

Assistive technology & the labour market

European activities

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Introduction

- Disability Action Plan
- UN Convention
- Art 13 Directive 2000./78
- Art 13 EC Treaty proposal COM (2008) 426
- Open method coordination Employment
- Accessibility standards
- Conclusions

Disability Action Plan 2003-2010

- **EU ANTI-DISCRIMINATION LEGISLATION AND MEASURES:** Providing access to individual rights
- **MAINSTREAMING OF DISABILITY ISSUES :** Mainstreaming in order to facilitate active inclusion of disabled people.
- **ACCESSIBILITY :** Elimination of obstacles preventing disabled people from exercising their abilities.
- **MOBILISING STAKEHOLDERS THROUGH DIALOGUE :**
- “Nothing about people with disabilities without people with disabilities”. (1) MS, (2) people with disabilities, (3) civil society representatives and (4) other stakeholders.

Key figures

- **44.6 MILLION** – one in six –persons aged between 16 and 64 report a long standing health problem or disability i.e. at least
- **16% of the overall EU working age population.** Among young people (16-25), the figure stands at 7,3%.
- **50% OF DISABLED PERSONS ARE EMPLOYED COMPARED TO 68% OF NON DISABLED**
- **Among the 55+ group is 15% versus 45%**
- **THE INACTIVITY RATE OF PEOPLE WITH DISABILITY IS TWICE THAT OF NON DISABLED PEOPLE**
- **Only 15.9 % of working disabled persons are provided with some assistance to work. At the same time, 43.7 % of respondents believe they could work if they were given adequate assistance.**
- **Among people with higher education 48% persons reporting con. restrictions are in employment versus 85%**

Disability Action Plan 2008-2009

- **The focus for the third phase (2008-2009) of the Disability Action Plan – ACCESSIBILITY- reflects the analysis of developments in the situation of disabled people and commitments on access to rights.**
- **2 Areas with 5 priorities:**
- **Actions for inclusive participation through accessibility:**
 - **Fostering accessibility of the labour market**
 - **Boosting accessibility of goods, services and infrastructures, addressing transport ICT and built environment.**
 - **Consolidating the Commission’s analytical capacity to support accessibility**
- **Actions towards full enjoyment of fundamental rights:**
 - **Facilitating the implementation of the UN Convention**
 - **Complementing the Community legislative framework of protection against discrimination**

Disability Action Plan 2008-2009

- **Fostering accessibility of the labour market**
 - **Explore flexicurity opportunities**
 - **Flexible, reliable contracts**
 - **Part time and temporary jobs**
 - **Active labour market policies**
 - **Life long learning**
 - **Social protection**
 - **Job retention**
- **Supported employment**
 - **Engagement**
 - **Vocational profiling**
 - **Job finding**
 - **Employer engagement**
 - **On/off the job support**
- **Peer reviews-EMCO-DHLG**
- **Study on reasonable accommodation**

UN Convention on the rights of persons with disabilities

- Art 4-general obligations...
 - ...to promote the availability of. assistive technologies
 - To provide information about... assistive technology
- Art 26- habilitation and rehabilitation
 - Promote availability, knowledge and use of assistive devices
- Art 27-work and employment
 - Right to work
 - Prohibit discrimination in employment
 - Equal conditions of work
 - ...
 - Reasonable accommodation

Directive 2000/78 on equal treatment in employment & training on grounds of religion or belief, age, disability or sexual orientation

- **Concept of discrimination**

- Direct discrimination
- Indirect discrimination
- Harassment
- Instructions to discriminate

- **Not enough to NOT discriminate:**

- Employers are required to provide *reasonable accommodation* to persons with disabilities (Article 5 of Directive 2000/78/EC) :
- appropriate measures, where needed in a particular case, to enable a person with disability to have access to/ or advance in employment or training.
- Except where it would impose a disproportionate burden on the employer (not the case if support subsidies/measures exist)

Directive 2000/78 on equal treatment in employment & training on grounds of religion or belief, age, disability or sexual orientation

- public & private sector
- **scope**
 - Access to employment, self-employment and occupation
 - vocational guidance and training
 - employment and working conditions, including dismissals and pay
 - membership of organisations
- **Redress**
 - Burden of the proof reverse
 - Sanctions - effective, proportionate and dissuasive

Art 13 EC Treaty proposal COM (2008) 426

- Scope
 - Social protection, including social security and healthcare;
 - Social advantages;
 - Education;
 - Access to and supply of goods and other services which are available to the public, including housing.
- Principle of equal treatment of persons with disabilities
- Art 4
 - Effective non-discriminatory access
 - Anticipatory
 - Conditions:
 - Disproportionate burden
 - Fundamental alteration
 - Provisions of alternatives
 - *Reasonable accommodation*
 - Conditions:
 - Disproportionate burden

Art 13 EC Treaty proposal COM (2008) 426

- Positive Action
- Minimum requirements
- Defence of rights (conciliation)
- Burden of the proof
- Victimisation
- Dissemination of information (appropriate means)
- Dialogue
- Bodies for the promotion of equal treatment
- Sanctions (effective, proportionate, dissuasive)

Open method of coordination

- Guidelines, 18,19, 20,21, 22
 - Lifecycle approach
 - Inclusive labor markets
 - Matching of labor markets needs
 - National reform programmes
- ANED
- Joint employment Report
- Public employment services

Accessibility

- **Accessibility:**
- precondition for participation and inclusion of persons with disabilities in Society
- removal and prevention of barriers that pose problems to persons with disabilities
 - -use products, services and infrastructures on equal terms
 - -anticipatory measures
 - -most common problems that persons with disability have.
 - -public use and ownership of goods services and infrastructures,
- **“Design for all“:**
extending standard design to people with some type of performance limitation
 - -maximize the number of potential customers
 - **by:**
 - readily usable by most users without any modification,
 - adaptable to different users (adapting user interfaces), and
 - by having standardized interfaces to be compatible with assistive solutions.

Accessibility standards

- **Mandate 376: ACCESSIBILITY REQUIREMENTS FOR PUBLIC PROCUREMENT OF PRODUCTS AND SERVICES IN THE ICT DOMAIN**
- **Mandate 420: IN SUPPORT OF EUROPEAN ACCESSIBILITY REQUIREMENTS FOR PUBLIC PROCUREMENT IN THE BUILT ENVIRONMENT**
- **CEN-BT-WG-Accessibility for all**
- **Mandate 371 Services-tourism, transport**
- **Mandate CENELEC-domestic appliances**

Conclusions

- **European Commitment to Rights of people with disabilities ->individual & diverse needs**
- **People with disabilities as socioeconomic actors**
- **Synergies and complementarities with MS**
- **Implementation of the UN Convention:**
 - **Common challenges and solutions**
 - **National consistent and comparable targets**
 - **Annual ministerial meeting**
- **Cooperation with people with disabilities and other stakeholders.**