

# UNCRPD IMPLEMENTATION IN EUROPE - A DEAF PERSPECTIVE

Article 27:  
Work and Employment

Editors:

**Annika Pabsch & Petra Söderqvist**





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**UNCRPD Implementation in Europe – A Deaf Perspective**

**An EUD Series**

**2**

**Article 27: Work and Employment**

**Annika Pabsch & Petra Söderqvist (Editors)**

European Union of the Deaf  
Brussels, Belgium

## **European Union of the Deaf (EUD)**

Based in Brussels, Belgium, the EUD is a not-for-profit European non-governmental organisation (ENGO) comprising National Associations of the Deaf (NADs). It is the only supranational organisation representing Deaf people at European level, and is one of the few ENGOs representing associations in all 28 EU Member States, including Iceland, Norway, and Switzerland.

The primary aim of the organisation is to establish and maintain EU level dialogue with European Union institutions and officials, in consultation and co-operation with its member NADs. EUD has participatory status with the Council of Europe (CoE), operates as a full member of the European Disability Forum (EDF) as well as being a Regional Co-operating Member of the World Federation of the Deaf (WFD) in tackling issues of global importance. The organisation is supported by the Equality Unit, operated by the Directorate General Justice at the European Commission.

EUD's aim is to achieve equality in public and private life for deaf people all over Europe, so that they can become full citizens. The organisation's main objectives are; the recognition of the right to use an indigenous sign language, empowerment through communication and information, and equality in education and employment.

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## **Introduction**

### **1a. The Series – Remarks by the editors**

Annika Pabsch & Petra Söderqvist

This publication is the second in the EUD's series on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Each book in the series focuses on one article in the UNCRPD; this one explores Article 27, the right of people with disabilities to work, on an equal basis with others, and the prohibition of discrimination on the basis of disability, with relation to all areas of employment.

Each series is divided into two main parts, both with several sub-themes. The first section is a general and more academic introduction to the article on work and employment, including explorations of the term 'reasonable accommodation' in view of employment. The second section of the book demonstrates best practice examples from all levels; European, national and regional.

The series is a joint effort of stakeholders and academics as well as (deaf) professionals to fully understand the implications of the UNCRPD in the most practical terms possible.

We hope you will find this publication, with all its contributions, to be useful in your daily work and look forward to fruitful discussions following its launch in Brussels.

## **1b. Welcome**

### **Dr Markku Jokinen, President, European Union of the Deaf (EUD)**

As the President of the European Union of the Deaf (EUD), I am very pleased to welcome you to this second publication of the EUD's series on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

2014 was a very exciting year, with the European Parliament elections, resulting in the re-election of deaf Member of European Parliament Dr Ádám Kósa and the election of the first deaf woman in European Parliament, Helga Stevens. The new European Commission was also appointed in 2014, resulting in some organisational changes where the unit for the Rights of Persons with Disabilities moved from the Directorate General (DG) Justice, Fundamental Rights and Citizenship to the DG Employment and Social Affairs. We are very much looking forward to future cooperation with this new DG, its commissioner Marianne Thyssen and her staff.

With this shift, it is even more fitting that the focus of this publication is on Article 27, work and employment, of the UNCRPD. Work and employment is crucial for the future development of Europe and to reach the EU's long term growth and jobs strategy, the Europe 2020 strategy for smart, sustainable and inclusive growth in Europe.

We hope this publication can serve as inspiration for both decision makers and private entrepreneurs to see the benefits and possibilities of employing and working with deaf people. We also aspire that the publication will be of use for deaf people in Europe to draw inspiration from in their own development and progress towards the right to work and employment.

## **1c. Foreword**

### **Yannis Vardakastanis, President, European Disability Forum (EDF)**

As the President of the European Disability Forum (EDF), which represents over 80 million people with disabilities all across Europe, I am very happy to introduce this publication to you.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) defines for us, in Article 27, a disabled person's right to employment. This publication will help to show how this right to employment can be realised; it also demonstrates disabled people's potential as valuable employees in the open labour market, and as entrepreneurs who can give a different perspective to any diverse team. Employment is a critical issue for persons with disabilities across Europe today.

In order to realise the rights of people with disabilities, policy makers need more information on the best ways to remove barriers and promote inclusion. This publication will greatly contribute to the debate and assist governments in realising their obligations.

## **1d. About the editors**

Annika Pabsch worked at the European Union of the Deaf (EUD) from 2010 to 2014, first as the Project Officer and then as the Policy Officer. She is the co-author of the first comprehensive publication on sign language legislation in the EU and the editor of the EUD UNCPRD implementation series. Annika previously majored in Deaf Studies, EU constitutional law, and UN Human Rights law. She now works with deaf MEP Helga Stevens (Belgium/Flanders) at the European Parliament in Brussels.

Petra Söderqvist has been working as the Policy Officer at EUD since 2014. She previously worked as an Advisor in European Affairs at a Swedish regional representation office in Brussels. During 2012, she was a Blue Book Trainee at the European Commission at the Directorate General Development and Cooperation – EuropeAid (DG DEVCO). Petra has a Bachelor’s Degree in Political Science and a Master’s Degree in International Administration and Global Governance from the University of Gothenburg in Sweden.

## **1e. Acknowledgements**

The editors wish to thank everyone who contributed to this publication and for cooperating and providing their knowledge, expertise and sometimes very personal experiences to this very important topic.

Firstly, we would like to acknowledge the support of the EUD Board:

Dr Markku Jokinen (President)  
Dr Humberto Insolera (Vice-President)  
Louise “Lolo” Danielsson (Board Member)  
Alfredo Gómez Fernández (Board Member)  
Dr Gergely Tapolczai (Board Member)

Furthermore, we are particularly grateful to the EUD Executive Director, Mark Wheatley, for ensuring continued funding for the EUD office and thereby also facilitating this publication.

EUD staff David Hay and Heather Daley have always been encouraging colleagues and assisted us when help was needed quickly.

We are as always appreciative for the support from EDF, our disability umbrella organisation here in Brussels and look forward to further co-operation.

We also acknowledge the European Commission and especially the Unit for Persons with Disabilities, who mainly funds the EUD office. With their expertise and financial support they greatly contribute to making the UNCRPD a reality throughout the EU but also within the institutions.

A big thanks goes to Jen and Claire Dodds for their excellent proofreading and for working under very tight deadlines.

Last but not least, we want to thank MEP Helga Stevens for her continued understanding and support while editing this publication. This was particularly beneficial for EUD and the publication as such during the transition period when one of the editors (Annika Pabsch) changed from EUD to the European Parliament and Petra Söderqvist started in her position as EUD Policy Officer.

## **1f. Executive Summary**

The second book of the EUD's series of publications exploring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) with regard to deaf citizens, including sign language users and hard of hearing people, focuses on Article 27 of the UNCRPD: Work and employment.

The different articles in this publication explore Article 27 from a wide range of perspectives. While the first part is of a more general nature, it analyses the article's ramifications in every area of work and employment, ranging from reasonable accommodation to labour and trade union rights. In view of the continued economic crisis, one chapter is dedicated to the business case of hiring people with disabilities, while another one focuses specifically on young deaf people, as the ones most affected by the crisis.

The second part shows practical cases of lived inclusion in the workplace at all levels. EUD itself serves as one of the examples of a fully inclusive work environment, as well as other companies and organisations; those for profit and those not-for-profit, large and small.

This innovative series contributes to understanding the UNCRPD not only in terms of deafness and sign language but also in view of practical implementation. It aims to enable deaf associations and individuals alike to understand the ramifications of specific articles of the UNCRPD and to work together with policy makers in implementing these adequately and equally.

## **1g. Article 27: Work and employment**

### **United Nations Convention on the Rights of Persons with Disabilities**

*The full text is available on the UN website (in PDF and accessible Word format, as well as in several sign languages): <http://www.un.org/disabilities/>*

1. States Parties 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. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

g) Employ persons with disabilities in the public sector;

h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

## 2. Reasonable Accommodation: A Tool for Achieving Equality in the 21<sup>st</sup> Century

Piers Gooding<sup>1</sup> & Shivaun Quinlivan<sup>2</sup>,  
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### Introduction

‘Reasonable accommodations’, such as wheelchair ramps leading to public buildings or sign language interpreters at major public presentations, are familiar to almost everyone. These basic forms of support increasingly appear in different areas of everyday life. This trend continues even as the term ‘reasonable accommodation’ may not be widely known. Other, less common forms of reasonable accommodation also exist. For example, a hearing-impaired student in an aural exam may be given a personal stereo player with a personal induction loop. Or, workers recovering from mental health crises may be able to negotiate flexible working hours to accommodate drowsiness in the morning caused by medication. Indeed, reasonable accommodations currently exist on a small and large scale throughout many different parts of society.

The increasing use of the concept of reasonable accommodation, in theory and practice, is evident with its inclusion in the first United Nations (UN) human rights convention of the 21<sup>st</sup> century, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).<sup>3</sup> The UNCRPD, which came into force in 2008, enumerates the obligation of governments and others to provide reasonable accommodation to persons with disability. The inclusion of this obligation in the UNCRPD highlights the centrality of reasonable accommodation in the quest for equal rights for people with disabilities. According to Kayess and French (2008 p.27), reasonable accommodation is “[...] the most fundamental instrumental element of the convention.” Their description captures the importance attributed to an idea, which is now adopted in almost all national disability discrimination laws and has remained a central demand of the global movement for disability rights for many decades.

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2 Director of the LLM In International and Comparative Disability Law and Policy, School of Law, National University of Ireland, Galway.

3 *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, Doc.A/61/611 (entered into force 3 May 2008).

This chapter will give a brief description of reasonable accommodation in theory and practice. It will provide an overview of the major concepts behind reasonable accommodation, including its development in international human rights law, its application in domestic law, and some examples where reasonable accommodations have been applied in practice. The final section of this chapter will look at some of the limitations or concerns that have been raised about reasonable accommodation. This article is aimed overall at clarifying an idea, which is increasingly applied in law, policy and practice, and in broader efforts to establish equality for people with disabilities in all spheres of life.

### **Reasonable Accommodation at International and Domestic Level**

The UNCRPD was highly significant in elaborating on how the concept of reasonable accommodation functions in international human rights law (see Mégret 2008; Kayess and French 2008; Lord and Brown 2010). According to Lord and Brown (2010 p. 1), the UNCRPD:

“[...] elaborates for the first time in a legally binding international human rights convention the concept of reasonable accommodation, explicitly linking it to the realization of all human rights – civil, political, economic, social, cultural – and embedding it within the non-discrimination mandate.”

As Lord and Brown point out, reasonable accommodation is a major conceptual foundation of the UNCRPD, in large part because it is a crucial mechanism for the achievement of non-discrimination.

Article 2 of the UNCRPD defines ‘reasonable accommodations’ as:

“[...] the necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”

‘Discrimination on the basis of disability,’ according to the terms of the UNCRPD (Article 2):

“[...] means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others.”

This would apply to:

“[...] all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (and) includes all forms of discrimination, *including denial of reasonable accommodation*” (ibid, [emphasis added]).

As such, the UNCRPD puts a positive obligation on the state to provide reasonable accommodation. Failure to do so would violate the terms of the UNCRPD. A practical example to demonstrate this idea is the right of persons with disabilities to work, on an equal basis with others (Article 27, CRPD). All people may have the formal right to work on an equal basis with others. Yet without sufficient support and resources to *exercise* the right to work – such as accessible workplaces – the right itself lacks substance. Hence, the obligation on states to provide reasonable accommodation has been described as a ‘substantive equality measure’ (Kayess and French p.9).

Article 5 of the UNCRPD addresses equality and non-discrimination specifically, where paragraph 1 directs States Parties to:

“[...] recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.”

Article 5 elaborates on how this equal protection and benefit can occur by directing States Parties to ‘take all appropriate steps to ensure that reasonable accommodation is provided’ (paragraph 3). Article 5 also allows for special measures intended to accelerate or achieve *de facto* equality of persons with disabilities – so-called ‘positive discrimination’ or affirmative action – which are not considered discrimination under the terms of the UNCRPD (paragraph 4). These measures could include, for example, assisting third parties – such as banks and utility companies – to understand how they can meet their duty to provide reasonable accommodation. After all, it is not simply governments who are obliged to provide reasonable accommodation, but also private entities, such as businesses, sports clubs, and so on.

The obligation on states to provide for reasonable accommodation is suffused throughout the UNCRPD as a general right; it is also referenced with regard to the achievement of specific rights. For example, ‘procedural accommodation’ is a term used in Article 13(1) to refer to reasonable accommodations provided in justice systems to ensure ‘persons with disabilities who intervene in the judicial system can do it as subjects of rights and not as objects of protection’ (UNCRPD Committee, 2012, paragraph 24). An example might be in the United Kingdom (UK), in which a free interpreter must be provided if a person cannot understand the language used in court (Action on Hearing Loss, 2013). This includes other forms of communication support being made available, such as a lipspeakers, speech-to-text reporters or electronic notetakers, as well as sign language interpreters. This right is specified in UK domestic law, where under Article 6 of the *Human Rights Act* (UK) in conjunction with the *Equality Act* (UK), courts and tribunals are required to make reasonable accommodations – or ‘reasonable adjustments’ as they are described in the UK – so that people with disabilities can properly bring and defend cases.

Similar provisions in domestic law can be seen in all European Union countries. For example, the equality guarantee in the Irish Constitution has been interpreted to incorporate a right to reasonable accommodation to ensure that all people are equal before the law. In the case of *D.X. v. Judge Buttimer*,<sup>4</sup> for example, the Irish High Court were asked to review the decision of another court in refusing the applicant a reasonable accommodation. The applicant had a speech difficulty which meant that the court found him difficult to understand. Normally he relied on the assistance of a friend in order to communicate, but the use of his friend in this way in the courtroom was denied to him. However, this initial denial was judicially reviewed and the High Court held that all persons are equal before the law, and stated:

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4 *DX v Buttimer* [2012] IEHC 175.

“In practical terms, this means that the courts must see to it that, where this is practical and feasible in the circumstances, litigants suffering a physical disability [...] are not placed at a disadvantage as compared with their able bodied opponents by reason of that disability, so that all litigants are truly held equal before the law [...]”<sup>5</sup>

The High Court of Ireland does not specifically refer to the duty to provide reasonable accommodation. Yet, it is undoubted from this decision that this is the duty being enforced on the courts to ensure that all are truly equal before the law. Thus, it may be inferred that where there is an achievable or attainable accommodation that could ensure a person with a disability is not disadvantaged, the courts should consider such an accommodation.

### **Making Claims for Discrimination and Failure to Provide Reasonable Accommodation**

#### **International Human Rights Law**

The implementation mechanisms of the UNCRPD are more extensive than many UN Conventions (Stein and Lord, 2010; Bickenbach, 2011). The Optional Protocol to the CRPD (OP-CRPD), in particular, which was adopted at the same time as the Convention, provides an important avenue for claimants. Another relevant mechanism in international human rights law is the newly adopted Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Optional Protocols to both the CRPD and the ICESCR provide new avenues for claimants with disabilities and others, including disabled people’s organisations (DPOs) (See Lord and Brown, 2010). These instruments establish new procedural mechanisms for advancing disability discrimination and reasonable accommodation claims, which can be harnessed for advocacy to apply reasonable accommodation across all spheres of life.

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5 *ibid* [14].

### **European Court of Human Rights (ECtHR)**

Lord and Brown (2010, p.1) refer to the development of the idea of reasonable accommodation in the ECtHR as ‘somewhat sluggish.’ Indeed, the development of equality jurisprudence at the ECtHR level has lagged behind its European counterpart, the European Union. It was not until 2009 in *Glor v. Switzerland*<sup>6</sup> that the ECtHR found a violation of the right to non-discrimination on the basis of disability. In this case the applicant, a lorry driver, was denied from performing military service against his will, on the basis of his disability, which was type 1 diabetes. He then became liable for an exemption tax and was not eligible under Swiss Law for any alternative service, such as was available to conscientious objectors. The ECtHR found for the applicant and in so doing referred to the UNCRPD as evidence of “European and worldwide consensus on the need to protect people with disabilities from discriminatory treatment.”<sup>7</sup> This reference, coupled with the ECtHR’s suggestion that Mr. Glor was entitled to some alternative form of service, is particularly positive. The alternative service suggested by the ECtHR is comparable to the concept of reasonable accommodation. The ECtHR accepted the necessity for organisational and operational effectiveness of the armed forces but then queried what it was that:

“[...] prevented the authorities from setting in place special forms of service for people in a situation comparable to that of the applicant. For example, activities which, although carried out within the armed forces, required less physical effort and could therefore be performed by people like the applicant.”<sup>8</sup>

The ECtHR held that the failure of the Swiss authorities to provide an alternative service for the applicant amounted to discrimination. While not specifically referring to the concept of reasonable accommodation, again, it is evident that this is, in fact, what is at issue in this case. The parameters of this duty are not evident from this case, and we must wait on further determinations from the ECtHR to establish the limits of what is considered a ‘reasonable’ accommodation.

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6 *Glor v Switzerland* (2009) App no 13444/04.

7 *ibid* [53].

8 *Glor v Switzerland* (n 4) [94].

## European Union Law

The European Union has expressly adopted a duty to provide reasonable accommodation in the Framework Employment Directive (FED).<sup>9</sup> Article 5 of this directive addresses reasonable accommodation for disabled people. It states:

“In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided. This means that employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer. This burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned. “

This duty is imposed on all member states of the European Union. Thus, all European employers are under an obligation to consider “appropriate measures” in the context of employment for people with disabilities. Article 5 requires employers to provide reasonable accommodation but does not describe its lack of provision as a form of discrimination. However, as the European Union has ratified the UNCRPD in its own right, the Courts of Justice of the European Union (CJEU) must now interpret this Directive in light of the terms of the UNCRPD. So, as has happened in the context of case law on the definition of disability, it is now hoped that the CJEU will interpret the duty to accommodate as a form of discrimination.<sup>10</sup>

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9 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (European Union | EUINT).

10 *HK Danmark, acting on behalf of Jette Ring v Dansk almennyttigt Bol- igselskab and HK Danmark, acting on behalf of Lone Skouboe Werge v Dansk Arbejdsgiverforening, acting on behalf of Pro Display A/S (Ring and Skouboe Werge)*, (2013) Joined Cases C-335/11 and C-337/11.

## Domestic Case Law

The case law at differs considerably at domestic level. Nevertheless, it is possible to generalise the following point: in case law, the use of strategic litigation of failure to provide reasonable accommodation can result in structural change. In Kayess and French's (2008, p.9) terms, even as it may be 'individually referenced (in that the obligation operates on a bilateral basis between the person to be accommodated and the person or institution required to make the accommodation), reasonable accommodation has the potential to result in fundamental structural transformations of the norm.' They then highlight an Australian case in which the obligation to provide a Telephone Typewriter (TTY) as an alternative to a regular telephone handset resulted in TTYS being made available without additional cost to everyone who required them (Kayess and French, 2008, fn. 38). A similar case is currently before the Irish courts, in which a blind citizen wishes to avail of tactile ballot guides which can ensure the secrecy of the vote for people who are blind.<sup>11</sup> Accommodations can come in many forms, and often do not require alternative technology, but may instead require a change in work practices. In the Irish case of *Kilbride v HSE*,<sup>12</sup> for example, the employee had a period of ill health, after which she wished to return to work; initially to "light duties" but eventually to full time employment. Her employer at the outset refused her permission to return to work and when she was finally allowed to return to work she was placed on half pay. The Tribunal held that the employee had a disability within the terms of the Acts<sup>13</sup> and that the employer had failed to accommodate her, amounting to discrimination. In this case the employer was required to return the complainant to full pay, to pay her back pay for the entire time she had been on half pay, to credit her with any other benefits she lost while on half pay, to rectify her sick leave record, to pay her compensation and to make arrangements for the employee to pursue a course which she had been unable to pursue while on continuing sick leave. This case is a good example of the potential impact on an employer for failing to accommodate an employee.

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11 In the Matter of Robert Sinnott v. the Minister for the Environment, Community and Local Government, the Attorney General and Ireland. No 2014/3353P

12 *Kilbride v Health Service Executive Norther Area* [DEC-2006-20].

13 Employment Equality Acts 1998-2014 (Ireland | IE).

### **Thinking Laterally: the Application of Reasonable Accommodation to Different Spheres of Life**

Academic literature on reasonable accommodation has typically narrowed to a specific focus, such as the avoidance of ill-treatment in places of detention,<sup>14</sup> or reasonable accommodation in the context of psychosocial disability.<sup>15</sup> There have been some general analyses (Lord and Brown, 2010), but more often the focus is narrowed to a particular disability or a particular setting, such as courtrooms or education settings.

