismantle barriers to equal opportunity, who can serve as resources for other nations in the development of legal frameworks that embody the commitments outlined in the CRPD and the SDGs. This fact sheet series examines the steps countries are taking in national legislation and constitutions to prevent discrimination, guarantee equal rights, and provide children, youth, and adults with disabilities with equal opportunities in education and work during this important time.

## Introduction

- Persons with disabilities are not only entitled to the right to work, but they have the right to engage in work on an equal basis with others, in workplaces free of all forms of discrimination and harassment. Yet available data indicate that employment opportunities remain far more limited for persons with disabilities than for persons without disabilities, in low-income and high-income countries alike.
- Globally, persons with disabilities are more likely to be unemployed than their non-disabled counterparts; data from across 91 countries and territories find that the employment-to-population ratio of persons with disabilities is nearly half of that of persons without disabilities. Further, persons with disabilities are more likely to work in lower-paid, precarious jobs subject to poor conditions.
- The CRPD calls on countries to advance equal work rights and prohibit disability-based discrimination “with regard to all matters concerning all forms of employment,” and SDG 8 outlines the importance of achieving full and productive employment and decent work for all people with disabilities.
- National laws and policies have an important role to play in achieving these goals by dismantling the discriminatory social and environmental barriers that maintain these disparities in employment. Laws and policies that advance equal work rights are critical for persons with disabilities at every age. They are essential to young adults with disabilities who are transitioning into the workforce and seeking their first jobs, and critical for the livelihoods and equality of employment for adults with disabilities across their lifecourse.

## Legislative Prohibitions of Disability-Based Discrimination at Work

- A majority of countries (70%) have taken important steps to ensure their legal frameworks are aligned with global calls to advance equal work rights by either broadly prohibiting workplace discrimination on the basis of disability

or prohibiting disability discrimination in at least three specific aspects of work.

- Many countries prohibit workplace discrimination in specific aspects of work: 63% of countries prohibit discrimination in hiring, while slightly more than half (55%) prohibit discriminatory terminations. Fewer countries prohibit discrimination in promotions and/or demotions (47%) or training (45%).
- Although prohibition of discrimination in hiring is one of the most commonly found guarantees, about one in four countries (26%) neither broadly prohibits disability-based discrimination at work nor specifically prohibits discrimination in hiring.
- Access to fair wages is another critical component of decent work. Not only are workers with disabilities overrepresented in lower-paid occupations, but some countries explicitly allow lower minimum wages to be set for workers with disabilities. Permitting these subminimum wages violates the principle of equal pay for equal work—the concept that workers with identical jobs should earn identical wages, whether or not they have a disability.
- Around the world, fewer than half of all countries (47%) guarantee workers with disabilities equal pay. Legislative guarantees to equal pay can be a tool to advance reform in countries that permit subminimum wages and expand access to decent work for all persons with disabilities.
- Indirect discrimination occurs when employers impose standards that appear neutral, but have disproportionate negative impact on persons with disabilities—effectively discriminating against them. Only a third of the world (33%) prohibits indirect discrimination on the basis of disability.
- Workplace harassment can negatively impact employee health, wellbeing, and productivity. However, only 30% of all countries explicitly prohibit discriminatory harassment against workers with disabilities.

## Guarantees to Reasonable Accommodation

- Global calls for protection of equal work rights have been accompanied by calls for deliberate positive actions that dismantle discriminatory barriers and ensure inclusion of persons with disabilities. One critical way to advance inclusion at work is by guaranteeing reasonable accommodation.
- Accommodations can include physical accessibility, screen readers, provision of assistive devices, or other supports. Reasonable accommodations are job adjustments made for individual workers with disabilities that do not impose an undue hardship on the employer. Research in the United States has demonstrated that a majority of accommodations require either no cost, or modest investments.
- Yet only about half of all countries (52%) require that employers provide reasonable accommodation to workers with disabilities—leaving over 160 million workers with disabilities without guarantees to these critical supports.

## Methodology Overview

- This analysis relies on review of original legislation and statutory guarantees extended to the private sector in labor codes, anti-discrimination legislation, and equal opportunity legislation. National-level legislation in place as of May 2018 was reviewed for all 193 United Nations member states.
- Guarantees on the basis of ‘disability’ refer to guarantees based on general references to disability or guarantees extended on the basis of mental, physical, sensory, or intellectual disability.
- This analysis captures legislative language that explicitly applies to private sector workplaces, and excludes provisions that guarantee non-discrimination without specifying they apply to work. In some countries, like the United Kingdom, case law has extended the application of more general prohibitions against “any unfavorable treatment” on the basis of disability to include a

guarantee to equal pay for equal work. However, systematic review of case law is outside the scope of this analysis, and rights extended through litigation are not reflected in these findings.

