



International
Labour
Office

**Seventh Session of the UN Ad Hoc Committee
16 January to 3 February 2006**

**Draft comprehensive and integral international Convention
on the protection and promotion of the rights and dignity
of persons with disabilities**

Views of the ILO on Draft Article 27

Work and Employment

The ILO welcomes the emphasis on promoting labour market opportunities for persons with disabilities in the Chair's text. At the same time, we are concerned about the lack of provision in this article for alternative forms of work for people who may be unable to work in the open labour market, temporarily or on a more long term basis, as is provided for in ILO Recommendation Vocational Rehabilitation and Employment of Disabled Persons (No. 168), and supported by other international instruments.

What the ILO calls for:

- Provision, on a transitional basis, for alternative forms of work for persons with disabilities who may be unable to work in the open labour market, in conditions which ensure that the work carried out is useful and remunerative, providing opportunities for vocational advancement and where possible, transfer to open employment.
- Moving of provision on access to vocational training in subsection c to Article 24 on Education.
- Guidelines to accompany the UN Convention, providing greater explanatory detail.

Suggested amendments to draft Article 27

States Parties recognise 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. States Parties shall set an example through employment of persons with disabilities in the public sector, and shall take other appropriate steps to safeguard and promote the realisation of the right to work, including measures to:

- (a) protect through legislation persons with disabilities with regard to conditions of recruitment, hiring and employment, continuance of employment, career advancement, working conditions, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, and the redressing of grievances;

- (b) ensure that persons with disabilities are able to exercise their labour and trade union rights in accordance with generally applicable national legislation;
- (c) enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, and ~~vocational~~ and continuing training;
- (d) promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining and retaining ~~maintaining~~ and returning to employment; providing, where necessary, on a transitional basis, for adequately resourced, alternative forms of employment, in conditions that ensure useful and remunerative work, and provide opportunities for vocational advancement and where possible, transfer to open employment.
- (e) promote opportunities for self-employment, entrepreneurship and starting one's own business;
- (f) encourage employers to hire persons with disabilities and retain workers who acquire a disability through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (g) ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (h) promote the acquisition by persons with disabilities of work experience in the open labour market;
- (i) promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.