For example, the European Commissioner of Human Rights (2012) published a report on the right to equal recognition before the law of people with intellectual and psychosocial disabilities. Although the report is not specific to the typical reasonable accommodations in the context of people who are deaf or hearing impaired, the comments of the European Commissioner for Human Rights reflect the type of lateral thinking that is occurring when applying reasonable accommodation to law, policy and practice. The European Commissioner of Human Rights (2012, p.2) stated:

“We may already be used to thinking about reasonable accommodation in terms of ramps and work place adjustments, but the concept also applies to the decision-making process where individuals interact with each other [...] [P]ersons with intellectual or psychosocial disabilities may not, at the outset, understand the implications of certain transactions and interventions such as taking a loan, terminating an insurance policy or consenting to or refusing a medical operation. In such cases, the bank, insurance company and doctor have an obligation to take positive measures (to the limit of disproportionate or undue burden) to accommodate the individual, to ensure that he/she is put in an equivalent position with others. “

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14 Lawson, Anna. “Disability Equality, Reasonable Accommodation and the Avoidance of Ill-Treatment in Places of Detention: The Role of Supranational Monitoring and Inspection Bodies.” *The International Journal of Human Rights* 16, no. 6 (August 1, 2012): 845–64.

15 Lawson, Anna. People with Psychosocial Impairments or Conditions, Reasonable Accommodation and the Convention on the Rights of Persons with Disabilities [online]. *Law in Context*, Vol. 26, No. 2, 2008: 62-84.

The analogy of the 'decision-making ramp' usefully summarises how the UNCRPD re-frames decision-making accommodations through the lens of equality and non-discrimination.

The UK non-government organisation Action on Hearing Loss (2013) released an information resource on the UK Human Rights Act 1998, which elaborates on how the UNCRPD has bolstered the obligation on government and private institutions to provide reasonable accommodations for people who are deaf or hearing impaired. The authors also point to the relevance of the UK Equality Act 2010, highlighting again the centrality of reasonable accommodation not as an act of charity but as an entitlement for achieving equality and non-discrimination. An example is given of a doctor discussing different treatment options with a patient who is deaf. The doctor must communicate effectively so that the person can make an informed decision. As the booklet states:

“This is important, because if the doctor does not enable a patient to make an informed decision, this may be degrading treatment. There would be no respect for a person’s dignity or their ability to make decisions (autonomy), which puts the patient in an unequal position. Under the Equality Act, the doctor makes a reasonable adjustment, which is the use of appropriate communication support.”

The provision of keyboard communication devices would be a practical example of the type of 'reasonable adjustment' (again, the term used in UK law) which could be provided.

### **The Limits of Reasonable Accommodation**

Undoubtedly, the duty to provide reasonable accommodation is a crucial tool in addressing disability discrimination, but it is not without its limits. The first such limitation is the reactive, individualised nature of this duty. It is a reactive duty because accommodations are entirely determined by the requirement of the individual and there are limits on the ability of the duty bearer to respond to that requirement. Like most equality legislation, making a legal contention that there has been a failure to provide reasonable accommodation requires a litigant. Such specific claims may focus too heavily on individuals and draw institutional energy from collective advocacy to tackle structural discrimination. In other words, the very personalised nature of this legal obligation may limit its impact on addressing systemic discrimination within society.

A second concern relates to the limits of the duty to accommodate, namely the imposition of what Kayess and French (2008, p.9) describe as the “hardship” defence. The ‘hardship’ defence is expressed differently in various disability discrimination laws,<sup>16</sup> but essentially refers to a justifiable refusal to provide accommodations due to the expense or ‘hardship’ of doing so. To demonstrate, consider that a deaf worker at an accounting firm experiences difficulty participating in meetings involving numerous people. The worker gets by on a day-to-day basis by lipreading and using accommodations such as TTY, visual alarms, and so on. Yet, difficulties arise in large-scale meetings where numerous speakers cannot allow for direct visual contact for lipreading. A resulting accommodation could be employing a sign language interpreter for occasional, large-scale meetings. This has relatively minor cost implications for the accounting firm. In contrast, providing a sign language interpreter for daily meetings may have significant cost implications for the employer, potentially imposing an undue or disproportionate burden on them. Assuming that the threshold of hardship has been reached and the accommodation concerned imposes an undue burden, then it is contended that the workplace is no longer bound by the duty to provide reasonable accommodation. That is not to suggest that the worker in the scenario should not be provided with assistance, but arguably the provision of such support is provided for under different rights, and different provisions of the UNCRPD come into play, such as Article 9 on accessibility. Article 9 imposes obligations on States Parties to ensure that people with disabilities can participate fully in all aspects of life, and to that end States Parties must take measures to “eliminate obstacles and barriers to accessibility”<sup>17</sup> including the provision of sign language interpreters. Defining the limits of ‘reasonable’ is important, and may be an important site in which policymakers need to provide clarity, or may be a useful site for the focus of advocacy to ensure necessary support is required. In many cases, defining the limits of ‘reasonable’ – and defining ‘hardship’ – will need to occur on a case-by-case basis.

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16 See, for example, ‘such steps as is reasonable’; section 6 and section 21, *Disability Discrimination Act 1995* (UK); ‘unjustifiable hardship’ section 11, *Disability Discrimination Act 1992* (Cth, Aust).

17 CRPD Article 9(1).

## **Conclusion**

Arguably, reasonable accommodation is the single most important tool in the non-discrimination armoury for persons with disabilities. The idea behind this duty is to address structural and systemic discrimination as it applies to people with disabilities. It was stated at the outset of this chapter that the inclusion of the concept of reasonable accommodation in the UNCRPD highlights the centrality of this concept in the quest for equal rights for people with disabilities. The UNCRPD, and more particularly the duty it carries to accommodate people with disabilities, has been specifically referred to in decisions of both the ECtHR and the CJEU. This increasing influence in international, regional and national law and policy highlights the importance of reasonable accommodation as a non-discrimination tool for creating equality for people with disabilities.

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## **Biography**

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### **3. Enabling reasonable accommodation and work for people with disabilities**

Maria Luisa Cabral, Head of Unit Rights of Persons with Disabilities, European Commission

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. As EU citizens, people with disabilities have equal rights and are entitled to participate fully in society and in the economy.

The first priority of the current European Commission, led by President Juncker, is to strengthen Europe's competitiveness and to stimulate investment for the purpose of job creation. To create more jobs so that EU citizens – including people with disabilities – can live with dignity and prosperity. The Investment Plan<sup>18</sup> that will unlock public and private investments in the real economy of at least EUR 315 billion over the next three years is part of the European Commission's overall approach to support job creation and get Europe growing. (European Commission 2015a)

The European Union and most of its Member States are party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). They have committed to implementing it within their respective competences. According to Article 27 of the UNCRPD, state parties should promote employment opportunities and career advancement for people with disabilities in the labour market. State parties must prohibit all forms of discrimination on the basis of disability concerning all forms of employment, and they must ensure that disabled people are accommodated reasonably in the workplace (Official Journal of the European Union 2010).

The Employment Equality Directive<sup>19</sup> prohibits discrimination on the grounds of disability in the fields of employment and occupation. It has been transposed into the national laws of all 28 Member States and the Commission has strictly monitored their correctness. Discrimination in the workplace is not acceptable and the Commission will continue to work to ensure Member States' full application of the Employment Equality Directive.

Provision of reasonable accommodation for people with disabilities is

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18 For further information see: [http://ec.europa.eu/priorities/jobs-growth-investment/plan/index\\_en.htm](http://ec.europa.eu/priorities/jobs-growth-investment/plan/index_en.htm).

19 For further information see: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=C ELEX:32000L0078&from=EN>.

one of the key elements of the Employment Equality Directive. Such provision means adapting to the needs of a particular individual by making reasonable adjustments in the workplace which allow people with disabilities to work, to advance in employment or to undergo training (e.g. via an accessible workspace or specially adapted equipment). Such measures should not impose a disproportionate burden on an employer. This provision should be interpreted in a manner consistent with the UNCRPD and aims to guarantee compliance with the principle of equal treatment for people with disabilities.

Other tools are available at European level to support the active inclusion of people with disabilities in society and the job market, such as the European Social Fund (ESF)<sup>20</sup>. The obligation of allocating at least 20% of ESF funds to social inclusion should allow people in disadvantaged situations to get more support to have the same opportunities as others and to integrate fully in society.

Europe 2020 is the EU's growth strategy with five ambitious objectives - on employment, innovation, education, social inclusion and climate/energy - to be reached by 2020. All Member States have translated Europe 2020 targets into national targets. The European Semester<sup>21</sup> ensures that individual national efforts are coordinated and focused, so they result in sustainable job creation and economic growth. Each year, the Commission assesses EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with recommendations. Some of these country specific recommendations specifically address the situation of people with disabilities.

As Europe's future prosperity depends on its young people, the Commission also works on initiatives which tackle youth unemployment. The Youth Guarantee<sup>22</sup> ensures that all young people under 25 get a good quality, concrete offer within 4 months of leaving formal education or becoming unemployed. This can be for an offer for a job, apprenticeship, traineeship, or continued education.

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20 For further information see: <http://ec.europa.eu/social/main.jsp?catId=325>.

21 For further information see: [http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm).

22 For further information see: <http://ec.europa.eu/social/main.jsp?catId=1079>.

All these initiatives aim to put the European Union back on the job creation track. As the Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Ms Thyssen, said at the Annual Convention of the European Platform against Poverty and Social Exclusion; we need more and better jobs and more efficient and effective social welfare systems. This is valid for all citizens, as discrimination must have no place in the European Union.

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PDF/?uri=CELEX:32010D0048&rid=1 (Accessed on 12 January 2015).

## **Biography**

Maria Luisa Cabral was born in 1972. She is Portuguese and the mother of 4 children. She has a degree in Political Sciences from the Université Libre de Bruxelles and a post-degree in European Studies from the Instituto Superior de Economia e Gestão of the Universidade Técnica of Lisbon.

Maria Luisa joined the European Commission in 2004, leaving behind a career in the Portuguese public administration. She has held many positions in the European Commission; from 2010 to 2014, she was the assistant to the Director-General for Justice. She has headed the unit for the rights of persons with disabilities since May 2014.

## **4. Trade union rights for all! Application of UNCRPD**

### **Article 27 – Work and employment: A trade union perspective**

Ellen Nygren, Advisor, European Trade Union Confederation (ETUC)

#### **Introductory remarks**

People with disabilities should – like all people – be treated with respect and be provided with opportunities to live their lives to their fullest potential. This statement should be enough. It could serve as a general guiding principle for all kinds of situations and relationships. Nevertheless, we can all note that this is not the reality in our societies today; not in the world as a whole, nor even in the European Union and its member states.

This article will monitor some sets of rules and standards that apply to the world of work, with special relevance for people with disabilities in work related situations.

The European Trade Union Confederation, ETUC, and its affiliates represents workers in relation to employers and society in general. Therefore, our focus is about the workers' perspective, be they disabled or not, in relation to the work they have or seek. Our trade union mission is about decent jobs for all. (The European Trade Union Confederation 2015)

#### **Rights of people with disabilities are human rights**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) takes, as its starting point, the perspective of people with disabilities in various areas of activity. Article 27, which is the topic of this publication, specifically deals with work and employment.

The 1948 Universal Declaration of Human Rights already treats the area of work; Article 23 states that everybody has the right to work, to free choice of employment and to just and favourable conditions of work. Everybody has the right to equal pay for equal work, without any discrimination. The article also mentions that everybody who works has the right to just and favourable remuneration, ensuring an existence worthy of human dignity. Finally, it states that everybody has the right to join a trade union for the protection of their interests. (The General Assembly of the United Nations 1948)

So in principle, we all have equal rights, including within the world of work. In practice, people have very different opportunities with regard to access to education and employment. In reality, certain groups of people face more challenges than others. One of these groups is people with disabilities, who lack the opportunities of the mainstream population.

The concept of disability is a moving target; a variable concept. Disability makes sense in relation to something. As described in the preamble of the UNCRPD, disability results from the interaction between people with impairments and the attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

Starting from our trade union core area, focussing on work, disability is indeed an evolving concept. Disability may have little impact on someone's ability to work, or it may have a major impact and they may require support, assistance and adaptations within their work environment. The impact of disability varies between different occupations; we should also note that different individuals have different abilities.

The concept of disability is also linked to age. Some people acquire varying levels of disability throughout the course of their lives, and therefore, also during their work lives. Experiences of disability among the workforce become more common with rising age.

Accessibility is also key to ensuring full participation in society; in this sense, it is a matter of democracy.

Elimination of discrimination and provision of equal opportunities is not only a matter of everybody being invited to the same playing field, but is also about the possibility of them reaching similar results. Therefore, adjusted conditions are sometimes required, which means active measures of support to those who need it.

## **The UNCRPD in the European Union**

The UNCRPD enumerates the obligations of states. It is valid both for the EU as such and for member states. The states are obliged to ensure that discrimination is prohibited, but it does not in itself prevent discrimination against an individual worker.

The purpose of the UNCRPD is to promote, protect and ensure full and equal enjoyment of all human rights by persons with disabilities. It marks a shift in focus from a social welfare concern to a human rights issue, from disabled people's perspective. The UNCRPD does not impose any new rights or entitlements, but it monitors existing rights in a thematic manner. It shows that disability is an evolving concept, a moving target, and that it is a result of the interaction between an individual's impairment and the obstacles in the world around them. The impact of disability on the possibilities of participating in societal activities is not carved in stone, and thus it can be diminished and overcome by active measures.

Discrimination is forbidden in EU and national legislation. Nevertheless, it exists and people suffer from it every day. The way that laws forbidding discrimination are written makes them hard to enforce through legal action. Somebody suffering from discrimination often has a tough job to meet the burden of proof if they bring their case to a court. Therefore, the prohibition of discrimination in the world of work is good, but not enough. We must aim higher than just avoiding clear cases of discrimination. We must strive for equal opportunities in reality.

Job creation is a top priority for the new EU Commission. This must include the creation of jobs for everyone, including people experiencing disabilities. Therefore, it is important to claim that the jobs being created must be called "quality jobs", respecting existing standards that give rise to decent working conditions and equal opportunities.

## **Trade union rights**

The International Labour Organisation, ILO, is a tripartite body within the UN system. Representatives of governments, employers and trade unions participate in the ILO decision making bodies.

In 1998, the ILO Declaration on Fundamental Principles and Rights at Work was adopted. It highlights a set of core labour principles, consisting of:

- The freedom of association and the right to collective bargaining;
- The elimination of forced labour;
- The abolition of child labour, and;
- The elimination of discrimination in respect of employment and occupation.

(ILO 2010)

Discrimination at work can occur in many different ways. It denies opportunities to individuals and deprives society of what they could contribute.

Elimination of discrimination at work should mean people have equal opportunities to develop their professional skills and to get justified remuneration for their work.

Real elimination of discrimination in the world of work requires barriers to be broken down, in order to ensure equal access to training and education. It requires mechanisms for setting standards and working conditions like pay and other benefits, and distribution of tasks. Collective bargaining and social dialogue are important tools for trade union participation with a decisive influence on the design of working conditions; they are therefore vital in the prevention of discrimination at work and the promotion of fair remuneration and equal opportunities in reality.

Discrimination can be direct or indirect. Direct discrimination covers rather clear cases, where some people are excluded from the very beginning, which can be due to how the applicable rules are formulated. Indirect discrimination is the case when the rules themselves are not explicitly unfair, but their practical application leads to less favourable treatment of some groups of people. All kinds of discrimination must be fought. This requires continuous assessment and evaluation of rules, their application and other practices.

## **Implementation of human rights in practice**

### **ILO Code of Practice on Managing Disability in the Workplace**

The ILO has developed a Code of Practice called *Managing Disability in the Workplace*, which contains recommendations to employers, trade unions, authorities and disability organisations regarding how to create a supportive work environment. It is not a legally binding instrument, but it gives guidance to good practices. The code is based on the conviction that employers benefit from the employment of people with disabilities, who can make significant contributions at their places of employment, in jobs matched to their skills and abilities, if disability-related issues are appropriately managed. In accordance with ILO standards, special positive measures aimed at effective equality of opportunity for and treatment of disabled people at work are not regarded as discriminating against other workers. The code states that disability management practices are most effective when based on positive cooperation amongst governments, employers' organisations, workers' representatives, workers' organisations and organisations of persons with disabilities. (ILO 2002)

The application of rules in the context of everyday life is how human rights become real. Employers have a responsibility for the rehabilitation of their employees with diminished work ability, although this varies with the national laws applicable to work contracts. The employer's responsibility for rehabilitation of their employees is framed by the national social and labour law. It may consist of obligations in relation to social security administration, public health and safety regulations, and also civil law regarding the work contract. A responsibility can be traced from all of these starting points, leading to a fuller picture of what an employer is expected to do in terms of adaptation of the workplace and the work content to maintain an employee at work, in case the employee has acquired a disability that affects their ability to work. (ibid)

### **European framework agreement on Inclusive Labour Markets**

European social partners concluded an autonomous framework agreement on inclusive labour markets in 2010. It was negotiated and agreed by employers' organisations and trade unions from all over Europe. The framework agreement should be implemented at national level and in practice. It points out possible areas of action for employers, trade unions and third parties, like authorities. It is about creating a labour market for all. (ETUC, Business Europe, UEAPME & CEEP 2010)

The agreement covers all sectors of work, and all European countries, since it is signed by the European confederations of trade unions and employers' organisations respectively. It covers people who encounter difficulties in

entering, returning to or integrating into the labour market, and those who are employed but are at risk of losing their jobs. The aim of the agreement is to:

- Consider the issues of access, return, retention and development, with a view to achieving the full integration of individuals in the labour market;
- Increase the awareness, understanding and knowledge of employers, workers and their representatives of the benefits of inclusive labour markets;
- Provide the above mentioned actors with an action-oriented framework to identify obstacles to inclusive labour markets and solutions to overcome them.

(ibid)

The agreement is based on the principle that ensuring an inclusive labour market implies shared responsibilities for individual employers, workers and their representatives. It lists examples of what the social partners could and should do.

In an annex to the framework agreement, there are recommendations to public authorities and other actors, since inclusive labour markets cannot be achieved by the social partners alone. (ibid)

In the framework agreement, the social partners state that there is need for public support for people with the largest difficulties. Public services like training are mentioned as key areas in support for an inclusive labour market, as well as adequacy of access to transport, care, housing and education. In addition, the tax and benefit systems need to be examined, and in some cases, adapted, to help people enter, remain and develop within the labour market. (ibid)

### **Concluding remarks from a trade union perspective**

All stakeholders must do their bit in order to create an inclusive labour market for all. We can do different things, from different starting points. One important task for trade unions is to support workers to claim the application of their existing rights, including protection against discrimination. Attitudes among employers, colleagues and authorities must be influenced, so that acceptance of everyone's equal rights gains ground. Together we can have an impact on attitudes and practices, in favour of the goal of creating decent work for all.

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## **Biography**

Ellen Nygren has a Master's degree in Law from Uppsala University, Sweden, where she specialized in insurance law and labour law.

Since 1996, Ellen has been working for The Swedish Trade Union Confederation, LO, at its head office in Stockholm. Her main areas have been policy on social security and negotiations regarding collective agreements on occupational pensions and insurance schemes for blue-collar workers. In addition, Ellen has been a member of the Swedish ILO committee, and has represented LO at international labour conferences. She has also worked for the Federation of Salaried Employees in Industry and Services, PTK, on labour law and collective agreements for white-collar workers in the private sector.

From 2003 – 2004, Ellen served as a political advisor to the Swedish minister for labour, on policy areas regarding labour law and social insurance.

In 2010, she moved to the international department of LO, and became a member of the European Economic and Social Committee. Since 2013, Ellen has been on secondment to the European Trade Union Confederation as an advisor, mainly on social protection issues.

## **5. A Deaf youth perspective on employment in Europe - An EUDY article**

Dennis Hooegeven, Executive Director, European Union of the Deaf Youth (EUDY)

### **Introduction**

Since 1987, the European Union of the Deaf Youth (EUDY) has been working towards a better position for Deaf young people in the member states of the Council of Europe and Kosovo<sup>23</sup>. This has been translated into a concrete vision of a Europe where all young deaf people are able to come together and share their experiences across cultures and boundaries, so they can enjoy their rights on an equal basis with others. Here, equality means full social and political participation empowered by non-formal training and cross-cultural youth exchange, including access to education and employment. Since the adoption of EUDY's first statutes in 2009, EUDY has been working towards five aims:

- To foster the personal development of young Deaf persons, including the strengthening of their identity, their sign language and cultural heritage,
- To empower young Deaf persons to become citizens in their own right by ensuring full and equal access to all information and communication through sign language,
- To promote the rights and access to education, employment and other things, for any young Deaf person from urban and rural areas in the regions, including the less developed ones, in Europe,
- To encourage political and social participation in society from an early age,
- To further mutual understanding among Deaf youth across cultures, countries and regions at all levels to facilitate the exchange of ideas, skills and experiences.<sup>24</sup>

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23 EUDY's General Assembly in Sarajevo officially adopted EUDY's position paper on Kosovo, allowing them become full members of EUDY (2012).