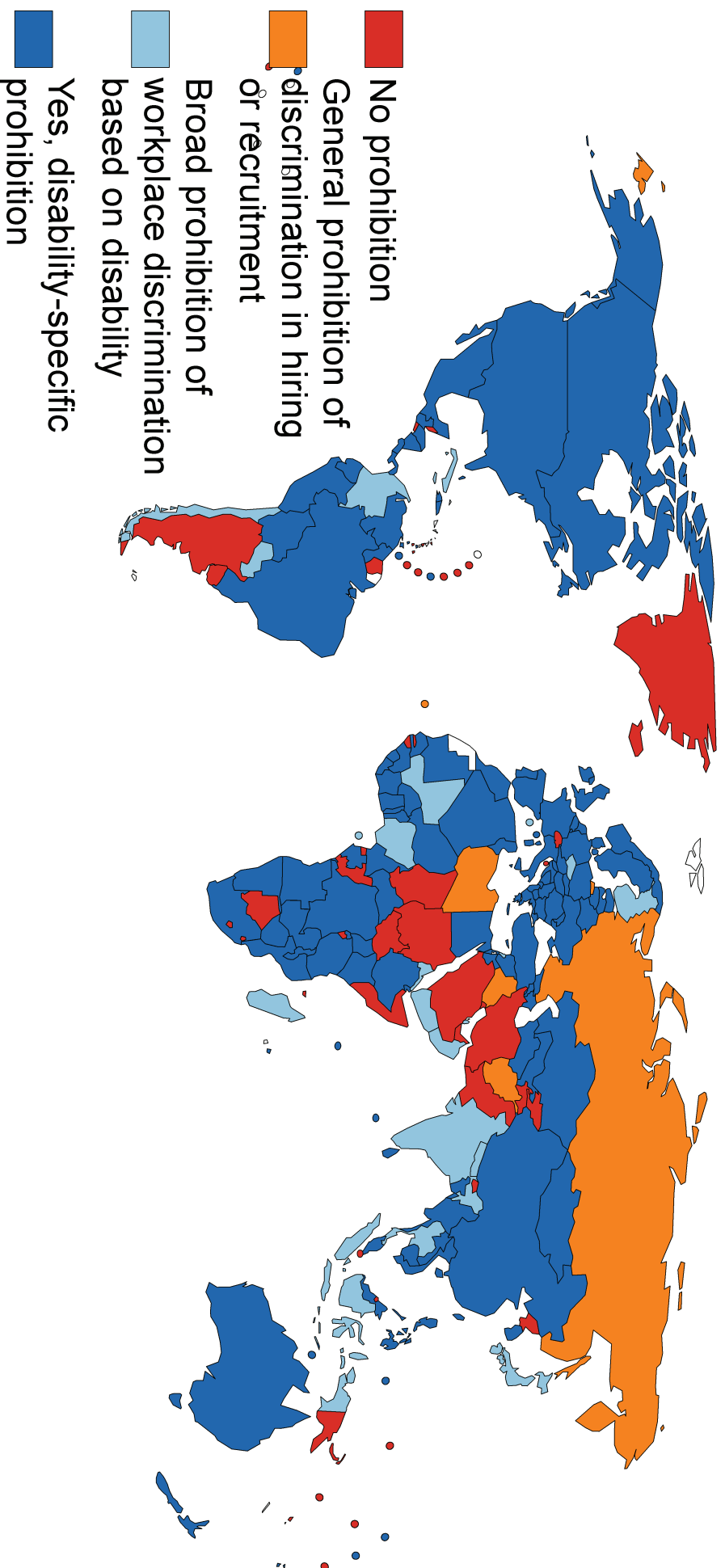
- Further details on full methodology can be found at:

<https://www.worldpolicycenter.org/topics/equal-rights-and-discrimination/methods>

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**Map 1. Is discrimination in hiring or recruitment prohibited on the basis of disability?**