24 From EUDY's statutes (3rd version, Berlin – 2013).

To work towards these five aims, EUDY is working with its 27 member organisations from 26 European countries<sup>25</sup>. The member organisations meet annually at the General Assembly, but other activities organised by EUDY – such as camps, seminars and study sessions – also offer these national representatives an opportunity to discuss current matters with each other in sign language, without an intermediate such as a sign language interpreter.

Thanks to receiving an operating grant for the first time in 2013, EUDY has become more politically active, following legislation at European and national levels. This has caused a sort of turn in EUDY's scope of work. Not only is EUDY organising activities, EUDY is also responsible for informing our member organisations of developments at European level. Moreover, EUDY is lobbying to get deaf young people's voice recognised. In order to become involved in the decision-making process, EUDY cooperates with the European Union of the Deaf (EUD)<sup>26</sup>, the Youth Department of the Council of Europe<sup>27</sup> and the European Youth Forum<sup>28</sup>. With the aims of the association in mind, this has been translated into active work in the areas of political participation, education and youth employment. EUDY is now taking responsibility at a decision-making level, as urged by the European Youth Forum in its position paper on youth unemployment. (European Youth Forum 2013)

### **EUDY survey on the quality of life of Deaf young people in Europe**

In 2014, EUDY recognised youth employment as an uncharted region, so a basic survey was disseminated to Deaf young people in Europe, with the aim of analysing the current quality of life of Deaf young people in Europe. The survey aimed to provide EUDY with statistics specifically about Deaf young people, because no information was available at that time. The survey was designed with questions in seven different areas specifically meant for youth and/or EUDY's fields of work: education, employment, sexuality, sign language, finances, leisure time and political participation. (European Union of the Deaf Youth 2014)

EUDY used information and conclusions yielded from the survey results to determine obstacles in Europe; we were therefore provided with an opportunity to apply for funds for (long-term) projects. It was in EUDY's

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25 Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Kosovo, Latvia, the Netherlands, Norway, Serbia, Slovak Republic, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

26 For more information see: [www.eud.eu](http://www.eud.eu).

27 For more information see: [www.coe.int/youth](http://www.coe.int/youth).

28 For more information see: [www.youthforum.org](http://www.youthforum.org).

opinion that, with a better knowledge of current issues, our project applications would contain a better reference to the actual situation for which the application would be designed. The survey, designed by cooperation partner Frontrunners<sup>29</sup>, was launched in March 2014. In a period of three months, we were able to collect data from 461 individuals from 35 different countries<sup>30</sup>. (Ibid)

This article will focus on the results from the questions about employment. There were different questions, depending on how the respondent replied to the first question, "Do you have a job?" Our aim was to identify good practices when in employment and the obstacles faced when unemployed.

### **Jobs for deaf young people in Europe**

To be frank, the current labour market imposes limitations on Deaf youth. 43% of the respondents stated that they did not currently have jobs. Looking at youth unemployment rates in Europe, this is a high statistic compared to the European average of 22% (European Youth Forum 2013). Survey findings also presented even peaks in the countries where the economic crisis has had a greater impact. For instance, according to our survey, in Spain, 66% of the Deaf young people who responded did not have jobs, although this does not really differ from the statistics on hearing young persons, which is set at 55% (The Guardian 2014). However, the survey yielded results indicating that in the Netherlands, 55% of Deaf youth were unemployed, compared to 11% of hearing youth (Eurostat 2014a). Sweden is actually – relatively seen – doing well, with only 22% unemployment amongst Deaf young people, which is exactly the same as the national statistics (Trading Economics 2014).

### **Effects of youth unemployment and poor quality jobs**

EUDY would like to point out that simply having a job will not be enough. Quality employment is a crucial element with regard to the autonomy and wellbeing of young people in Europe. Being able to find quality work is essential for young people in order to participate fully in society, ensure autonomy and to avoid the pitfalls of poverty and social exclusion (European Youth Forum 2013). Around 20% of jobs in Europe are of 'poor quality' and workers in these jobs have, on average, the lowest levels of health and wellbeing, more health problems, lower subjective wellbeing,

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29 Frontrunners is an international leadership programme, specifically designed for young Deaf students from all over the world. During the survey, Frontrunners had six students from Denmark, Belgium, France, Lithuania, Chile, Canada and South Korea. For more information see: [www.frontrunners.dk](http://www.frontrunners.dk).

30 Despite EUDY having 27 member countries, the survey was spread throughout the 47 Member States of the Council of Europe.

and find less meaning in their work (Eurofund 2010).

Not only does unemployment affect Deaf young people, but also the European and national economies. The cost of youth unemployment, in terms of lost tax contributions and social welfare payments alone, is estimated to have been around EUR 153 billion in 2011, equating to around 1.2% of the EU's total GDP (Mascherini, Salvatore, Meierkord & Jungblut 2012). So, considering that the effects of long-term unemployment can have profound effect on employability and career development in the medium to long term, the current youth unemployment crisis could be felt in Europe for the next 20 years. (Bell & Blanchflower 2009).

### **Employment accessibility**

For the 57% of the Deaf youth who have a job, questions were asked regarding accessibility, workplace and incomes. EUDY was initially concerned that Deaf young people would not be able to keep their jobs for a longer period of time, due to limited resources in the workplace, such as access to sign language interpretation. However, looking at the results, 47% of the employed respondents had had their jobs for longer than 2 years. Looking at their workplaces, 48% of the respondents had colleagues who were a mix of Deaf and hearing people, which may explain why those employees felt satisfied enough to stay for longer periods of time. Unfortunately, the survey did not actually yield whether the unemployed Deaf people had had jobs before and *why* they did not have jobs any longer. EUDY plans to follow up on this question in the next survey. Furthermore, 40% of their co-workers knew sign language and 70% of the Deaf young respondents said they socialised with their hearing co-workers in their free time.

It is interesting for us to see how sign language has an impact on the working environment. We are more concerned about the question about the respondents' use of sign language interpreters for their work. In their work, the EUDY Board and staff members have seen different situations regarding Deaf young people's personal experiences of accessing to sign language interpreters, whether this was for their education, work or in private situations. 30% said they do not use sign language interpretation, but the reasons given were very different, from just not needing them to the limited resources they have been given by their governments. Some British respondents complained about not being able to use sign language interpreters; they explicitly mentioned seeing their Access to Work (AtW)<sup>31</sup>

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31 An Access to Work grant can pay for practical support if a person has a disability, health or mental health condition to help him/her: start working, stay in work and move into self-employment or start a business. For more information see: <https://www.gov.uk/access-to-work/overview>.

funding being cut by the British government, although this was later suspended, pending a review (The Limping Chicken 2014). The national association of the Deaf in the United Kingdom, the British Deaf Association, released a submission paper in which they stated that the

“AtW advisors continue to make inconsistent decisions, which has had an impact on Deaf people’s ability to sustain their employment along with losing their jobs causing an inordinate amount of stress and anxiety [...].”

(British Deaf Association 2014)

Despite UNCRPD Article 27, paragraph b, stating the right to equal opportunities throughout Europe, there are huge differences in whether national governments are providing satisfactory accessibility or not: The Netherlands only offers interpretation for 15% of the Deaf person’s work time under contract (Nederlandse Rijksoverheid 2013; Vereniging van Nederlandse Gemeenten 2015). This is a huge restriction for Dutch Deaf young people who would like to forge careers and use interpreters for high level meetings. The same restriction applies to the Dutch-speaking part of Belgium, where Deaf people only have right to sign language interpretation for 10% of their work time under contract. When these hours are depleted, an application can be sent to the Ministry of Employment, with an explanation as to why they need more hours (Vlaams Communicatie Assistentie Bureau voor Doven vzw 2008).

Another system to provide sign language interpretation exists in Switzerland. There, the disability insurance agency of the Swiss government (*AHV-IV*) offers a limited budget for each Deaf person, which can be extended after writing a motivational letter explaining why further interpreting hours are needed. Unfortunately, however, in at least four cases, extensions have been rejected because the Deaf applicant switched from one job – for which less interpretation was necessary – to another job with greater responsibilities, and thus a greater need for sign language interpretation (duty of mitigation) (Hadorn 2004).

These examples of restrictions show governments working from an ideology of what Deaf (young) people will need – and deciding these needs, rather than recognising their rights.

### **Varying earnings**

While accessibility at the workplace did not present itself as a big issue in this survey, EUDY is of the opinion that the monthly incomes of the respondents varied greatly. The respondents were able to choose different income levels, from up to EUR 50 monthly to a minimum of EUR 3,000 monthly. The highest peak was 16% of the Deaf young people, who earned

EUR 200-500 monthly. In total, 46% were earning up to EUR 800 each month. This result does not take into account whether they work full time or part time, but seeing as 30% said they had full time jobs, this is quite low.

European statistics for minimum wages show great differences between countries, too. Looking at Lithuania, for example, which has a minimum wage of approximately EUR 300, 43% of the Deaf respondents from Lithuania said they earned between EUR 50-200 monthly, but another 43% said they earned EUR 200-500 each month. A noticeable difference could be noted in Greece, where the national minimum wage is approximately EUR 700 a month, but 52% of the Greek respondents said they earned up to EUR 500 a month. (Eurostat 2014b)

Only 2,5% of the respondents reported that they were earning over EUR 4.000 monthly. The European Youth Forum states that poverty prevents young people from achieving their full potential and autonomy; adversely affecting their health, inhibiting their personal development, education and their general wellbeing. Although measurements of poverty largely depend on national circumstances, it is clear that increased levels of youth unemployment have contributed to poverty and social exclusion in Europe. (European Youth Forum 2010a)

### **Finding a job**

The 43% of respondents who did not have jobs were asked specific questions regarding the obstacles they may have experienced in the process of looking for work. 51% stated that they were not currently seeking work because they were still studying, which is rather self-evident, as the average age of the respondents was 25 years. However, 56% of the respondents said plainly and clearly that they felt they had more difficulties in finding a job compared to other people in their own countries.

They were subsequently given a set of reasons explaining the difficulties in obtaining a job. Results yielded 28% stating language barriers as a core reason why it was difficult for them to find a job, which was backed up by the European Youth Forum, which stated that a lack of provision of services to young people was one of the main causes of youth unemployment. This is not surprising, as 48% of the young Deaf employees worked in environments wherein at least some of their colleagues could sign, thus they had chosen environments which already met their needs. A further 30% said that a lack of a network had had an influence on their ability to find a job, which is also self-evident, because to network with the right people, one should be able to communicate with them. Finally, 29% stated they were unemployed due to lack of work experience. The European Youth Forum states that young people are also discriminated

against in the labour market on the basis of their individual characteristics – real or perceived – including gender, race, sexual orientation, gender identity, ethnic origin, disability, religious beliefs or social and educational background. (European Youth Forum 2013)

### **Lifelong learning**

To contribute to work experience and battle discrimination, EUDY fully supports the importance of lifelong learning for Deaf young people, as it will contribute to them remaining relevant and competitive in the labour market. Formal education, non-formal education (NFE) and vocational education and training (VET) all have important roles to play in lifelong learning. (European Youth Forum 2010b) Five of the six ‘soft skills’ demanded by most employers are developed through involvement in youth organisations. These skills are: communication, team work, decision making, organisational skills and self confidence. Experience in youth organisations and the skills developed through NFE must become more recognised by employers and formal education providers (Souto-Otero, Ulicna, Schaepkens & Bognar 2012). EUDY is only concerned that there are insufficient opportunities for Deaf young people to follow vocational training and receive careers guidance, coaching and support in efficiently making use of these skills in recruitment processes in their own languages, which are often their national sign languages.

On an European level and addressing European-wide themes, EUDY provides NFE by offering study sessions, seminars, etc. The primary mode of communication used during these events is International Sign, which is by no means a substitute for a national sign language. (European Union of the Deaf Youth 2012; European Union of the Deaf Youth 2015) EUDY continues to raise awareness amongst its national member organisations about providing more VET for Deaf young people in their countries. These national member organisations should be supported by their governments to enable Deaf young persons to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training, in accordance with the UNCRPD’s Article 27.

## **Conclusion**

EUDY is of the strong opinion that good education and a well developed program for the transition from education to the labour market is of utmost importance for Deaf young people. Developments in the labour market over the past few years have resulted in a more difficult transition from education to employment. Of those who responded, 44% did not attend university and 43% did not have jobs (56% did attend university and 57% were employed). So, we cannot do anything other than conclude that with a higher number in education, unemployment would decrease. A lot needs to be done; a lot **can** be done and EUDY and its member organisations will make this one of their priorities for the future.

Additionally, the European Youth Forum states that internships can play a key role in facilitating this transition, provided that the learning dimension of internships is ensured and that internships do not replace paid work. The survey actually shows a connection between unemployment and the educational level of the respondents (European Youth Forum 2009). There is currently insufficient information that describes the correlation between Deaf youth unemployment and internship placement. EUDY plans to further investigate this matter, along with other questions, that have emerged as a result of the initial survey.

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## **Biography**

Dennis Hoogeveen was a EUDY Board member for four years (2009-2013) and has been EUDY's Executive Officer since June 2013. He has been responsible for a number of projects which were funded by the European Union or the Council of Europe, and which focused on several topics including education, employment and political participation. Dennis majored in teaching Dutch and worked at a deaf school in Groningen, the Netherlands, for 8 years. There, he experienced first hand the education of the Deaf and the transition to higher education and/or labour market.

## 6. The business case for hiring persons with disabilities

Susanna Laurin, CEO, Funka

### Introduction

“How many of your staff are disabled?” For some reason, I get asked this question quite often. I usually react in a manner that is either a little provoked or very tired. To me, this question is complicated. And unnecessary.

Funka started as a non-profit project in the 1990s; the project developed into a privately owned company. All of the organisations of persons with disabilities in Sweden came together because they wanted to do something good around accessibility and the web. Since 2000, we have been working as consultants on accessibility in information, technology and the built environment. We see ourselves as a one-stop shop for accessibility, and of course we have staff with disabilities. But, is that important? Yes and no.

Since we develop standards, requirements and recommendations, it is extremely important for us to know what end-users want, prefer, need and love. We work with end-users every day; in all of our research projects, standardisation work, methodology assignments and consultancy work for clients. Understanding end-users is both the heart and the mind of our business, if you like.

When other consultants talk about user-centred design, we usually smile, because we do not believe they do this in the hands-on way that we do. In to our experience, certainly, most of them do not. Some do talk to users and come up with user tests, but their typical “users” are rarely persons with disabilities.

My answer to the question about the abilities of our staff differs according to the context, but I usually say something like:

“What do you mean, disabled? We are all disabled, aren’t we?”

And then we can start a conversation around what we really perceive when distinguishing between “us” and “them”.

I keep wondering who else gets asked this kind of question. Does a company that sells products to the “silver economy” have to explain how many of their staff are over 65 years of age? Does a dentist need to have problems with his teeth to be a good dentist? Or, how could I, as a woman, ever buy clothes from a man?

**And the real answer is ....?**

The Funka staff are fantastic. All of them. Some could be considered as being in the group of persons with disabilities; some are not. However, we all have very different abilities. As an employer, disability as such is of little or no interest to me. What I look for when recruiting are things like competence, curiosity and the spirit of wanting to move things forward. At Funka, a disability is an advantage because of the nature of what we do, but it would never guarantee a job.

On the other hand, it is very important that we do employ persons with disabilities. By actively recruiting staff that have experience of accessibility (and a lack of it) from the end-user point of view, we learn lessons that are hard to come by from the "outside". It is also my personal view that we have a responsibility as a company, as do all companies, to enable persons with disabilities to get into the job market.

From a business point of view, it also has to do with practising what we preach. It would seem odd if none of Funka's "target group" was represented within the company. From a Corporate Social Responsibility (CSR) point of view, it makes perfect sense and reassures our customers that we are trustworthy.

However, the correct answer could still be anything between 0% and 100%; it all depends on your view of disabilities.

**There is no such thing as an average employee**

I have been an employer of persons with disabilities for more or less my whole working life. I am often invited to speak about the topic and I have written several articles about it, mostly in my own languages. I have initiated many projects around the fact that greater numbers of persons with disabilities are studying at universities, but continue to be employed much less than members of the general population. Technical developments in relation to assistive technology and communication have eliminated many of the problems that were present before, but the numbers are still very disappointing.

Many positive things come with a mixed workforce. People with different backgrounds tend to add to the total knowledge of the group, making it even more creative. This is well known and accepted as a fact when it comes to putting together teams in terms of gender, age and ethnicity, but how many try to incorporate different abilities in that mix?

I truly believe it would be an advantage for many companies to hire persons with disabilities; a belief that is based not on faith but experience.

In customer services, for example, many users and customers that call or email customer services do so because something went wrong. Assuming that the product or service is good, the majority of the customers and end-users contacting customer services are not using the product or service in the way it was intended, or they are having problems understanding the instructions. So, when hiring the perfect customer services person, you could opt for a young person who is technically interested, but s/he will probably not understand in depth how the struggling customer thinks. A person who has had many years of experience with problems might find it easier to understand the problem, and may also be more empathetic.

My experience with hiring persons with disabilities is that they are ... exactly like everyone else. That should not come as a huge surprise to anyone. People are different. Or, rather, the fact that we are not all the same makes us human. There is an enormous lack of knowledge if employers think that disabled staff are more difficult than staff without disabilities; if they exist at all? I cannot believe employers are that stupid. There must be something else to it.

### **What can be a challenge as an employer**

One of the most provocative things you can say, as an employer in Scandinavia, is that staff with small children can be a challenge to a small company. That is why I often make this comparison, because it tends to make my audience take notice.

My story goes like this: When many in the workforce go on parental leave at the same time, this can actually create both economic problems and issues with fairness compared to other staff. This does not mean that I hate children; nor does it mean that I believe our social security systems are bad. Of course parents should have all the support they can get. And of course everyone who wants to have a baby should have the possibility of doing so, without thinking about money.

At the same time, however, I have a business to run. So, that means I need to find a substitute, which costs time and money, and new staff tend to need to take some time to learn – which means more resources are used – before they become 100% effective.

When children are very young, they are often ill. Day care works well in our part of the world, but no one likes to leave a small child in day care for more hours than absolutely necessary. So, parents with young children do not really work full time; even if that is what they are paid to do. Some

parents have severe problems with being at work at all; mentally they are with their children, even when they are physically at the office. At the end of the day, staff without children or with more grown up children often end up covering up for their colleagues.

In my view, this is perfectly fine, because no one has shown me a better system. And of course it is absurd to generalise so roughly when talking about parents; I do it deliberately here to make my point clear. In reality, parents are just as diverse as everyone else; with or without children, with a passport showing X or Y as their country of birth, and with or without disabilities. Do not let your prejudice fool your way of thinking!

Staff – any staff – can be lazy, create conflicts, let their private problems affect their work, forget important deadlines and make mistakes. We all do this; it is part of the fun – and sometimes not so fun – in coaching staff.

### **It might just be the other way around**

Do not try to tell me that persons with disabilities are a problem as employees! In general, people who have been struggling to get into the job market are extremely loyal and work almost too hard just to prove how good they are. In my experience, persons with disabilities often have a need to show how intelligent, efficient, reliable and able they are to do their job. They are the staff you need to ask to go home sometimes, because otherwise they will keep working until the next day.

Another real advantage of hiring disabled people is that the office immediately becomes structured and clean. It is like a miracle when you realise that no one needs to put angry Post-it notes up to educate the group any longer.

When someone with motor or visual impairments joins the workforce, the rest of the staff quickly stop dropping their bags and other items on the floor. Clean spaces are required around doors, meeting rooms and desks, because otherwise the man in the wheelchair cannot get in, or the blind woman will stumble and fall. This certainly helps to keep the office nice, as well as reminding us all how diverse we are as a species.

In the kitchen, we would have complete chaos if we did not have visually impaired staff and customers, and collaboration partners with cognitive difficulties. Our fridge has an almost military structure and no one moves things around or leaves old packages to rot, because that would mean our blind colleague could risk having sour cream in his coffee, or may eat something he is allergic to for lunch.

Having hard of hearing staff means that meetings need to be structured and only one person speaks at a time. This improves the quality and

efficiency of many meetings and makes it easier to take notes. It is better for everyone.

Deaf staff tend focus on the visual part of communication, making external marketing more effective and internal information clearer. Illustrations, photos and gestures need to work together to make the message come through to everyone, which is also very helpful when managing people with reading and writing difficulties, as well as staff and clients who speak many different languages.

These are just some examples; I could list many more.

### **Disability as a merit**

A couple of years ago, we initiated and led a research project that aimed to get more persons with disabilities into the ordinary workforce. We worked closely with employment authorities to choose individuals who have had problems getting jobs. To my great sorrow, nearly all of the participants we interviewed said the same thing, but in many different ways:

- “No one has ever asked me about my dreams for the future before.”
- “I do not know what I would like to do, because this is the first time anyone has asked that question.”
- “Usually, the focus is on what I cannot do. Why do you ask me what I want?”

This says something important about how our society views disabilities. To make a long and complicated story short, we tried to understand what each individual wanted and liked to do. Then we let them try and discover what they could do. All of them could do much more than they expected of themselves.

We focused on their abilities, instead of the problems. Most of them had never ever been to a workplace, so they did not know what they would like to do when we first met. Thus, the project started with some excursions and practical examples, showing them a little bit of what a working life could look like. Afterwards, we started to look for appropriate / matching companies and government agencies that were interested in bringing in a trainee practitioner to work for them.

We sold the idea to our customers, friends and colleagues in the ICT industry as a way to learn more about accessibility:

- "Have a person with a disability around for a couple of weeks and you will learn more than you do by hiring our consultants for 80 hours. And this is for free."

The logic was that the companies would gain something. It was not marketed as a CSR way to show what a good person/company you are. On the contrary; we argued that it would save money and bring new knowledge into the organisation. This really worked.

In parallel to the practice, we had a lot of training sessions with the participants, around what it is like to meet responsibilities when getting and keeping a job. You need to be on time, you need to communicate around problems and tell someone if you are ill or tired. You need to know what a deadline is and who your boss is. Many of these points are things that most of us take for granted, but are not easily learnt without practise.

In less than a year, the majority of our participants had gone through our training programme, tried one or two job roles as practitioners and got an employment (permanent or temporary) with one of our customers. The result of the project was 4000% better than the results reached by the public authority working with employment mediation. We did not see it as doing something ingenious, but as organising and facilitating employment in the most suitable way.

I firmly believe that people act for personal gain, so it was an important part of the project to avoid making anyone feel sorry for anyone else. On the contrary, there had to be an upside for both the employer and employee. Also, going to work, being needed and paying taxes is a key element for a higher level of independence and empowerment for persons with disabilities, in my point of view.

### **Do we walk the talk?**

Funka is a growing company, which means we are constantly recruiting. New staff need training, and one of our core principles is that all of our staff need to know what we do and why. So, whether they work in administration or book keeping, Funka staff are supposed to learn a bit of sign language, have an idea of what is needed to make an interface comprehensive, know how to make a PDF readable for screen reader users and feel comfortable in their individual methodology for solving communication challenges with someone who has a severe communication impairment.

We invest in this kind of training because it is important to be able to communicate with all of our partners, clients and each other. For hearing staff, sharing sign language means a new level of social interaction is possible between them. Funka's staff also get to practise getting around in a wheelchair during our snowy winters, travelling in the subway blindfolded and doing similar exercises. They will not understand how it is to live with a disability after 15 minutes, but the training will hopefully make them think twice and possibly uncover some hidden fears or capacities.

All of our seminars and conferences aim to be models in accessibility and user experience, which is why we always provide sign language interpretation, written transcripts and – when relevant – language interpretations. We provide documentation in all of the formats we can think of and try to present it as universally as we possibly can.

We do try to change the world. And we do it by starting with ourselves.

## **Biography**

Susanna Laurin, CEO at Funka, has been working within the field of accessibility for many years. She has been the CEO of a company within the company group IRIS, owned by the Swedish visually impaired organisation, and a senior adviser to the Independent Living Institute. Susanna is active in standardisation and is often invited to present at international events; she also writes chronicles for several specialised media. She has extensive knowledge of user testing, policy work and accessibility methodologies. Susanna is a member of the board of the International Association of Accessibility Professionals, IAAP, and a fellow of the Swedish government's User Forum.

## **7. Deaf people and employment – A survey analysis**

Annika Pabsch, former Policy Officer, European Union of the Deaf (EUD)

### **Deaf people and employment**

The World Report on Disability (World Health Organization 2011), that gathered information from many different countries around the world, has concluded that data on employment of persons with disabilities, while often not available at all, is consistently below that of persons without a disability. Furthermore, women with disabilities have lower employment rates than men with disabilities across all levels of income and across all regions. Data disintegrated by the different types of disability, including deafness, is almost unattainable and not collected across all sectors, such as employment and education.

While it may already prove difficult to collect reliable data on the number of deaf people and especially those using a sign language in any given country or region (Pabsch 2014), data with regards to employment in the deaf community has been studied to an even lesser extent. It has been indicated however that there is a predominance of under-employment rather than unemployment, especially in terms of earnings (see also Hoogeeveen 2015, this volume).

The reasons for the current employment situation of persons with disabilities and in particular sign language users are diverse. One factor is the unavailability or insufficient provision of reasonable accommodation in the workplace. A second factor relates to general discrimination measures that provide post-incident mitigation rather than getting (deaf) people into employment through adequate and inclusive education or employment policies. European level legislation, although providing a framework for non-discrimination, puts the focus on the ground of disability rather than the actual discrimination (Quinn 2007). In particular, the Framework Employment Directive has no definition of disability, leaving the Member States to decide who falls under that category. This leaves researchers and economists with a large body of heterogeneous data in the area of disability and (un-)employment.

### **EUD Survey Background**

The current article presents a second analysis from the 2013 EUD UNCRPD survey from 2013. While the first one focused on political participation, this Chapter is geared towards the results obtained in relation to employment. While not specifically asking about employment rates, it explores the difficulties at the workplace once a deaf person has obtained employment.

EUD first initiated a small-scale survey in 2011 that was featured on the EUD website and promoted in all its social media channels. After consultation with our members in a workshop at the General Assembly in Copenhagen in 2012, EUD significantly improved the survey and re-launched a more detailed and more accessible version shortly thereafter.

The current 2013 EUD survey on wide range of UNCRPD articles, covering many areas of life was disseminated in International Sign. It was online for five months, giving members and individuals a sufficient amount of time to answer appropriately. The survey was actually a combination of three separate surveys, directed at three distinct target groups, tackling UNCRPD issues from three different angles, to ensure a balanced and comprehensive set of data.

- **National Associations of the Deaf (NADs)**

The NADs answered questions in relation to the inclusion of their organisation in the ratification and the parallel reporting process, as well as the implementation of the UNCRPD. In essence, EUD attempted at understanding the relationship of the national Deaf association with the Convention and other disability organisation and asked whether and how EUD could be of assistance in achieving such goals.

- **Deaf individuals from all EUD member countries**

This part was targeted at Deaf individuals regarding the implementation of the Convention with regard to Deaf people's everyday life. Questions ranged from sign language interpreting services, to television, accessible websites, participation in the election process, and accessibility issues in the workplace.

- **European-level organisations and Deaf individuals with European-wide experience**

The last of the three surveys centred on the one hand on the access of the EU institutions themselves, as well as access to the UNCRPD Committee session. Questions were focussed on the actual nature of barriers, the possible ideal reasonable accommodations, and the process of booking sign language interpretation. On the other hand the survey was also related to one of the four freedoms proclaimed in the Treaties: the freedom of movement of in particular workers and students. Again, main barriers and ideal reasonable accommodations were in focus to reach better in-depth understanding of the needs of Deaf sign language users.

## **EUD UNCRPD Survey (2013)**

### Survey results

Over 90% of EUD's member organisations took part in the survey with only 28.1% answering they had not been involved in the UNCRPD ratification process. With regards to implementation, over 80% had met with politicians or other political stakeholders, and over 70% had co-operated with other DPOs (Disabled People's Organisations) and/or the National Disability Council.

Overall, there were more than 300 individual respondents from almost all EUD member countries, most of whom were deaf or hard of hearing sign language users (85%). While for certain questions and UNCRPD articles, all answers are relevant; for the area of employment only answers from deaf or hard of hearing sign language users were taken into account.

Thus, the number of deaf and hard of hearing sign language users who answered the block of questions related to employment is at 278 (=100%). Of those 243 (=87.6%) were deaf sign language users and 35 (=12.6%) were hard of hearing sign language users.

The first question asked what accessibility problems individuals encountered at their workplace. Respondents were able to tick several answers and given space to write their own answer. Across all countries the three most common answers were at 39.3% (109), 38.9% (108), and 37.8% (105) respectively: no deaf awareness, communication problem with boss/other superiors, and no communication with hearing colleagues. Not having qualified sign language interpreters was at 24.5% (68) and sign language interpreters not being paid for by the employer or the government was a problem for 25.9% (72) of respondents.

As Wheatley and Pabsch (2012) have pointed out previously, the situation of both sign language interpreting services and sign language legislation differ greatly across EU countries. It is therefore worthy to mention that specific countries had largely differing answers than the average given above. However, it is also important to note that there were a number of countries with very low response rates and they are therefore to be seen with caution.

The table below gives an overview of the countries with the greatest divergence from the average.

<b>Answers</b>	<b>Country</b>	<b>%</b>
No communication with hearing colleagues.	Italy	5.9
	Portugal/Iceland	66.67
Communication problem with boss/other superiors.	Denmark	18.9
	Bulgaria	23.5
	Belgium (Flanders)	61.5
	Austria	100.0
No qualified SL interpreters.	Denmark	5.4
	Ireland	60.0
SL interpreters not paid for by employer/government.	Latvia/Croatia	100.0
	Denmark	5.4
	UK	11.1
	Romania	66.7
	Greece/Luxembourg	100.0
No Deaf awareness	Portugal	16.6
	Bulgaria	64.7

**Table 1: What accessibility problems have you encountered at your workplace (tick all that apply)?**

While, on average, the majority of respondents did not indicate that qualified sign language interpreters were an accessibility problem, when asked to list issues and problems with the sign language interpreter services, more than half of them (50.5%) responded that sign language interpreters were not qualified enough. 42.7% stated that interpreters were not available. It was unclear to 24% how to apply for sign language interpreter funding and 21.8% were of the opinion that sign language interpreters were not reliable in the sense that they were late, had an unprofessional or inappropriate attitude, or were not prepared. For 19.4% the sign language interpreter service was not accessible.

When asked to specify other problems, the most common answers were that they would prefer quality rather than a formal qualification in an interpreter. Experience, regional sign knowledge and fluency in signing were rated higher than professional or university degrees. Trust was mentioned on a number of occasions, especially for sensitive settings such as medical appointments. A number of respondents also stated difficulty

in getting off-peak interpreters or interpreters on short notice as well as an increased problem of rural area coverage.

Specific countries were particularly worried about sign language interpreters not being qualified enough. All respondents from Austria and Romania for example answered that this posed an accessibility problem. The same holds true for 85.7% of respondents from Belgium (Flanders), while 100% of respondents from Belgium (Wallonia) and Malta said that sign language interpreters were not available. A large number of sign language users from Belgium (Flanders) also stated that the sign language interpreter service was not accessible (57%).

On the other hand, only 11.1% of German respondents prioritised the fact that sign language interpreters were not reliable, compared to 37.5% of the Belgian (Wallonia) respondents.

While Belgium (Wallonia) and Malta are the countries with the biggest problem when it comes to the unavailability of sign language interpreters, those are not the ones with the highest ratio of deaf people to sign language interpreters. According to De Wit (2012) Romania's ratio of 500:1 is the highest, followed by Bulgaria and Luxembourg. By contrast, Belgium (Wallonia) stands at 125:1 and Malta at 43:1. It can be deduced that the number of sign language interpreters in any given country does not necessarily correspond to the availability of interpreters in employment settings. This does not necessarily mean they would readily be available in another setting but could be an indicator for the difficulty in obtaining adequate interpreters for that particular area.

The next question explored whether respondents could imagine working with remote interpreters via video relay services (VRS) or video relay interpreters (VRI). Two-thirds of all respondents answered 'yes', while only 15.1% said no and 13.7% ticked that interpreters would be needed on site for break times.

When prompted further, respondents clarified their answer. The below selection of quotes shows the diversity in additional answers, although 66.3% answered 'yes' when asked whether they could work with VRS/VRI services.

"Yes, for some situations it's perfect. But in some situations it is still important to have an interpreter for break times, for networking, etc."

"Preferably not, but in case of emergencies, yes."

"Sure! Would love that!"

“Deaf people must have the right to choose themselves.”

While a large number can imagine working with remote interpreters, reasonable accommodation provisions, such as sign language interpreters in the workplace, must be individualised. This is true even to the extent of choosing an interpreter on site or via VRS/VRI services, or a mix of both.

### **The way forward**

Un- and underemployment comes at a cost. According to the European Federation for Services to Individuals (2012) report the most significant cost of unemployment is the potential loss of revenue for governments. The presented numbers give only a snapshot of the real-life employment situation of deaf people. Inclusive labour market policies must present a structural change, including inclusive education as well as Lifelong Learning policies. Reasonable accommodation must become the norm, as promoted in the UNCRPD; meaning failure to provide the required accommodation constitutes discrimination.

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## **Biography**

Annika Pabsch worked at the European Union of the Deaf (EUD) from 2010 to 2014, first as the Project Officer and then as the Policy Officer. She is the co-author of the first comprehensive publication on sign language legislation in the EU and the editor of the EUD UNCPRD implementation series. Annika previously majored in Deaf Studies, EU constitutional law, and UN Human Rights law. She now works with deaf MEP Helga Stevens (Belgium/Flanders) at the European Parliament in Brussels.

## 8. European Level

### a. EASPD Employment For All Award

Sabrina Ferraina, Researcher and Policy Officer, European Association of Service providers for Persons with Disabilities (EASPD)

The European Association of Service providers for Persons with Disabilities (EASPD) has been active in the disability sector since 1996. Through its network that expands across Europe, it has built considerable experience in supporting persons with disabilities in the enjoyment of their rights. For EASPD, the improvement of employment opportunities for disabled people is one of the key pillars of its network, which has set up an ad hoc Standing Committee on Employment<sup>32</sup> that looks at the specific issues people with disabilities face in accessing, retaining and forging careers in the world of work.

In December 2014, the EASPD Board endorsed the new EASPD Employment Declaration<sup>33</sup>. This Declaration is the result of a one year process, which started with a dedicated conference on employment held in Istanbul<sup>34</sup> in 2013 and developed through subsequent consultations, culminating with an ad hoc Board Seminar.

#### Employment of persons with disabilities in Europe

In Europe there are around 80 million people with disabilities. People with disabilities are not fully integrated into the labour market; either being unemployed in a far higher proportion compared to the population as a whole, or being considered as not able to work by national legislation. According to EASPD findings, only 20% of people with disabilities in Europe are employed, while the labour force participation rate rises to around 65% when considering the population as a whole<sup>35</sup>. Among those who

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32 The EASPD Standing Committee on Employment is one of the eight working groups made up of EASPD members and experts. Around one third of the EASPD membership provides job-related services or employment to people with disabilities, thus explaining why these topics are high on the agenda of service providers in Europe. For more information see: <http://www.easpd.eu/>.

33 For more information see: [http://easpd.eu/sites/default/files/sites/default/files/News/new\\_easpd\\_employment\\_declaration\\_-\\_final\\_english.pdf](http://easpd.eu/sites/default/files/sites/default/files/News/new_easpd_employment_declaration_-_final_english.pdf).

34 For more information see: <http://www.easpd.eu/en/content/annual-conference-2013-istanbul>.

35 These figures are different from those published by Eurostat in 2014. EASPD challenges the European Commission's figures, as they might not include people working in sheltered workshops and those declared unable to work by national legislation. For more information see: <http://ec.europa.eu/eurostat/documents/2995521/6181592/3-02122014-BP-EN.pdf/aefdf716-f420-448f-8cba-893e90e6b460> and <http://easpd.eu/en/>

are working, many are underemployed; not paid decent wages, working below their capabilities and/or with temporary contracts and have poor career prospects. The employment sector for people with disabilities in Europe is varied and has taken different directions over the years, according to variables such as the level of socio-economic development and the differing approaches to disability needs and requirements throughout the continent. Women and young people with disabilities, people with mental health issues, people with intellectual disabilities, people with psychosocial disabilities and people with acquired brain injuries appear to be even more discriminated against.

This lack of economic participation has a significant impact on the lives of people with disabilities, as they are consequently unable to earn an adequate standard of living (proclaimed in Article 28 of the United Nations Convention on the Rights of Persons with Disabilities; UNCRPD), which therefore increases their likelihood to live in poverty and deters them from the possibility of living independently in the community (as indicated in Article 19 of the UNCRPD). In some cases, social security benefits act as locking mechanisms which do not promote the shift towards open labour market participation; in fact, these benefits may be reduced or removed when persons with disabilities enter into the labour market and are difficult to re-obtain, should the person stop working for any reason.

The UNCRPD is the main international framework for the rights of people with disabilities. The right to work and employment was formally recognised by the UNCRPD in Article 27. The Convention formalised an innovative approach, as it formally recognises the right to reasonable accommodation, which allows disabled people full participation in working life through any “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden” (UNCRPD, Article 2). Society should engage to ensure people with disabilities have equal working opportunities in the open labour market, to gain a living through work freely chosen or accepted, to be able to exercise their labour law and trade union rights and to have equal remuneration for work of equal pay. People with disabilities should be entitled to receive adequate individualised support in order to participate in open labour markets on a non-discriminatory basis.

There are different roles to be played in the achievement of this ultimate goal. Service providers, in cooperation with mainstream actors, can support people with disabilities in accessing the labour market and having equal opportunities.

## **Models of work and employment**

Across Europe, a variety of work and employment models and methodologies for people with disabilities have been developed over time, according to historical, cultural and economic factors. As a result of these developments, there are currently different realities from country to country, such as occupational services and sheltered workshops belonging to the protected work and employment sectors. Others have prioritised forms of work and employment schemes in the open labour market, which include, for example, supported employment methodologies. Additionally, there are many work and employment schemes which are not clearly definable, having mixed features from the protected sector and the open labour market. As society, people and disabilities are evolving, the employment situation may also vary during the course of life.

In the last decade, a strong movement fighting for mainstreaming set the basis for a change of mindset in work and employment schemes for disabled people, recognising their right and their ability to work in the open labour market, if given adequate support. Today, however, there are no more jobs available in the open labour market for people with disabilities than there were 15 years ago, showing that these issues need to be taken on board by stakeholders at all levels, if significant change is to be expected.

The possibilities of disabled people working, especially those with severe disabilities, often depend on the amount of specialised support available to them (i.e. human support, vocational education and training and technical adaptations, sign language interpreters, such as reasonable accommodation), and on the existence of support available for employers too (i.e. compensation measures against the potential loss in productivity and/or guidance on how to deal with technical and human support issues linked to disabled people).

Legislation also plays an important role, as, in some countries, it defines the possibility of disabled people's entitlement to work, to access the labour market and to the type of subsidies that may be received.

Lastly, the demand of the labour market inevitably has a direct consequence on where people with disabilities may work, as the lack of job offers limits both choice and control over someone's professional life, leaving many people with disabilities without concrete jobs and/or limited career perspectives.

In addition to the ongoing discrimination people with disabilities face in the world of work, the economic crisis, which has hit Europe since 2008, has worsened the situation. Indeed, successive waves of austerity measures have impacted upon services that are vital to disabled people's enjoyment of their rights. The situation, which was already precarious before

the onset of the recession, has become even worse, pushing back positive achievements developed until then. This state of affairs, which places people with disabilities into a chronically excluded situation making it harder for them to access the labour market, demands collective action across sectors.

### **The way forward**

People with disabilities are structurally disadvantaged in the labour market because of the barriers posed by society. Nonetheless, support measures, when provided, may help overcome structural and functional hindrances, provided that they are accompanied by a sustainable legislative and financial framework fitting long term support needs. These measures may include vocational and educational training, reasonable accommodation, technical guidance, personal assistance measures and subsidies for employers.

EASPD considers the improvement of employment opportunities for people with disabilities as one of society's key challenges, which policy makers have to tackle in the upcoming years. EASPD is committed to striving for this through a variety of means and tools. The potential of job creation for both employers and employees with disabilities is a complex, but not impossible, objective. There is a need for more efficient and concrete resources to organise training and reduce the gap between learning paths and professional environments. Islands of excellence exist, but more resources need to be allocated to make them common practice and ensure support is tailored to specific needs. Stable funding and legal facilitating frameworks are fundamental to boost employment and promote flexibility, mobility and career opportunities.

At times, labelling and categorising disabled people hampers their enjoyment of human rights, whenever it puts them in contexts of segregation from the rest of society. The use of adequate and positive terminology based on skills and competences could play a key role in unlocking its development. The social model of disability needs to be a reference also, when it comes to defining, identifying and enjoying human rights for people with disabilities. Society, by providing disabled people with the right individualised support, can remove stigmas and discrimination and promote a positive attitude towards them. Support measures are essential in order to unlock job potential and shift the focus away from impairments and on to skills and competences.

The persistent underemployment of people with disabilities needs to be addressed with immediate action to end their exclusion from the open labour market. Stronger partnerships amongst disabled people's organisations, specialised and mainstream support services, civil society stakeholders, policy makers, trade unions and with the business world are

needed, to establish strong cooperation and ensure that real employment opportunities are made available for disabled people.