Source: *WORLD Policy Analysis Center, Discrimination at Work Database, 2018*



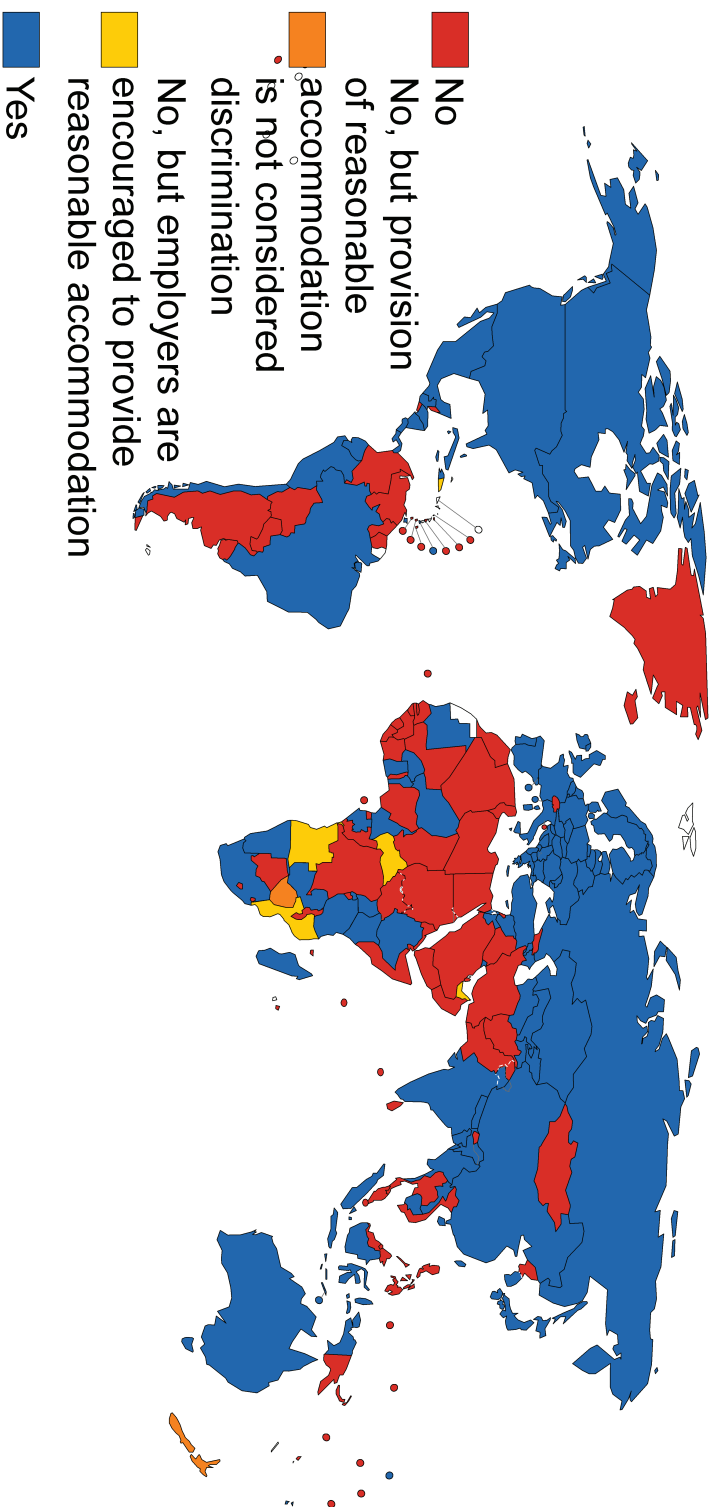
**Table 1. Equal Pay Guarantees to Persons with Disabilities, by Income Level**

|  | <b>Low-<br/>income</b> | <b>Middle-<br/>income</b> | <b>High-<br/>income</b> | <b>Total<br/>Countries</b> |
|--|------------------------|---------------------------|-------------------------|----------------------------|
| No guarantee   | 10 (29%)               | 25 (25%)                  | 12 (20%)                | <b>47 (24%)</b>            |
| General<br>guarantee of<br>equal pay   | 3 (9%)                 | 4 (4%)                    | 0 (0%)                  | <b>7 (4%)</b>              |
| Broad<br>prohibition of<br>workplace<br>discrimination<br>based on<br>disability | 5 (15%)                | 26 (26%)                  | 17 (29%)                | <b>48 (25%)</b>            |
| Guarantees<br>equal pay* to<br>persons with<br>disabilities                      | 16 (47%)               | 45 (45%)                  | 30 (51%)                | <b>91 (47%)</b>            |

\*This includes guarantees to equal pay for equal work and guarantees for equal pay for work of equal value

Source: *WORLD Policy Analysis Center, Discrimination at Work Database 2018*

## Map 2 . Are employers required to provide reasonable accommodation to workers with disabilities?



Source: *WORLD Policy Analysis Center, Discrimination at Work Database 2018*

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