### **Models of best practice and the EASPD Employment For All Award**

EASPD has worked for many years on the collection, showcase and promotion of models of best practice in the field of employment. Recently, a campaign on inclusive employment was launched, to boost stakeholders and decision makers and share disabled people's testimonies of positive employment experiences all over Europe. Information is available on EASPD's YouTube channel<sup>36</sup> and website<sup>37</sup>.

In 2015, EASPD launches its second Employment For All Award<sup>38</sup> aimed at promoting better employment opportunities for people with disabilities. There will be two categories from which nominees will be selected. The first category is for businesses/employers which promote better employment opportunities for people with disabilities. The second category comprises of social services and support providers which exhibit exceptional qualities in their practices in the employment field for disabled people.

Criteria for best practice include the following:

- Proven merits in improving support conditions for integrating work and career opportunities for people with disabilities,
- Being an active and ongoing practice and having positive prospects for future activity,
- Being preferably integrated in mainstream operations,
- Focusing on support that leads to the improvement of employment opportunities, including the promotion of autonomy and empowering environments,
- Focusing on supporting and promoting quality in work, and in work/career opportunities,
- Being part of support processes built around the person.

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36 For more information see: <https://www.youtube.com/user/EASPD>.

37 For more information see: [www.easpd.eu](http://www.easpd.eu).

38 For more information see: <http://easpd.eu/en/content/employment-all-award-2015>.

## **Biography**

Sabrina Ferraina holds a Master's Degree in Psychology from the University of Turin, Italy and Groningen, The Netherlands. In the past, she was actively involved as a neuropsychologist in rehabilitation and return to work programmes for people with acquired brain injuries. Since 2009, she has been working as Researcher and Policy Officer at EASPD, where she works on EU legislation concerning disability policies; specifically on employment, self-directed support programmes and independent living issues in the framework of the UNCRPD. Sabrina has extensive knowledge of EU issues and project management, needs assessment and development of training programmes for people with mental health issues and intellectual disabilities.

EASPD promotes equal opportunities for people with disabilities through effective and high quality service systems in Europe, representing over 10,000 service provider organisations across Europe and across disabilities. EASPD believes in quality affordable, accessible and adaptable services that improve the quality of life. EASPD works towards ensuring the full implementation of the UNCRPD and is accredited to the Conference of State Parties to the CRPD.

## **8. European Level**

### **b. EUD – A fully signing working environment**

Mark Wheatley, Executive Director, European Union of the Deaf (EUD)

#### **History and organisation of EUD**

The European Union of the Deaf (EUD) is a not-for-profit European non-governmental organisation comprising of national associations of the deaf (NADs). EUD was founded in 1985 and today has 31 NADs as full members, from the 28 European Union member states and Iceland, Norway, and Switzerland. It also has 5 affiliated members: Serbia, Turkey, Israel, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina. Aiming to establish and maintain EU level dialogue with EU institutions and officials, in consultation and co-operation with its member NADs, it is a full member of the European Disability Forum (EDF) and is supported by the Rights of Persons with Disabilities Unit within the Directorate General Employment, Social Affairs and Inclusion at the European Commission.

EUD is one of the few organisations in Europe, and the only organisation at European level, with staff from different countries using sign language as their main or only working language. EUD has always had deaf presidents, Board members and executive directors. With the growing number of staff and the different interns at EUD over the past few years, all staff have, with a few exceptions, been deaf. An interesting aspect of this is that, although there have occasionally been hearing staff members or interns, EUD has always remained a fully signing environment with sign language as the office and working language.

Another aspect to consider is that the EUD staff and interns are all from different countries; even countries that are not part of the EU; for example, the United Kingdom, Spain, Sweden, Belgium, USA, Australia, Croatia etc. Seeing as each country has its own national sign language, EUD uses International Sign (IS).

EUD's guidelines (EUD 2012) state that IS is sometimes also referred to as an auxiliary language where meaning has to be negotiated between signers. IS signers reportedly use a set of signs from their own national sign languages, mixed with highly iconic signs that can be understood by a large audience. Additionally, grammatical features that are thought to be common among (Western) sign languages are drawn upon. These can be classifiers, role-play and general non-manual features, among others. It has therefore been said that IS is more of a language than a typical pidgin.

IS is also the main communication mode used when communicating with EUD members, in situations from webcam chats and meetings to the General Assembly. This makes the organisation very unique at a European level; not only does it allow for a means of communication across different countries and national sign languages, but it also provides an opportunity to learn more about different national sign languages. It is important to highlight that EUD is one of the very few organisations in the world that uses IS as an everyday language in the office.

### **The working environment**

Drawing upon my vast experience of management, I have ensured that EUD offers full accessibility for deaf people; providing for a fully signing working environment. This includes every aspect, from the flow of information and communication via a fully signing office, to the physical environment. We have an open office with desks strategically placed so that we can always see each other, attract each other's attention, always be included in conversations and have access to information. In my opinion, this deliberate strategy works better; staff are motivated regardless of their communication methods.

As someone having faced language barriers may recognise, it is very important, as a deaf person, to feel fully included in your work environment and with your colleagues. This includes understanding and expressing yourself clearly in meetings with your boss and colleagues, being able to understand your tasks and feedback from your boss, and interacting socially with your work colleagues in order to create a positive work environment. In addition, by not being dependent on an interpreter, communication and information passes instantly and more accurately, without any loss of information between staff.

The physical working environment is also something to take into consideration. Although it is more and more common for offices to be open plan, this serves an important purpose for us at EUD. Sitting in an open office space where desks are placed in such a way as to allow all staff members to see each other, and be able to easily get the attention of other people, is more accessible for deaf staff.

It is important not to neglect the mentoring our young interns, who are mostly deaf, as it is vital for tomorrow's leaders to learn how to interact with others on a day-to-day basis.

## **Access to sign language interpreters**

Due to being a fully signing office, the need for sign language interpreters internally is reduced. However, externally, they are still essential in many situations. I would like to take the opportunity to share my experiences of accessing and working with sign language interpreters in workplaces in two countries; England and Belgium.

There is an issue with the right to sign language interpreters, varying greatly in different EU countries. The United Kingdom provides individualised interpretation services per week, from a few hours to full time, under the Access to Work programme (Department for Work and Pensions 2014).

“Access to Work is a specialist disability service delivered by Jobcentre Plus, which gives practical advice and support to disabled people, whether they are working, self employed or looking for employment. Access to Work is provided where someone needs support or adaptations beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act.”

(Department for Work and Pensions 2014).

Belgium, by contrast, provides interpreting for only 10% of an individual’s total weekly working hours; i.e. 4 hours for a full-time position (CAB Vlaams Communicatie Assistentie Bureau voor Dooven vzw 2014).

In order to gain the right to use sign language interpreters in Belgium, I registered and obtained a residency card from the Belgian Government and applied for a certificate from the hospital’s Ear, Nose and Throat (ENT) consultant, showing that I meet the following medical conditions:

- Either from 70 dB loss in the better ear for tonal audiometry (determined by an ENT doctor),
- Either 70% or less speech intelligibility in vocal audiometry (determined by an ENT doctor).

(CAB Vlaams Communicatie Assistentie Bureau voor Dooven vzw 2014)

While the freedom of movement of workers, one of the pillars of the EU, allows EU citizens to move freely between member countries without workplace restrictions, I experienced significant difficulties due to my need for sign language interpreters. Being a British citizen and having moved to Belgium for work is in itself a big change, but the procedures imposed on deaf workers are disproportionately more complicated and time-consuming, allowing us less time to settle in and perform at work. Furthermore, the difference in granted interpreting hours significantly lowers my standard of work. By

contrast, rights associated with EU citizenship in the area of employment are granted to hearing workers without restrictions, giving them an advantage in the labour market.

EUD aims to achieve equal treatment for all deaf people, on equal terms to hearing people, without being discriminated against. When it comes to the freedom of movement within the EU, the same rights and demands should apply to all people, meaning you should learn the language of the country you are living and working in, including a foreign sign language if you are deaf.

EUD is a registered not-for-profit organisation in the Belgian Governmental framework and therefore has to comply with the regulations that come with the country. EUD is not a sign language interpreting agency, but an organisation which is predominately run by deaf people who need sign language interpreters.

The EUD office happens to be located in Brussels, Belgium, due to all the EU institutions being there and all the lobbying and decisions being made here. However, there is a discrepancy between the EU system and the Belgian system; this is a challenge if you are working with the EU system but being restricted by the Belgian system.

The official languages in Belgium are French, Dutch and German and the official sign languages are Flemish Sign Language and French Belgian Sign Language (Wheatley & Pabsch 2012 p. 41). However, in the EU institutions, the main (spoken) languages are English and French. So, even if you are entitled to a sign language interpreter, and as a deaf person, you are working and living in Belgium and are signing in either of the official sign languages, there is no guarantee that the recipient understands you, as this information is not translated into spoken English, which would be the main language that most people understand and use in Brussels within the EU system. This context also broadcasts the uniqueness of EUD as an organisation, since deaf people are not dependent on sign language interpreters for their daily internal work (ibid).

### **The UNCRPD**

Although Article 27 of the UNCRPD, work and employment, “[...] recognises the right of persons with disabilities to work on equal basis with others [...]” it does not give any specific information regarding how to accommodate this. However, if you highlight other sections in the UNCRPD, such as Articles 5 and 9, you find the terms reasonable accommodation and even workplaces specified. We at EUD are of course aiming to use the UNCRPD as an example and act as a role model to other employers.

## **Conclusion**

What makes a successful but practical workplace? Ensuring that everyone can see each other and nothing hinders communication between them. It is also important to ensure that everyone can communicate in a shared sign language, which would eliminate the bureaucratic package that comes with sign language interpreters, regardless of the location. Finally, we should also be aware of the requirements that come within the specific articles of the UNCRPD.

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## **Biography**

Mark Wheatley has been the Executive Director of the European Union of the Deaf (EUD) since 2007. Under his leadership, EUD has grown to a more visible organisation, liaising extensively with Members of the European Parliament and other EU institution officials and establishing a new internship programme for young deaf leaders. Mark is the former Managing Director of Red Lizard Ltd, a deaf-led media design company.

## 8. European Level

### c. CBM – A diverse employer

Julie Body, Administrative Assistant, CBM – EU Liaison Office

#### History of CBM

Pastor Ernst Jakob Christoffel laid the foundations for Christoffel-Blindenmission<sup>39</sup> (CBM) as a modern organisation to serve people with disabilities. In 1908, Christoffel set out for Turkey and founded a home in Malatia for blind and otherwise disabled and orphaned children, with the support of only a handful of friends. The mission societies to which he had previously before saw no commission for helping the blind in the Orient.

Christoffel's work came to an end when the First World War broke out. In 1919, he was expelled and Turkey remained closed to him, as to all Germans. As soon as the ban was lifted, Christoffel set out for Turkey again, but the house in Malatia was lost. Attempts to start again in Constantinople (later Istanbul) resulted in renewed prohibition, so Christoffel went to Iran. In 1925 and 1928, two homes were set up in Tabriz and Isfahan, respectively, for blind and otherwise disabled young people.

The Second World War destroyed everything, and the threat of deportation was imminent. Christoffel did not want to leave his charges on their own. In 1943, he was arrested and spent three years behind barbed wire, but his will remained unbroken. Christoffel's commitment to the education and rehabilitation of people with disabilities laid the foundation for an organisation that is currently one of the leading international development organisations for persons with disabilities worldwide (CBM 2014a).

Over time, CBM's policy has widened from serving blind people to giving all people with disabilities access to basic healthcare services. There are 600 million disabled people in the world. Most of them live in developing countries. About 2.5% of these people, a target population of 10 million, are covered by CBM's programmes. Today, CBM works and cooperates with partners such as local and national governments, Disabled Persons' Organisations (DPOs), and the United Nations (UN), with the common objective to improve the quality of life of people with disabilities in developing countries (CBM 2014b).

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39 For further information see: <http://www.cbm.org/>.

## **The vision and mission of CBM**

CBM is an international Christian development organisation, committed to improving the quality of life of people with disabilities in the poorest countries of the world. CBM's vision is to have an inclusive world in which all persons with disabilities enjoy their human rights and achieve their full potential. Based on its Christian values and over 100 years of professional expertise, CBM addresses poverty as a cause, and a consequence, of disability, and works in partnership to create a society for all (CBM 2014c).

## **Building an inclusive society**

CBM works in the most disadvantaged societies, irrespective of race, gender or religion. CBM seeks to:

- Reduce the prevalence of diseases which cause impairments;
- Minimise the conditions which lead to disability;
- Promote equal opportunities for economic empowerment, livelihood security, and full inclusion in all aspects of society for persons with disabilities.

(ibid)

## **CBM Brussels**

The European Union (EU) is an important global actor, both politically and financially, in the field of development. The mission of the CBM EU Liaison Office (EU LO) is to be a key partner at EU level; to ensure that the European Commission Development Assistance plays a central role in improving the lives of people with disabilities globally.

To achieve this, CBM aspires that the European Commission's policies and programmes must explicitly include disabled people's rights, and that the EU in general should be aware of the need, and have the capacity, to include people with disabilities in all parts of society (CBM 2014d).

## **Personal experience**

My name is Julie Body and I am 28 years old. I am deaf and have been working for CBM as an Administrative Assistant since the beginning of 2014.

Before working at CBM, I had several other jobs. For example, I worked as an Animator for CREE (*Collectif Recherche Et Expression*), which is officially recognised as a youth service by the Federation Wallonia-Brussels. At CREE, I organised activities such as games, sports, crafts, discovery, culture, etc., for deaf and hearing impaired children during the holidays.

I have also worked as an Animator for SUR'Cit  (a socio-cultural centre for deaf and hearing impaired people). My responsibilities there were to prepare events on various topics, such as Belgian elections, quizzes, games evenings, conversation tables (with the use of newspapers) also with an agency on integration for people with disabilities (*Agence Wallonne pour l'Int gration des Personnes Handicap es*) and an interpretation service provider (*Service d'Interpr tation pour les Sourds de Wallonie*).

In addition, I have worked as an Animator at a centre for sign language (*Centre Francophone de la Langue des Signes*), aiming to raise deaf awareness within schools, public services and other agencies. I have also taught sign language to beginners and have tried my luck as a maid.

As a deaf person, I have found it very difficult to find work in Belgium. In addition, many people fear what they do not know, meaning that people sometimes have prejudices when it comes to people with disabilities.

I have a great interest in humanitarian and environmental causes. Therefore, when I was looking for work, I mainly targeted companies and associations, which had the same philosophy as me. Based on this, I came across a job offer at CBM.

During my first interview at CBM, there was no interpreter, as the Manager at the time could sign, having attended courses in French Belgian Sign Language (*Langue des Signes de Belgique Francophone, LSFB*).

In our office at CBM Brussels, everybody has an opportunity to work, whether they are disabled or not. Our team consists of seven people, including six who are recognised as disabled (one blind person, one partially-sighted person, two deaf people and two wheelchair users). Around seven deaf people work in different CBM offices around the world. Murielle Bertrand, currently working as an Administrative and Finance Officer at CBM in Brussels, was the first deaf person to start working here.

My tasks at CBM mainly involve organising travel and accommodation; welcoming our partners or colleagues and organising the practicalities of these visits; planning meetings, their logistics and food, both internally and externally; verifying expenditure and checking office equipment, etc. Being deaf does not affect this office work; I mainly communicate by email and my colleagues are deaf aware when speaking to me.

Resorting to email is sometimes better for me because it allows me to communicate directly without an intermediate, such as an interpreter. However, I acknowledge having some problems when I have to accommodate people outside the team; they tend to either speak too fast

or do not articulate well. It is also more difficult when most people speak in English rather than my native French. Of course, also, people sometimes do not respond to emails immediately.

Although I communicate mostly by email, sometimes to finalise a booking, I have to ask my colleagues for help because confirmations need to be made by phone. Fortunately, technology has evolved considerably in recent years.

I work mainly with my colleague, Murielle, who is also deaf, so communication works perfectly for us. We do not have a sign language interpreter in our office, even though that would be useful sometimes. Murielle and I do not have many external meetings, which would require an interpreter; however, when we do have external meetings or conferences, we book a sign language interpreter in advance.

Regarding sign language in the office, the manager and another colleague have taken a course in LSF. Murielle has also given training in sign language. Since then, we have tried to put what they have learned into practice. When we have a team meeting, or just meet for lunch, someone always takes the time to translate the conversation; sometimes in sign language, sometimes orally. Sometimes we teach our new manager (who is blind) a new sign, and our other colleagues show genuine interest.

I was initially very surprised and happy to see that deaf people's communication and wellbeing is very important to CBM. Everyone pays attention to other team members and I do not feel it matters that I am deaf. I am just as important as anyone else in the organisation; my opinion matters and everyone is treated with respect, which is fundamental in order for me to produce good work.

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## **Biography**

Julie Body is currently working as an Administrative Assistant at CBM's office in Brussels, Belgium. She is from Belgium and has previously worked as an Animator at CREE, SUR'cité and Centre Francophone de la Langue des Signes. She has also spent time working voluntarily at Sour'Dimension. Julie has an educational background in literature and multimedia.

## **9. National & Regional Level**

### **a. Reflecting society in employment**

Aske Gott Sørensen, Communicator, Danish Crown, Denmark

The employees at the Danish Crown slaughterhouse in Horsens are not all alike. There is room for anybody who has the skills and is willing to work.

In Horsens in Denmark lies the world's most modern pig slaughterhouse. With more than 1.300 employees, the slaughterhouse is the biggest workplace in the city, and a key part of the mentality on site is that the employees should reflect society.

As a result, Danish Crown often chooses to hire employees who are in some way challenged in being part of wider society, thereby providing jobs for a group of people who are otherwise at risk of becoming redundant. One example is the active choice to hire people with hearing disabilities. Two of them, Brian Terkelsen and Bjarne Schültz, are both very happy working there. They have both been working in Horsens for more than seven years, and when looking at their ability to do the job, they are just as efficient as their colleagues.

#### **No communication problems**

Both Terkelsen and Schültz have served in several different functions during their time at Danish Crown; currently, they work in the packaging department. They agree that Danish Crown has given them a great opportunity and that more deaf people should have the opportunity to work, as their ability to perform jobs such as the ones offered at Danish Crown is in no way lesser than that of their hearing colleagues.

"A lot of employers might make the easy choice when hiring, but you have to understand that we are just deaf. But there are no communication problems here in Horsens, and severe hearing loss is in no way keeping us from performing just as well as the guy next to me with perfect hearing," explains Terkelsen.

In fact, the deaf employees have certain advantages over their hearing counterparts when it comes to working at the slaughterhouse. Living their life through sign language makes working with their hands easier.

“What some people might forget is that deaf people are very good at working with their hands. We tend to be good at keeping our focus as well, as deaf people are not distracted by the noise naturally occurring at a facility like a slaughterhouse. This makes it easier for a deaf employee to concentrate on the task at hand,” says Schültz.

### **Awarded for integration**

Per Laursen, factory director at Danish Crown, agrees that deaf employees are easy to integrate and able to perform at the same level as their hearing colleagues: “I think it is natural that our employees reflect society as a whole. People with hearing loss are able to live their lives just like everybody else, and of course employers should not discriminate against anyone as a result of their lack of hearing. We are happy and proud that we are able to employ people who might be challenged in other situations, but what it all comes down to in the end, is that they are able to perform their job just as well as anybody else at our facility,” he says.

### **Cooperation with the municipality**

The slaughterhouse in Horsens cooperates with the local municipality in order to get more people into work. This is called the Horsens Alliance; in the short term, it is about giving people who are not within the common working sphere a chance to get a job at some of the big companies in the city.

“I think we have a responsibility as a large company to help those that have a hard time getting a job. We try to live up to that responsibility and that is partly through hiring people who have experienced difficulties in getting a job elsewhere,” says Laursen.

### **Works both ways**

Schültz and Terkelsen would both like more deaf people to be employed at the slaughterhouse, but they agree that the responsibility for making that happen lies with both the employer and potential new employees. They would like to see more deaf people applying for work, both at the slaughterhouse and in general, and encourage everyone they meet to do so.

“I find it sad that more deaf people are not employed in Denmark. I encourage people to apply for jobs, when I meet them, but it is also the deaf person’s responsibility to seek out jobs. We have to show that we can work equally with our hearing counterparts,” says Schültz.

### **Award from the Danish Deaf Association**

In 2010, the slaughterhouse won an award from the Danish Deaf Association for focusing on helping their deaf colleagues. The My Best Colleague award was given to them for hosting sign language courses that enabled the slaughterhouse workers to communicate with their deaf counterparts.

The courses were the idea of then senior shop steward Lars Mose, who played a key role in the employment of the workers with hearing disabilities.

## **Biography**

Aske Gott Sørensen works as a Communicator at Danish Crown. The administration at Danish Crown in Horsens try to reflect the society around them when they hire new employees. This includes hiring people with severe hearing disabilities, thereby helping them enter the job market. While employers might be inclined to make easy decisions when hiring new employees, both the current deaf employees and the factory management would like more people with hearing disabilities to work at the slaughterhouse. As management says, it is part of the responsibility of being a large workplace in a city like Horsens.

## 9. National & Regional Level

### b. Latvian Association of the Deaf Rehabilitation Centre

Edgars Vorslovs, President, Latvian Association of the Deaf, Latvia

#### Introduction

The Latvian Association of the Deaf (*Latvijas Nedzirdīgo Savienība – LNS*) is the successor of the first organisation of the deaf in Latvia, established on 19 May 1920. It is currently the biggest organisation for deaf people in Latvia and is active all over the country. There are regional LNS societies in the 9 cities of Latvia and 4 commercial companies.

LNS is a social non-governmental organisation (NGO), and its members are volunteers. Deaf and hard of hearing users of Latvian Sign Language take part in achieving the aims of LNS and participate in its activities. The LNS Board consists of 7 members.

The main aims of LNS are:

- To assist deaf and hard of hearing people,
- To improve society's understanding of and responsiveness regarding deaf and hard of hearing people.

To achieve these aims, the main tasks of LNS are:

- To attain support of the government and self-governments regarding social rehabilitation of LNS members, to facilitate their integration in society,
- To satisfy the material, everyday and cultural needs of LNS members, to raise the level of their education, health protection and rehabilitation.

LNS has been a member of the World Federation of the Deaf (WFD) since 27 April 1992 and a member of the European Union of the Deaf (EUD) since 8 May 2004. (*Latvijas Nedzirdīgo Savienība 2015*)

## About the Rehabilitation Centre

The commercial company, LNS RC (*SIA LNS Rehabilitācijas centrs*), was founded by LNS by merging the following companies: LNS Cultural Centre Rītausma (*SIA LNS kultūras centrs Rītausma*), SIA LNS Communication Centre (*SIA LNS Komunikācijas centrs*) and SIA LNS Sign Language Centre (*SIA LNS Zīmju valodas centrs*). (SIA LNS Rehabilitācijas centrs 2015; LNS Zīmju Valodas Centrs 2007)

LNS RC aims to implement measures for the social rehabilitation of deaf people and the development of human resources, as well as to perform commercial activities. LNS provides the hearing impaired with social rehabilitation and technical devices, such as hearing aids, alarm clocks etc. This is related to the Latvian Social Services and Social Assistance Law that came into force on 1 January 2010. It also allows LNS to receive funding from the Latvian Ministry of Welfare, as the LNS RC provides these services. (Likumi.lv 2015a)

There are both deaf and hearing people working at LNS RC. For example, sign language interpreters are mostly hearing, and all social rehabilitators and social workers are deaf. The workshop leaders are both hearing and deaf, and the psychologists are all hearing. All of the hearing social work specialists, who do not know sign language, are accompanied by sign language interpreters.

LNS RC was registered in the Latvian Commercial Register on 23 February 2012. The LNS RC Board consists of two members; the Board Chair, Sandra Gerenovska (deaf), and Board Member Lilita Janševska (hearing).

## Structure of the company (scheme)

The aim of LNS RC activities is to implement events ensuring social rehabilitation of deaf people and human resources development, and to carry out business activities. The company's main activities are:

- Sign language interpreting services,
- Social rehabilitation,
- Adult education (Lifelong Learning),
- Publishing activities,
- Other activities that comply with the aims of LNS RC activities and do not contradict the applicable regulatory acts of the Republic of Latvia.

Since 1 January 2010, the social rehabilitation of disabled people with hear-

ing impairments has been provided by the Latvian Association of Disabled Persons with the involvement of LNS RC, according to the Law on Social Services and Social Assistance. In accordance with the Regulations of the Cabinet of Ministers, LNS RC provides social rehabilitation services and sign language interpreting, funded by the budget for disabled people with hearing impairment. The services provided are threefold and then further divided into specific aims. (Likumi.lv 2015b)

1) Special social rehabilitation services:

- Latvian Sign Language learning,
- Communication and creative self-expression skill acquisition,
- Psychological adaptation training,
- Help and support for clients in solving social issues.

2) Social rehabilitation services package:

- People with hearing impairments,
- People with hearing impairments and learning disabilities.

3) Sign language interpreting services:

- Educational programmes/studies,
- Contact with other individuals or legal entities.

Social rehabilitation services to disabled people with hearing impairments are provided by LNS RC social work specialists - social workers, Latvian Sign Language interpreters, psychologists, a social rehabilitator (specialist) and other employees who have experience, knowledge and skills in working with disabled people. LNS RC specialists in social work provide certain social rehabilitation services according to the client's individual social rehabilitation plan, in order to facilitate social integration (up to 150 hours per year) and social rehabilitation service packages (no more than 150 days in five years). Hearing impaired disabled people can get social rehabilitation services and sign language interpreting services funded by the state in LNS RC's Social Rehabilitation, Sign Language Interpreting and Sign Language Development Divisions, and in service provision centres in Riga, Alūksne, Smiltene, Valmiera, Liepāja, Kuldīga, Rēzekne, Daugavpils and Ventspils. (SIA LNS Rehabilitācijas centrs 2015; LNS Zīmju Valodas Centrs 2007)

## **The different departments**

### **Sign Language Interpreting Department**

The Sign Language Interpreting Department provides sign language interpreting services all over Latvia to ensure communication with individuals and legal entities, and in professional elementary education, professional secondary education and higher education institutions. The aim of the service is to facilitate the client's social integration, provide access to necessary information and services, and provide sign language interpreting services for communication with other individuals and legal entities, according to the client's perception and communication abilities. Sign language interpreters are provided all over Latvia upon the client's request.

### **Sign Language Development Department**

The Sign Language Development Department implements social rehabilitation and provides help and support in learning Latvian Sign Language, boosting clients' practical signing skills and vocabulary signs, thus facilitating their social integration. It also contributes to the development of Latvian Sign Language and adult education, as well as carrying out publishing activities.

The activities include:

- Providing social rehabilitation services to hearing impaired disabled people,
- Preparing materials for sign language learning (Latvian Sign Language dictionaries, DVDs),
- Publishing materials for sign language learning (dictionaries),
- Organising sign language courses for sign language interpreters,
- Organising sign language courses for interested individuals (hearing people),
- Planning and implementing projects.

## **The Social Rehabilitation Department**

The Social Rehabilitation Department implements events aimed at restoring the social functioning abilities of people with hearing impairments, improving the quality of their lives, reducing negative social consequences of self-isolation, dependence and other factors, and facilitating their full social integration.

The activities include:

- Providing social rehabilitation services to hearing impaired disabled people;
- Organising leisure activities for people with hearing impairments (different interest groups, art groups, creative self-expression groups, recreation events, etc.);
- Organising educational and informative events (lectures, recent information in sign language, meetings with the representatives of various institutions, etc.);
- Organising support, self-help groups and individual consultations, providing support in solving clients' issues, and other activities;
- Informing clients about the possibilities of getting social rehabilitation services/technical aids and the related procedures;
- Implementing various projects, etc.

## **Description of the services**

### **Latvian Sign Language learning**

The aim of the Latvian Sign Language learning service is to ensure acquisition of Latvian Sign Language knowledge and skills. The task is to provide help and support in learning Latvian Sign Language, ensuring clients have practical Latvian Sign Language skills and increasing their signed vocabulary, thus facilitating their social integration.

The service is provided in accordance with the Latvian Sign Language learning programme, which determines the implementation of learning aims, tasks, plans, planned results, resources and recommended literature. The programme implementation plan determines topic-based planning and divides topics into subtopics; 25 topics and visual materials (dictionaries, video dictionaries in DVD format, etc.) are offered during practical lessons. During the learning process, sign language specialists apply the methods according to each client's abilities and individual needs, taking

into consideration the client's experience, skills and specific cognitive process. You can apply for the service personally or electronically; it will be provided in service provision centres or at the client's home. An initial sign language course is taught for up to 80 hours and sign language skills improvement runs for up to 60 hours a year.

### **Communication and creative self-expression skill acquisition**

The aim of this social rehabilitation service is to encourage clients' communication with others, improve their social and communication skills, and create ideas for self-improvement. During lessons, clients can acquire and improve upon their life skills, improve themselves in order to feel safer and more confident in different social and culture-related events; raise their self-esteem, improve their cultural understanding and awareness, facilitate creative growth; participate in creative workshops and use their time profitably.

Teachers apply flexible methods during lessons, depending on the individual needs of participants in each group. The service is provided according to the communication and creative self-expression skill acquisition programme, which determines the aim and tasks of the lessons and division of topics.

The topics are as follows:

- Dance and movement workshop,
- Theatre and movement workshop,
- Photo, video and IT workshop,
- Music making workshop,
- Visual and plastic art workshop,
- Social skills development workshop.

The service can be provided upon personal or electronic request and can be obtained in service provision centres, in a respective creative workshop. Sessions are held in groups or individually.

## **Psychological Adaptation Training**

The aim of this social rehabilitation service is to improve clients' ability to adapt to the social environment according to their needs, abilities and wishes. The service is aimed at improving clients' quality of life, motivating them to join the community and hearing society, and helping to improve their communication skills, better understand the communication process and learn the most effective models of action.

The main task of the psychologist is to help people with hearing impairments to feel more confident in different complicated situations and to find solutions. These situations may be different: divorce, loss of a loved one, exhaustion, lost joy of living, dependencies (alcohol, substance abuse, computer dependence, gambling, etc.), violence, loss of work, conflicts in relationships (at work, in the family, at school, etc.).

The psychologist applies various methods in his work (mini-lectures, discussions, different games and exercises, tests, role games, training sessions, individual consultations, etc.) depending on each client's needs and issues. The service can be provided individually or in a group. At least 5 hearing impaired people can take part in a group session.

The following topics are included in group sessions:

- Overcoming barriers in communication,
- Internal and external environmental resources,
- Stress and methods of overcoming it,
- Conflicts and their solutions,
- Basic needs and their impact on the quality of someone's life,
- Possible support and behaviour in crisis situations,
- Goals in life, values and the possibilities of implementing them,
- Confused roles, role expectations, confusion in values, feelings, self-identification,
- The ability to accept a situation and meet social expectations that depend on one's gender and age,
- Assessment of the results achieved, setting of new goals.

Individual consultations are organised considering the basic principles of individual psychology, providing support to the client and encouraging them to engage in social life. You can apply for the service personally or electronically; the service will be provided upon request in service provision centres or at the client's home.

### **Clients' help and support in solving social issues**

The aim of this service is to facilitate social integration for people with hearing impairments, eliminating or decreasing negative social consequences caused by social rejection, self-isolation, dependence and other factors; providing help and support to clients in solving social issues, developing their abilities to solve personal, interpersonal and social issues, make decisions independently and implement them; and providing them with information about important social issues and service providers.

Individual social work with the client and support/self-help groups are organised within the framework of this service. In self-help groups, clients motivate each other, share their experiences and knowledge, discuss, ask and answer questions, help others, motivate and assess themselves. The service is provided upon request and if necessary; it will be provided in service provision centres or at the client's home.

### **The social rehabilitation service package for people with hearing impairments**

The aim of this service is to boost clients' motivation and social activities in order to reduce their social isolation and improve the quality of their lives. The service package is aimed at the re-adaptation and re-socialisation of a hearing impaired person, so that they can join the community of people with hearing impairments and hearing society. It aims to improve their social and communication skills and provide information about their hearing status and various hearing aids, teaching them to use them, etc.

The methods applied during sessions are selected according to each client's abilities and individual needs, taking into consideration the client's experience, skills and the specifics of their cognitive process. The service is provided in accordance with the Social Rehabilitation (SRH) programme for hearing impaired people, designated for people with severe auditory inefficiency or deaf people (only for people residing outside Riga). A group consists of 8-10 people. The SRH programme includes a 28-day cycle (food, accommodation, informal leisure activities in the evenings and at week-ends). Sessions are for 8 hours a day.

The SRH service is provided by a social worker, psychologists, educator, speech therapist, legal adviser, social rehabilitation specialist, physiotherapist/rehabilitator, remedial exercise instructor, information technology

teacher, a clients' service specialist, cultural event organiser, etc. The work during sessions is organised in teams - several specialists work together for several sessions.

SRH programme blocks:

- Psychological rehabilitation,
- Communication techniques,
- Computer skills,
- Recovery and physical rehabilitation,
- Information sharing,
- Technical aids.

The client can apply for the service in LNS RC service provision centres, by prior appointment, personally or electronically.

### **The social rehabilitation service package for people with hearing and mental illness**

The aim of this package is to boost clients' motivation and improve their abilities and skills to integrate into the deaf community and society, in order to decrease their social isolation and improve the quality of their lives.

The service package is aimed at re-adaptation, re-socialisation and social integration of people with hearing and mental development impairments. The service is provided in accordance with the SRH programme for people with hearing and mental development impairments, designated for people with hearing and mental/intellectual development impairments (only for people residing outside Riga). The group consists of 6 persons, and the SRH programme includes a 28-day cycle (food, accommodation, informal leisure activities in the evenings and at weekends). Sessions last for 8 hours a day for each client. The methods applied during sessions are selected according to each client's abilities and individual needs, taking into consideration their experiences, skills and specific cognitive process.

The SRH service is provided by a social worker, psychologists, educators, a social rehabilitator, a physiotherapist, a massage therapist, a sports instructor and a computer skills training specialist, with the participation of sign language interpreters, assistants, clients' service specialists, leisure activities organisers, and other specialists (a psychiatrist, lawyer, carrier specialist and physician). The work during sessions is organised in teams - several specialists work together for several sessions. The SRH package is provided by the social rehabilitation programme for deaf people who

have mental development impairments, which determines the aims, tasks of each service and division of topics.

SRH programme blocks:

- Psychological rehabilitation,
- Communication and language,
- Improvement of life skills,
- Physical rehabilitation,
- Information sharing.

The client can apply for the service in LNS RC service provision centres, by prior appointment, personally or electronically.

#### **Sign language interpreting services aimed at learning the programme**

The aim of this service is to promote the accessibility of necessary information to the client, facilitate their social integration, and provide interpreting services to help them access and learn the educational programme. Sign language interpreters provide simultaneous and consecutive interpretation.

Sign language interpreting services are provided individually, or in a group, with up to 480 academic (360 clock) hours during one academic year, covering lessons, consultations, workshops, exams and other events related to educational programme, for clients in professional primary / secondary education or at higher education institutions. Clients have to apply personally for sign language interpreting services.

#### **Sign language interpreting services in order to ensure contact with other individuals or legal entities**

The aim of this service is to facilitate the client's social integration and access to necessary information. Individual clients are provided with up to 120 clock hours of sign language interpreting services per year, for communication with other individuals and legal entities, according to the client's perception and communication abilities. Sign language interpreters provide simultaneous, consecutive interpretation and translation.

Sign language interpreting services can be used to get medical services, to get a job, to settle issues related to legal labour relations, to solve everyday issues, in emergency situations, in municipalities, social services and other public institutions, in different courses, events and workshops, in muse-

ums and on excursions, etc.

A client can apply for sign language interpreting services and get them in LNS RC service provision centres personally, or by contacting the centres electronically (by e-mail, Skype, ooVoo, text messages, etc.).

When placing an order electronically, it is necessary to provide the following information: first name, last name, client's card number; contact information and information about the required sign language interpreting service - date, time, precise location; topic of interpretation. Orders are registered by a sign language interpreting service specialist who agrees on the time of service provision with the client.

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## **Biography**

Edgars Vorslovs has worked at the Latvian Association of the Deaf (LNS) since 1993. From 2001 to 2009, he served as Board Chairman of the SIA LNS Communication Centre (sign language interpreting services); from 2009 to 2013 he was the Head of the Social Service Department at LNS; he has been President of LNS since 2013.

Edgars is a Member of the Latvian National Council of Disability Affairs and has a Bachelor's degree in Social Work. He has also participated in many LNS projects that have been financed by the European Structural Funds.

## 9. National & Regional Level

### c. Employment and deaf people in Spain: A perspective from the deaf associative movement

Alfredo Gómez Fernández, Executive Director, Andalusian Federation of Associations for the Deaf, Spain

#### Introduction

Confederación Estatal de Personas Sordas (CNSE), is a non-governmental and non-profit social action organisation, comprised of 17 regional federations. The improvement of the vocational training and employment conditions of deaf people is one of its strategic lines.

In 1997, the first steps were made towards setting an action plan for the employment of deaf people through the CNSE Employment Commission. The approaches set out in this plan were developed in 2000 by the establishment of specialised teams, which make up the CNSE Employment Network. The main goal for these teams was to provide effective solutions to the high rate of unemployment amongst deaf people.

During these 18 years of networking, we have been developing many employment programmes with the main goal of improving deaf people's employment conditions. Its labour market integration, meaning the active involvement in the community and in an economic context, constitutes an important part of the social policy.

Based on this, CNSE focuses on:

- Offering a network of work guidance and intermediation services for deaf people throughout the different regions,
- Identifying specific needs and coordinating initiatives related to vocational training and job opportunities,
- Promoting vocational training as the tool to access employment for deaf people,
- Fostering the right to employment for deaf people,
- Defending the labour rights of deaf people,
- Encouraging self employment among deaf people.

Regional federations of deaf people work on: Designing social integration itineraries suitable for individual and collective features,

- Empowering deaf people to get suitable jobs, according to their professional profiles,

- Offering “tailor-made” training through customised itineraries,
- Establishing contact with enterprises with the aim of finalising collaborative agreements for the integration of the collective,
- Advising and reporting on self employment and entrepreneurship.

Following this working methodology, federations of deaf people throughout Spain are in charge of the socio-labour training of deaf and hard of hearing people. CNSE Employment Services have multidisciplinary teams: employment technicians, career guidance, employment consultants, sign language translators, educators and trainers. These services departments, based on their long history and in-depth knowledge of the deaf community, are focused on developing training; vocational programmes and labour intermediation programs. It is possible to make individual itineraries that accommodate a deaf person according to his/her profile and personal situation. Examples of actions carried out by the federations are:

- Work guidance,
- Access to training,
- Promoting employability of deaf people,
- Entrepreneurial awareness,
- Cooperation with trade unions,
- Labour intermediation,
- Promotion of self employment,
- Institutional contacts.

Nevertheless, it should be acknowledged that during the last years of the widespread economic crisis, some of our federations have been unable to develop their employment services due to a shortage in funding (both public and private). Despite this, an employment network (*Red Empleo*<sup>40</sup>) keeps on working on labour issues; together with the experienced CNSE Employment Services and the legislative progress in terms of employability, these have promoted and are now promoting an improvement in the employment of the deaf collective. (Confederación Estatal de Personas Sordas 2011)

It is worth remembering that people with disabilities have the right to work on an equal basis to others, according to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Article 27. This right is laid down in several regulatory provisions, both national and international, from the Spanish Constitution to the UNCRPD. To exercise this right and get real job placements for people with disabilities, the Royal Legislative Decree 1/2013 of 29 November, approving the revised text of the General Act on Persons with Disabilities and their social inclusion,

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40 An employment network between the 17 regional federations, coordinated by the CNSE. For further information see: [http://www.cnse.es/actuacion/formacion\\_empleo.html](http://www.cnse.es/actuacion/formacion_empleo.html).

establishes specifically in Chapter VI on the right to work special measures regarding guidance and employability of workers with disabilities (Article 38) (Boletín Oficial del Estado 2013). The Employment Network of Disabled associative movement's cooperation in drafting the law, like CNSE, has reported significant results regarding training and employment of the deaf collective.

Regarding legislation recognising the rights of deaf people to use their language (Spanish Sign Language, *Lengua de signos o señas española, LSE*), we should note that Act 27/2007 of 23 October 2007 recognises Spanish sign languages (*LSE* and Catalan Sign Language, *Llengua de signes catalana, LSC*) and regulates the means of oral communication to support deaf people, hard of hearing people, and deafblind people. In Article 2, it clearly states that deaf people can freely choose to know and use Spanish sign languages. (Boletín Oficial del Estado 2007)

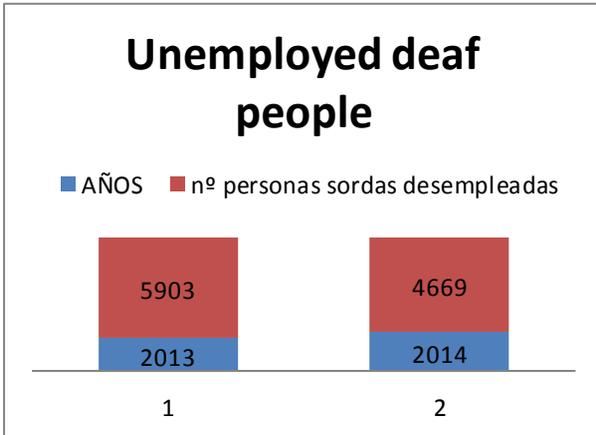
On the other hand, the scope of this Act (as laid out in Article 6) covers relationships with public administrations (*ibid*). Therefore, it should guarantee interpreters in all areas and, above all, in terms of employment and vocational training in a context of economic crisis and unemployment (such as the current one). Thus, according to Articles 34 and 35 of Act 62/2003 of 30 December 2003 concerning the governing tax, administrative and social measures (likewise related to Article 10.b of Law 27/2007 in terms of vocational training and employment), measures will be established to ensure the principle of equal treatment without discrimination in access to employment and vocational and ongoing training. In consequence, this same principle will not stop the application of specific measures for some collectives in order to foresee or compensate for their disadvantages (Boletín Oficial del Estado 2003).

It may therefore be concluded that all of this has led to a better labour market situation for deaf people, reaching 14,000 job placements for them. Besides, more than 85,000 work guidance sessions have been carried out by the CNSE Red Emplea and more than 12,000 deaf people have been able to receive training after consulting CNSE Employment Services (Confederación Estatal de Personas Sordas 2014).

Despite the improvement reached in labour matters, we are still finding many barriers to access to the labour market for deaf people.

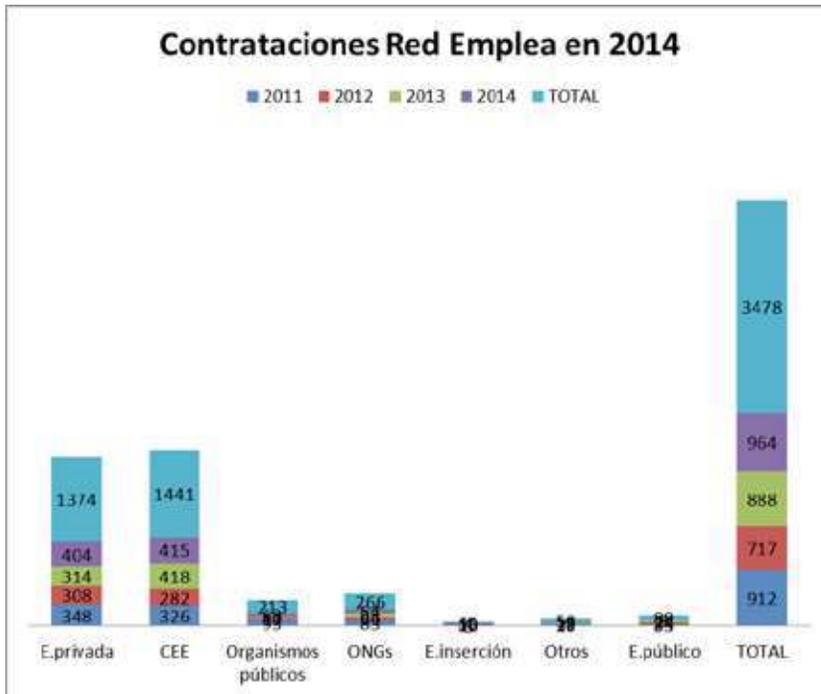
Unemployment figures are still very high. These figures have been calculated according to information provided by the regional federations, which registered 5,903 unemployed deaf people in 2013. Although unemployment decreased by 20.9% in only a year (which means that in 2014, 4,669 deaf people were unemployed), it may be concluded that the unemployment rate of deaf

people is comparably higher than that of the non-disabled population.



*Source: Own elaboration based on CNSE employment annual reports. (Confederación Estatal de Personas Sordas 2014).*

On the other hand, the number of job placements registered every year through CNSE Red Emplea can be described as positive. In 2013, 888 job placements occurred, which increased by 8.5% in 2014, when 964 deaf people gained employment (ibid). Bearing in mind the economic crisis since 2007-2008, these figures have to be considered as positive. The raising of job placements cannot be taken as the only valuation indicator of deaf people's situation in the labour market; the typology of their contracts, their working conditions and main frequent areas of occupation should also be taken into account.



Source: Own elaboration based on CNSE employment annual reports. (Confederación Estatal de Personas Sordas 2014).

In particular, the latest statistics in terms of employment and disability acknowledge that people with hearing impairments have the highest activation rates. (Instituto Nacional de Estadística 2014a; Instituto Nacional de Estadística 2014b) Nevertheless, behind these figures, there are some questions that should be clarified to consider these results in terms of reality. In other words, when statistics are generated, what criteria are being taken into account? Who is understood to be a deaf person? What kind of deaf person gets a job? A person with a hearing impairment due to a slight hearing loss is not the same as a profoundly deaf person and a deaf sign language user; neither is a prelingual deaf person (whose hearing loss occurred before they acquired speech) the same as a postlingual deaf person (who had hearing loss after they could speak). So, when we say that deaf people have the highest activation rates, what kind of deaf people are we talking about? Profoundly deaf people? Those with a hearing loss? After all, until now, statistics and research focused on this subject have

been a mere approach to the reality. It will be necessary to redefine this; to establish criteria and to categorise types of deaf people according to their hearing loss, typology, characteristics etc. This needs to be investigated.

In the same way, it is possible that important and significant figures are registered related to the recruitment of disabled people in general, and hearing impairment in particular. But, in which conditions; duration of the contract, working day, wage, occupational group etc.? According to the latest data recorded by CNSE Red Emplea, 964 contracts were signed in 2014, but 856 were short-term contracts. (Confederación Estatal de Personas Sordas 2014).

Since the first steps of CNSE Red Emplea in 1997, we have been observing an important labour stereotyping of our collective in specific occupational groups. There is a strong trend towards hiring deaf people in labour activities related to the secondary sector (mainly industry) and the tertiary sector (service industry; mainly general services and assistance such as cleaning, working as a porter, maintenance and gardening). Focusing on the last four years, we can appreciate that in 2011, 80% of recruitments were related to the secondary sector, followed by the tertiary sector, which registered 60% of deaf and hearing impaired people as employed. The same figures were extrapolated the following year, 2012, when employment rates for our collective were still concentrated in the same sectors and order. That is to say, the secondary sector was still the main occupational niche for deaf people, followed by cleaning and general services and assistants (mainly company services and communities). (ibid)

These figures barely changed in 2013. The secondary sector has kept the lead, but breaking down the different economic activities sector by sector, cleaning (tertiary sector) would be the occupation with the highest registered rate of deaf and hard of hearing people. Industry (secondary sector) would be in second position and, ultimately, there would be a third group, a mixture of different occupations tightly related to labour activities in social services and the associative movement (NGO); mainly nursing assistance services and assistance services to dependant people (provided at home or in centres), computing and the car industry. In 2014, these figures remained constant; most deaf people were employed in the tertiary sector, followed by the secondary sector. (ibid)

Many deaf people end up with low skilled jobs due to their low training and educational levels. This factor, which characterises the collective, is the consequence of difficulties of access to formal and non-formal education because of the scarcity of accessibility and adaptation to training. Indeed, of the total number of deaf and hearing impaired people employed in Spain, a significant number wanted access to continuing education but were not able to do so because of the lack of technical means and human

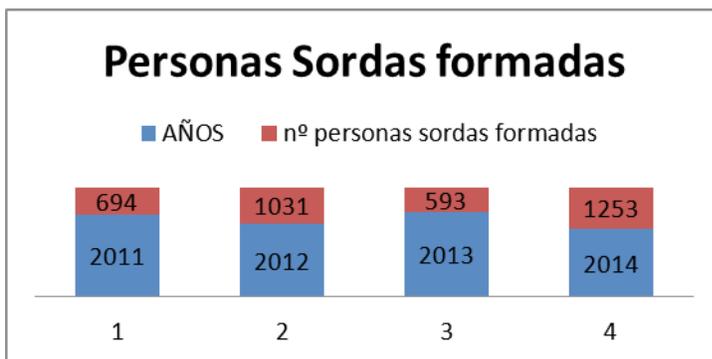
resources that ensure accessibility and reasonable accommodation of deaf people in equal conditions. According to the figures provided for our regional federations, 1,314 deaf people were not able to access this kind of training. Only 113 deaf people could attend a training programme. (ibid)

It is not surprising, therefore, that our collective has a very low representation in positions related to public bodies: only 1%. Access is denied, not only due to the lack of educational and vocational training, but also because of the lack of accessibility to entrance examinations. Likewise, for similar reasons, the percentage of deaf and hard of hearing people who are self-employed and/or entrepreneurs is quite insignificant: only 2%. This type of employment requires some capacities, skills, personal knowledge and training based on a specific sector, as well as general administrative and business management knowledge.

## Conclusion

In summary, if we want deaf and hard of hearing people to change traditional stereotypes and access jobs that require higher qualifications (public bodies, entrepreneurship), it is necessary and inevitable to guarantee them quality training that is accessible on equal terms for all citizens. Until now, access to continuing education (lifelong learning) has not been granted. For this reason, the public do not foresee this as a reality. The role of professional sign language interpreters are not taken into account, nor are other necessary technical adaptations like subtitling, adaptation of contents or magnetic loops. Nevertheless, we can now say that in the latest Spanish public call for continuing education, CNSE and its associative movement have got, after many years of fighting, a guarantee that professional sign language interpreters will be granted for deaf people to access continuing education.

Only through training, in different stages, and especially in continuing education or lifelong learning (for employed workers), will our collective be able to have quality employment, guaranteeing therefore, the fulfilment of their basic human rights: the right to (continuing) education and decent employment.



Source: Own elaboration based on CNSE employment annual reports (Confederación Estatal de Personas Sordas 2014).

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## **Biography**

Alfredo Gómez Fernández has a Bachelor's Degree in Political Science and Public Administration from the University of Granada, Spain. Alfredo is the Executive Director of the Andalusian Federation of Associations for the Deaf (FAAS), one of the largest autonomous associations of deaf people in Spain. He is also a Board member of the European Union of the Deaf (EUD), and was previously Vice President of the Spanish Confederation of the Deaf (CNSE) and a member of the Spanish Committee of Representatives of Persons with Disabilities (CERMI) at a national level. Alfredo's greatest political achievement is the successful passing of the enactment of the sign language law (Act no. 11/2011) in Andalusian Parliament. He has also edited the CNSE communication handbook.

CNSE is a nonprofit non-governmental organization (NGO), founded in 1936. It is fighting for equal opportunities for deaf people, to remove barriers that prevent the exercise of deaf rights and prevent deaf people from being full citizens. The CNSE is comprised of 17 regional federations, which, in turn, make up more than 118 provincial and local deaf associations across Spain.

## 9. National & Regional Level

### d. Work and employment from a Swedish perspective

Louise “Lolo” Danielsson, Board member, Swedish National Association of the Deaf, Sweden

#### Introduction

According to Marita Ulvskog (Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, S&D), a Swedish Member of European Parliament and Acting Chair of the Committee on Employment and Social Affairs, approximately 25 million people are unemployed in the EU. More than 20% of these are young people, meaning more than one in every five young persons in the EU start their adolescence by being unemployed (European Parliament 2014a). The Europe 2020 Strategy aims to make improvements, but there are still limited opportunities for education, low salaries, weak union rights, shifting forms of employment, and insecure working conditions and labour laws in the EU. The European Commission is putting emphasis on increasing resources such as the EU employment initiative for young people, the Youth Employment Initiative (YEI) and special needs, to give extra support to regions with a youth unemployment rate of more than 25%.

Marita Ulvskog reports that Sweden has a higher unemployment rate than other comparable EU countries today. Three Swedish regions have been granted extra support through the YEI and will receive additional EU financial support. Initially, these efforts were supposed to be financed by Sweden, but will now be financed by the Commission. The Swedish Public Employment Service (*Arbetsförmedlingen*) is the authority responsible for this implementation (European Parliament 2014b).

#### The Swedish Government and the UNCRPD

Sweden signed and ratified the United Nations Convention on Rights of Persons with Disabilities (UNCRPD) in 2008 (Utrikesdepartementet 2008) and handed in its first report to the UN in 2011 (Regeringskansliet 2011a). The Swedish government was reviewed based on this report in 2014; the disability organisations handed in a parallel report at the same time. This is due to happen again in 2019.

The UN Committee’s list of 46 issues for the Swedish government regarding how the UNCRPD should be implemented in Sweden has been fulfilled. According to their recommendations, they commend Sweden on a number

of accomplishments; for example, they note that Swedish Sign Language is equated to Sweden's five national minority languages, according to the Language Act (*Språklag 2009:600*). With regard to Article 27, the Committee is concerned that unemployment is still higher for persons with disabilities than for the general population. (CRPD Committee 2014)

In 2011, with the support of the UNCRPD, the Swedish government ratified the National Strategy for the Implementation of Disability Policy 2011-2016. Based on a disability perspective, the strategy is aimed at changing the environment and surroundings with the help of political actions. 22 Swedish authorities have been given special responsibilities to formulate some objectives and implement them according to the strategy. The idea is that they will then do a follow-up and evaluate the actions taken to improve the situation for persons with disabilities (Regeringskansliet 2011b).

The overall objective of the disability policy is to reach full participation, diversity and equality. Political action needs to be taken within various areas in order to create structures and strengthen disabled people's rights. The labour market and education tend to have the greatest effect on people's quality of life and accessibility.

The Agency for Disability Policy Coordination (*Handisam*) has followed up the National Strategy for the Implementation of Disability Policy 2011-2016 by publishing annual reports. Parts of the business of the Agency for Disability Policy Coordination have transferred to the Swedish Agency for Participation (*Myndigheten för delaktighet*), which was formed in May 2014. The new authority has published its third report, reviewing the progress made up to 2014 (Myndigheten för delaktighet 2014).

Within the labour market policy, according to these reports, persons with disabilities are regarded as having decreased ability to work. This means that they are not seen to be susceptible enough to have a work as their main occupation. 28% of the people registered at the Swedish Public Employment Service are disabled and have decreased ability to work. There are fewer persons with disabilities in employment compared to the rest of the population. Among persons with disabilities, 55% were reported to have jobs, compared to 79% of non-disabled people. Furthermore, 77% of non-disabled men aged 16-64 had work, compared to 61% of men with a disability. Regarding women, 74% of non-disabled women in the same age group had work, whilst 54% of women with disabilities had work (Myndigheten för delaktighet 2012).

## The Swedish Public Employment Service assignment and actions

With the help of the national strategy, the Swedish government has implemented several reforms to increase the opportunities for persons with disabilities to develop their ability to work, and thus gain opportunities for employment. The Swedish Public Employment Service gets extra resources to review the possibilities of disabled people getting jobs; for example, various forms of employment that are accessible to them, based on their abilities and capacities to work. Examples of what the Swedish Public Employment Service can offer would be employment with wage subsidies, safe employment in social companies such as Samhall AB, work aids, support for personal assistants, support for personal consultants (specific introduction and educational support, SIUS) and subsidies for people, including disabled people, to start their own companies. From 2007 to 2011, more and more people were using these subsidies. In just one year, the number of people who got work aids increased by 15% (ibid).

A social enterprise is defined as a work integrated enterprise. This was created as a result of the government's 2010 decision on an action plan with a number of measures to offer employment/work to disabled people and others with decreased work abilities. The action plan was followed up by the affected authorities, which were given the task of implementing the measures. The Swedish Public Employment Service guides people to employment at Samhall AB; by the end of 2012, 18,321 persons with disabilities were hired there. The aim was for 6% of the employees to leave for other employment. In 2013, the number reached 5% (Myndigheten för delaktighet 2014).

During 2012, the Swedish Public Employment Service executed an information campaign entitled 'See Strengths!' ('*Se Styrkor!*'). The purpose was to raise awareness of people's abilities and skills rather than their inabilities and disabilities. In a survey, 70% of the employers who replied had noticed the campaign. Eight out of ten employers could consider hiring persons with disabilities (Myndigheten för delaktighet 2013).

During 2013, the Swedish Public Employment Service was given responsibility by the government for reporting on how to improve the objective of identifying disabilities and evaluate disabled people's work abilities and how the work in this field could be intensified. (Arbetsförmedlingen 2014a). The Swedish Public Employment Service was also supposed to implement a trainee programme for persons with disabilities in government authorities. The Swedish Social Insurance Agency (*Försäkringskassan*) was included in this strategy and contributed to a few objectives to increase the participation of people with disabilities in work, with early and active interventions. There is a need for investigation to identify the people who are and are not in need of extra support, and

response actions should be implemented, based on this (Myndigheten för delaktighet 2014).

Often, persons with all kinds of disabilities are put together as one group in surveys and are then compared with people who are not disabled. Sweden's *Statistiska centralbyrån* labour force survey presents statistics on disabled people, based both on those who have a decreased ability to work, and those who do not (Statistiska centralbyrån 2013; Arbetsförmedlingen 2014a). However, big differences exist within this group; for example, 8 deaf people out of 10 had jobs but only 2 out of 10 people with a physical disability had jobs (Myndigheten för delaktighet 2014).

The purpose of the UNCRPD is to remove all obstacles in the environment to assure people can exercise their human rights. Actions towards accessibility enable them to participate in society on equal terms. They have different conditions and needs. The obstacles also vary depending on the conditions people have and the environments they are in. How they are defined based on their disabilities also varies. Different individual support efforts can also create conditions for participation and equality. They complement other actions that can work for everyone in society.

There are eleven deaf consultants at the Swedish Public Employment Service in Sweden; they provide support and services in sign language for deaf job seekers. Deaf people need to make an appointment with a consultant for assistance with issues, including compensation and extra support to get a job. Examples of compensation and support are introductory and follow-up support, which can provide opportunities for employment. Those who are involved in a labour market program have the right to activity support or development allowances from the Social Insurance Agency (Arbetsförmedlingen 2014b).

For deaf employees, there are opportunities to have sign language interpreters at work and in on the job training. Their employers have the right to request interpreting costs through the Swedish Public Employment Service. The deaf employees are eligible to apply for grants, but first, they must visit the Public Employment Service, register and book an interpreter for a meeting with an advisor.

## **Deaf sign language users' work situation in Sweden according to the Swedish National Association of the Deaf**

In Sweden, there are around 8,000 to 10,000 deaf people (Socialdepartementet 2006). Despite their disabilities, deaf people have the same work abilities as the rest of the Swedish population.

The Swedish National Association of the Deaf (*Sveriges Dövas Riksförbund – SDR*)<sup>41</sup>, which prioritises the labour market, refers to three reports in discussions about deaf people and sign language users' work situation in Sweden. SDR followed up on a report by the Swedish Research Institute for Disability Policy (*Utredningsinstitutet Handu AB*), in cooperation with three national associations concerned where SDR was involved. The purpose of this study was to identify the success factors that made it possible for persons with disabilities to find work, develop in their work, remain in their posts or return to work. This study included 1,500 people; 500 visually impaired people, 500 physically disabled people and 500 deaf sign language users between the ages of 20 and 55 years old. They responded to the survey questions from December 2009 to March 2010. The deaf sign language users answered questions with the help of a Swedish Sign Language translation of the Swedish questions (on DVD). In total, 57% of the 1,500 responded. SDR refers to the results of the study in regard to success factors in the labour market for deaf sign language users - a comparison between those who had jobs, and those who had been employed in the past (*Sveriges Dövas Riksförbund 2014a*).

Results showed that of the 274 deaf sign language users who responded to the survey, 80% worked, while 17% had worked before. Only 3% had never had a job; that in itself is a success factor, according to SDR. A few samples of the survey responses may be of interest; for example, 39% of those in employment had a wage subsidy; 25% were employed by consultants for the deaf at the Swedish Public Employment Service; 33% were employed through their own networks and contacts and 11% had had offers of employment. Furthermore, 70% felt supported by the Swedish Public Employment Service. Both the Swedish Public Employment Service and its contacts and networks can be seen as success factors. However, a full 39% had not asked for support in the form of technical aids in the workplace, such as flashing fire alarms and ring tones, videophones or sign language interpreters. Others replied that they had more or less had trouble getting technical aids. Another success factor that was clearly evident revolved around understanding and tolerance amongst managers and colleagues; 70% thought their bosses understood issues relating to deaf sign language users' work situations (*ibid*).

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41 For more information see: <http://www.sdr.org/sveriges-dovas-riksforbund/about-sdr-in-english>.

## Västanvik's College for the Deaf in Leksand

SDR is the principal stakeholder of Västanvik's College for the Deaf<sup>42</sup>. The school is located in Leksand, the Dalarna region. Deaf sign language users aged 18 years and over can study there. The school has been given a national responsibility to receive deaf asylum seekers by the Swedish Migration Board (*Migrationsverket*). During 2009-2012, in cooperation with the Swedish Migration Board, the Swedish Inheritance Fund, and the municipality of Leksand, SDR managed a EU project for the introduction of new arriving deaf sign language users and hard of hearing people. The project was co-financed by the European Refugee Fund.<sup>43</sup>

After completing their studies at Västanvik's College, many students are unemployed, especially youths and new arrivals. Some of them have, besides their deafness, additional physical or mental disabilities. The only possibility of them to getting a job is by starting a social enterprise. The school obtained financial support from the EU project Leader DalÄlvarna<sup>44</sup>, with a social enterprises project in 2012 to conduct a feasibility study. The aim was to investigate the possibility of starting a social enterprise for deaf Swedish people and new arrivals in the region of Dalarna. With support from the Swedish Inheritance Fund, the project started in 2012 and is a social enterprise called 'Dala Hands'<sup>45</sup> in Leksand. The company offers various services, such as sheep farming, household cleaning, gardening, shovelling snow, basic carpentry work and maintenance of houses. During the first year the company acquired 40 regular customers, both private and corporate, and 600 missions in the Leksand municipality. For this, the company was named the winner of 'Best cooperatives 2014' by Coompanion Dalarna. Today, the company has 8 employees, including a manager and supervisors. Six of them receive salary support and two receive funding from the Swedish Inheritance Fund. The goal is that the company will be permanent and able to operate without support. The manager and supervisors organise work so that all employees can participate according to their abilities. The company has a permissive climate, where everyone communicates directly in sign language, which means a lot with regard to their personal development. This climate is one of the success factors (Dalahänder 2014).

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42 For more information see: <http://www.vastanviksfhs.se/>.

43 For more information see: <http://www.migrationsverket.se/Andra-aktorer/Projektstod/EU-fonder/Flyktingfonden/Pagaende-och-genomforda-projekt/Mottagande-och-introduktion-av-nyanlanda-teckensprakiga-dova-och-horselskadade.html>.

44 For more information see: <http://leaderdalalvarna.se/content/147/157/Slutrapporter.html>.

45 For more information see: <http://www.dalahander.se/>.

The Swedish Public Employment Service has also given Västankvik's College responsibility for facilitating an introductory guide for deaf new arrivals, with the aim of speeding up the process of their establishment in the Swedish labour market. According to this guide, the school can act as a link between the new arrivals and Swedish society (Arbetsförmedlingen 2010)

### **Pilot study: 'Deaf sign language users in the workforce'**

SDR supports various projects related to issues surrounding deaf sign language users' work situations, such as the pilot study 'Deaf sign language users in the workforce'. The aim was to investigate the need for sign language work environments for deaf people in the region of Östergötland, and increased opportunities for deaf people to achieve functioning working lives. 115 sign language users living in this region received questionnaires and 53 of them responded; 30 had work, four were unemployed, 6 were on sick leave and 11 were over the retirement age of 65. Two respondents did not explain their situation. The fact that more than half did not reply to the questionnaire could be a point for discussion (Mattson, Nylund & Rasmussen Öberg 2012).

In-depth interviews were conducted by a number of focus groups, including the unemployed and people on sick leave. They shared experiences regarding their work situations and past failures and communication at their previous jobs. The communication strategies used were lipreading and written Swedish. They wanted the Swedish Public Employment Service to respond to their needs in order to get jobs, but they experienced suspicion and reluctance from them to arrange it. They felt it was important to be able to start work feeling good and that they could rely on a supervisor and a consultant for the deaf at the Employment Service to have knowledge about what it means to be deaf. Another focus group, comprised of deaf retired people, mentioned that in order to feel good at work, they needed information, communication, sign language, strategies at work, cooperation between deaf and hearing people, acceptance and compensation.

The misunderstandings that arise between deaf and hearing people in the workplace, according to this study, were due to linguistic differences and different expectations of one another. It also showed that some existing workplaces in the region of Östergötland had difficulties in understanding deaf people's need to communicate in sign language. Their lack of knowledge about deaf people had contributed to deaf people working in worse conditions and having fewer opportunities to have functioning working lives. A so-called implementation project was proposed to create a regional sign language workplace where deaf people from all over Östergötland could develop their working skills and return to the labour market (ibid).

This pilot study also included visits to two social enterprises that focus on deaf sign language using employees; the established Teckenspråks Centrum (TSC)<sup>46</sup> in Sundsvall, and a start-up, Projekt Kultivera,<sup>47</sup> in Örebro. Both enterprises are sign language workplaces that are adapted to the deaf and hard of hearing and their prospects for meaningful employment.

### **Two social enterprises with signing workplaces**

Mattson et al. (2012) describe the background to the establishment of these two companies. TSC in Sundsvall was founded in 2000 by four deaf and hard of hearing people who received cooperative education for one year at Västanvik's College. The Swedish Public Employment Service organised public employment support and the Swedish Social Insurance Agency awarded three trainee positions with activity support. These positions were then turned into employment, based on wage subsidies. Today, the company employs 12 people with varying disabilities; 8 are deaf or hard of hearing and 4 are hearing. The company is working cooperatively in a sign language environment and its motto is that "every employee must work 100% of their capacity, not 100% of their working time". The prerequisite for success is flexibility, solution-oriented bicultural skills and effective communication. The supervisor is also a major entrepreneur and can organise things in such a way that employees feel trust and affection towards them, so they eventually master their duties well. Their duties range from accompanying people, house cleaning, postal and delivery services, property and garden maintenance, snow clearance, tyre replacement, repairing garden machinery and more. These are some of the success factors.

Projekt Kultivera in Örebro was started in 2010 by the Activa Foundation. It is supported by the Swedish Inheritance Fund and co-operates, amongst others, with SDR. The aim is to establish a social enterprise for sign language users who are currently excluded from the labour market. This was done so that it could act as a permanent business directly after the project was completed in 2013. Today, there are 8 sign language users in the project, including project managers and consultants for the deaf. They receive income support in various ways from the Swedish Public Employment Service or the Swedish Social Insurance Agency. The project funds pay the project manager and the consultant. The company has an organic profile and deals with importing fruit and delivering fruit baskets to workplaces. A lunch restaurant is also provided for everyone; there is also a general service for deaf people to help them with various errands. Over time, the plan is to have their own organic garden and sell products such as herbs and vegetables. The project manager is responsive to the new challenge

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46 For more information see: <http://www.tsc.se/>.

47 For more information see: <https://projektkultivera.wordpress.com/>.

of a sign language workplace where everyone can communicate with each other. Good cooperation in the group creates opportunities for better health, community and self-esteem. Access to information and support in their own language are some of the factors for success.

### **Access to sign language interpreters at work**

SDR is also working on accessibility issues, including access to sign language interpreters at work. Several inquiries have been made about how interpreting services will be organized in Sweden (Sveriges Dövas Riksförbund 2014b). SDR is part of a working group with an investigator who wants to get a good idea of the possible challenges and problems faced with sign language interpreting, such as who is responsible for interpreting costs in workplaces where deaf people are employees; employers, entrepreneurs or freelancers. The latest interpretation service investigation aims to clear all obstacles so that deaf people are entitled to sign language interpreters at work and at training in the workplace.

Being deaf is not the same as having reduced work ability. Yet, deaf people need to register as disabled people with communication difficulties at the Swedish Public Employment Service to apply for support. They must also be on site to sign up. This registration is then reported to the Swedish Social Insurance Agency. Discrimination occurs when deaf sign language users are forced to explain and defend their rights to public officials, who are often not well informed on these matters. The Swedish Public Employment Service procedures should be reviewed because the system used for registering applications for aid and support is not working properly (Sveriges Dövas Riksförbund 2011).

### **Deaf Swedish entrepreneurs**

A fair for deaf entrepreneurs was organized by Stockholm Deaf Association<sup>48</sup> in connection with Deaf Day in Stockholm, in 2012. About 50 deaf entrepreneurs were at the fair; 5 of them were interviewed in November 2014. Their answers were compiled on the basis of their experiences of getting started and establishing their own companies, and what they thought Sweden should do to implement their rights under the UNCRPD Article 27. They said access to Swedish Sign Language interpreters at work was the most important thing.

Judit's skin & beauty care<sup>49</sup> is a salon that offers various treatments, products and promotions, run by Judit Belényessy, a certified specialized

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48 For more information see: <http://www.stockholmsdf.se/the-deaf-association-the-meeting-point>.

49 For more information see: <http://juditssalong.se/>.

skin therapist who has a CIDSCO Diploma<sup>50</sup>. Before this, she worked at Samhall AB for 20 years. In order to start her own company, Judit had to seek support from the Employment Service to receive training. A six months internship and an interpreter were needed to get into the program. The response from the Employment Service was not positive from the start, but she then solved the problem herself by taking a leave of absence, and thus had no financial support during the training period. After this, she received a six-month contribution from the Employment Service to help her start a company. Her father helped with financial and property related matters. Judit said that encouragement and support from the people around her was necessary in order for the company to be established. She quit her old job and went on business courses along with other deaf people who wanted to start their own companies. She then used all the opportunities that existed to promote the company, such as media interviews.

Today, being self-employed, Judit is forced to follow the revised policies and procedures regarding sign language interpreters in work meetings, on training courses and at conferences. She is a member of Sweden's Skin Therapists' Association (*Sveriges Hudterapeuters Riksorganisation, SHR*), which is the CIDESCO Section in Sweden and is also connected to the International Trade Association CIDESCO, based in Switzerland. Judit rarely receives grants for travel and interpreting costs. Instead, she receives the support of her professional colleagues in the same Industry Association to develop quality work.

Another example would be the company SignCare AB<sup>51</sup> working in the field and offering personalised services in sign language. Bittan Martinell, a certified social worker and special educator, was involved in starting this company. She told me that a great deal was required to establish it; for example, certain criteria had to be met in order to get permission to offer services in assisted living, health care in homes, companionship, employment and other basic services. For this, the company has received permission from the National Board of Health and Welfare (*Socialstyrelsen*) for private health care providers to organise personal assistance. SignCare AB also has access to trained sign language using staff, who can provide social and psychological treatments, tutorials and lectures in sign language. Today, the company has 8 permanent staff, including the manager, and 30 with varying working hours, including those who work on-call and at weekends, as well as extra if required. The company has over 50 clients. A working mobile and videophone system has been wired for quick/emergency contact via the SMS function; this is required to ensure the company's work. SignCare AB emphasises that without the

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50 A CIDSCO Diploma is a world qualification for Aesthetics and Beauty Therapy. For more information see: <http://cidesco.com>.

51 For more information see: <http://www.signcare.se/>.

support of these work aids, it would have taken more time to do different jobs compared to similar businesses.

Jonas Brännvall is another entrepreneur who has created his own business. Jonas has an academic background in entrepreneurship from Stockholm International Trade School (*Stockholms Internationella Handelsskola*). In 2009, he established Tolkforall<sup>52</sup>, a sign language interpreting company for the deaf, deafblind and hard of hearing. He also has plans to start a cafe that will be linked to the company, i.e. a meeting place for all sign language users. Today, the company has a managing director, a case manager and a number of trained and qualified interpreters who are available to interpret for sign language users in different locations in Sweden. The company motto is “the right interpreter in the right place.”

Dramaski AB<sup>53</sup> is a production company established in 2008 that conducts various sign language productions, including drama, performance, film, animation, translation, teaching aids, illustration and graphic design. The company has a studio where various sign language translations are done. Mindy Drapsa and Filip Burman, who previously felt there was a lack of deaf culture and sign language on TV and in films, created a sign language series without sound called ‘anders.se’<sup>54</sup>.

Both Jonas Brännvall and Mindy Drapsa recommend various websites that address the issues of corporate advisory, financing and networking, as they obtained useful information and learned a lot from them.<sup>55</sup> They wonder about the possibility of forming a turquoise<sup>56</sup> company for deaf sign language users. They argue that SDR can relate to deaf entrepreneurs’ services and experts to create new ways to work, then provide accessible information from deaf entrepreneurs’ websites in sign language. SDR could help develop new turquoise profile products. Another idea would be to organise an information campaign; for example, something about the situation for deaf entrepreneurs, such as ‘turquoise money’ as a symbol of deaf entrepreneurs’ skills.

Julia & Juli Communications AB<sup>57</sup> is a new company where culture and diversity meet. This company aims to show that there are no language barriers; creative abilities can be enhanced and developed through cross-

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52 For more information see: <http://www.tolkforall.se/>.

53 For more information see: <http://dramaski.se/>.

54 For more information see: <http://vimeo.com/channels/dramaski>

55 For more information see: <http://www.foretagarna.se/> and <https://www.verksamst.se/>.

56 Turquoise is considered to be a colour to symbolise the deaf community. For anecdotal reference see: <http://fr6.frontrunners.dk/turquoise.html> and Jarmer (2011).

57 For more information see: <http://www.juliajuli.se/>.

border communication. Julia Kankkonen and Juli af Klintberg wrote a partnership agreement and received a six-month contribution from the Public Employment Service to start a business in 2012. They were also given free advice through some useful websites.<sup>58</sup>

Both Julia and Juli have experiences of cultural diversity and provide lectures, workshops and inspiration for customers who want to learn more about this and realise their ideas. The company offers courses in Swedish Sign Language at different levels, for people with different needs, as well as in International sign and translation. They offer a sign language workplace and can tailor solutions according to customers' requirements. They also have several customers from other countries who are interested in what they have to offer. The most ironic thing of it all is, according to Julia, that she and Juli must register as disabled people with communication difficulties at the Employment Service in order to get access to sign language interpreters at work.

Finally, it can be mentioned that all five interviewees have had similar experiences with using sign language interpreters at work. The self-employed must account for a large part of the interpreter costs themselves if they cannot find a possible solution. The Public Employment Service's system is based on individual support for deaf people being possible if they are registered as having a disability with communication difficulties. This also applies to deaf entrepreneurs. They have limited opportunities for funding for access to interpreters at work, which limits them in their work and development. One of the interviewees suggested that there should be a central actor responsible for coordinating the right and access to interpreters for deaf employees, employers, entrepreneurs and freelancers to give them support and also coordinate the interpretation costs.

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58 For more information see: <http://www.nyforetagarcentrum.com/> and <http://www.startupstockholm.se>.

The most crucial barrier between deaf and hearing people is communication. This lack of accessibility to sign language interpreters results in too many being excluded at work. A sign language workplace is a prerequisite for more and more deaf entrepreneurs, who, with their own websites and networks, should be able to get higher quality work. Breakfast meetings, business mingling and networking with professional colleagues in sign language are a few success factors. It is a way to create new contacts and opportunities for future cooperation in various forms, in Sweden as well as internationally.

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## **Bibliography**

Louise “Lolo” Danielsson is a Board member of the Swedish National Association of the Deaf (SDR), and of the European Union of the Deaf (EUD). She was previously a Board member of the Special School Authority in Sweden (2000-2008). Lolo has a Bachelor’s degree in Behavioural Science, a degree in Psychology and a degree in Special Education. Previously, she worked as a lecturer in the Department of Special Education at Stockholm University. She is now retired, but is still active as a supervisor and doctoral student in Special Education at Stockholm University.

## **10. Towards inclusive labour markets**

Pierre Baussand, Director, Social Platform

It has been widely reported that since the economic crisis began in 2008, poverty and social exclusion have soared and employment levels have plummeted, with some of those hardest hit being members of society whose situation was already of concern pre-crisis. Social Platform – the largest civil society alliance fighting for social justice and participatory democracy in Europe – is calling for the creation of, and equal access to, quality and sustainable employment as just one tool to address Europe’s social emergency. We believe that employment must be addressed from a rights-based perspective, particularly as many people face discrimination when trying to access the labour market. This is particularly true for people with disabilities; indeed, according to the Social Platform member European Disability Forum (EDF), disabled people are two to three times more likely to be unemployed than non-disabled people (European Disability Forum 2015). Policies towards inclusive labour markets are a priority for a large proportion of our 48 members, and our approach is an all-encompassing one, not focused on one specific group. However, our position lays the foundation for an accessible labour market that creates quality employment, giving all people the possibility to participate in society through employment and providing them with opportunities throughout the life cycle.

A first step towards supporting people in entering the labour market is establishing active inclusion strategies at national, regional and local level. This is particularly relevant for people with disabilities, and would include investment in personalised approaches through employment and recruitment services, including individually tailored job counselling. Such an approach should begin with an assessment of the needs and circumstances of the individual and identifying their own personal barriers. This should be complemented by a ‘flanking’ approach to help people in their search for work. For example, investment needs to be made in quality, affordability and accessibility of services such as transport, health care and child care, in order to ensure that people can enter the labour market. If a wheelchair user is offered a job, they should not be prevented from accepting it by the fact that there are no affordable wheelchair-accessible public services to transport them to work.

Governments and local authorities must make it a more attractive prospect for employers to hire people who have more difficulty finding employment, such as people with disabilities. The European Union (EU) has already taken a step in the right direction towards this end, through the introduction of

the revised Public Procurement Directive<sup>59</sup> and its provision for reserved contracts. These contracts give contracting authorities the choice to restrict some tendering procedures for the purchase of goods, works or services to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled and disadvantaged people. However, official statistics show that businesses prefer to pay penalties instead of complying with the law, meaning that integration of people with disabilities in the labour market is still difficult to achieve (Social Platform 2014).

Continuing discrimination against people with disabilities could be alleviated through the adoption of the proposal for a Council Directive on implementing the principle of treating people equally, irrespective of religion or belief, disability, age or sexual orientation<sup>60</sup>. It extends beyond the scope of employment and confronts discrimination across society in access to services, which may, in turn, reduce discrimination for people in employment, job seekers and those furthest removed from the labour market.

Secondly, Social Platform would like to see the creation of quality and sustainable jobs prioritised, including in the social economy. This should include jobs that are accessible to people most excluded from the labour market, and can be achieved through support for social economy initiatives and Work Integration Social Enterprises that contribute to society – both in social and economic terms. The European Commission’s Social Business Initiative Communication highlights one such success story; in Hungary, a foundation set up a restaurant employing 40 disabled staff members and provided training and childcare to ensure the transition to stable employment (European Commission 2011). The Communication goes on to explain that:

“[...] these companies are often more productive and competitive than one might think. This is due to the very high level of personal commitment on the part of their employees and the better working conditions that they provide.”

(ibid)

Thirdly, as well as job creation, we want to see quality and sustainability in employment to counter the increase of in-work poverty, poor working conditions and labour market segmentation. Quality work and employment

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59 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

60 Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 2181} /\* COM/2008/0426 final - CNS 2008/0140 \*/.

implies that a job should offer workers a high enough salary to allow them and their families to lead a dignified life, giving them stability, personal safety, holidays and decent working hours, which in turn is conducive to good mental and physical health. Establishing equal and adequate remuneration, such as through the introduction of minimum wages in all member states to protect people against in-work poverty and raise the level of wages where they are insufficient, is one step towards achieving quality employment. This can be reinforced by providing ongoing support for people from vulnerable backgrounds and helping them in bridging transitions into work, to ensure that adequate income and access to services are maintained. Additionally, we believe that implementing Article 27(1.i) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on ensuring reasonable accommodation in the workplace is vital for the provision of quality employment to people with disabilities, including personalised support on the job if necessary.

Finally, a truly inclusive labour market should provide adequate support for people – particularly those who are most vulnerable – to progress in employment and guarantee that discriminatory practices in the field of employment are fully and effectively prohibited. To achieve this, investment should be made in diversity training for employers to pave the way for equal opportunities, increased efforts should be made to protect people who are subject to harassment and other forms of abuse at work, and equal access to training and up-skilling should be available to further ensure equal access and opportunities as part of lifelong learning.

There is no quick fix for establishing an inclusive labour market across the EU; it will require the implementation and integration of various policies at different political levels. As well as complementing Article 27 of the UNCRPD, our stance – outlined in detail in our position paper – aims to make labour markets more inclusive for the benefit of all (Social Platform 2014). Until this issue is prioritised by decision-makers, the already dire situation of workers, job seekers and those further from the labour market will steadily worsen.

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## **Biography**

Pierre Baussand is the Director of Social Platform, an NGO consisting of 48 pan-European networks campaigning to ensure that EU policies are developed in partnership with the people they affect, respecting fundamental rights, promoting solidarity and improving lives. Pierre has been working for Social Platform since 2006 and has been its Director since 2010. Pierre previously worked on human rights for the Organisation for Security and Co-operation in Europe (OSCE) and the European Disability Forum, and in the Middle East conducting field research on human rights and migration.

## The series

The EU's ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2010 means that there is now an obligation to implement the enshrined rights in a timely manner. The legal implications of the UNCRPD have been widely discussed at institutional level. As a result, it has become increasingly evident that this is a new and complex area where international, European and national orders of law overlap.

This publication aims to contribute to, and provide possible interpretations of, the implementation of the UNCRPD with regards to deaf citizens, including sign language users and hard of hearing people. Each contribution in the series will explore a specific UNCRPD article, from both an academic and best practice perspective, and at all levels, from European to regional.

## Article 27: Work and Employment

This second book in the series focuses in particular on Article 27 of the UNCRPD. Work and employment are explored from various angles, including the right to reasonable accommodation, as well as labour and trade union rights.

The diverse chapters represent a range of disciplines and professionals; their backgrounds span from political and institutional stakeholders and representatives, to academic scholars and NGO representatives. In particular, the authors explore how the rights enshrined in Article 27 are applicable to deaf and hard of hearing citizens, and how private companies and organisations are embodying diversity in the workplace.

