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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Draft Council Conclusions on the integration of persons with disabilities into the labour market

Delegations will find attached a set of draft Council Conclusions on "the Integration of Persons with Disabilities into the Labour Market" prepared by the Presidency.

This document will be examined by the Working Party on Social Questions at its meeting on 30 September 2022. Comments on the draft are welcome already before the meeting and should be sent to the following addresses:

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NB. The deadline for written comments is 30 September 2022.

Draft Council Conclusions**on the integration of persons with disabilities into the labour market****ACKNOWLEDGING THAT**

1. The European Union is founded on the values of human dignity, freedom, and respect of human rights and committed to combating discrimination, including on the grounds of disability, as set out in the Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights. The EU is also committed to fostering a high level of employment.
2. The European Pillar of Social Rights (EPSR), jointly proclaimed by the European Parliament, the Council and the Commission in 2017, declares that everyone has the right to equal opportunities (principle 3), to active support to employment (principle 4), to a healthy, safe and well-adapted work environment and to data protection (principle 10). The EPSR also declares that persons with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs (principle 17). The EPSR Action Plan of 4 March 2021 set out three new EU headline targets to be achieved by 2030, to increase employment and participation in training as well as to reduce the number of people at risk of poverty and social exclusion. These headline targets were welcomed by EU leaders in the Porto Declaration and at the June 2021 European Council meeting.
3. The EU and its Member States are parties to the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD). A large majority of Member States has also ratified its Optional Protocol, adopted on 13 December 2006 by the General Assembly of the United Nations. Article 27 of the UNCPRD enshrines the right of persons with disabilities to work on an equal basis with others in an open and inclusive labour market.

4. Directive 2000/78/EC lays down a general framework for combatting discrimination on various grounds, including disability, as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment. Ensuring equal access to employment, providing reasonable accommodation at work and combatting discrimination on the grounds of disability are key measures for fostering inclusive and sustainable employment for persons with disabilities.
5. The European Commission has pledged to create a Union of Equality, to which the Strategy for the Rights of Persons with Disabilities 2021-2030, adopted by the Commission on 3 March 2021, provides an important contribution. The Strategy aims to improve the lives of persons with disabilities in the EU and beyond, supporting the implementation of the UNCRPD as well as the principles of the EPSR.
6. In its Conclusions of June 2021, the Council welcomed and endorsed the Commission's Strategy for the Rights of Persons with Disabilities 2021-2030, and invited Member States, *inter alia*, to continue developing and updating their national strategies and policies to implement the UNCRPD, in line, as appropriate, with the Strategy.
7. The "Disability Employment Package", a flagship initiative within the framework of the Strategy for the Rights of Persons with Disabilities 2021-2030, contains a set of non-legislative measures (including guidelines and examples of positive action), aiming to improve the labour market prospects for persons with disabilities. It covers six areas of action, namely, strengthening the capacities of employment and integration services; promoting hiring perspectives through affirmative action and combating stereotypes; ensuring reasonable accommodation at work; retaining persons with disabilities in employment; preventing disabilities associated with chronic diseases; securing vocational rehabilitation schemes in case of sickness or accidents; and exploring quality jobs in sheltered employment, and pathways to the open labour market.

UNDERLINING THAT

8. There is a considerable gap in the employment rate of persons with and without disabilities (24.2% gap, 50.8% for persons with disabilities vs. 75% for the rest of the population in 2020). The unemployment rate of persons with disabilities in the EU is 17.1 % compared to 10.2 % of persons without disabilities, and the activity rate of persons with disabilities is only 61.0 % compared to 82.3 % for persons without disabilities. Persons with disabilities face more difficulties in finding employment and are therefore more likely to become long-term unemployed or inactive. When employed, persons with disabilities often work in lower paid and less secure jobs, which puts them at a higher risk of in-work poverty. In addition, the COVID-19 crisis has disproportionately affected persons with disabilities, in many cases hindering their labour market participation.
9. Fostering the employment of persons with disabilities is crucial for ensuring a well-functioning and inclusive labour market. In the current context of demographic decline as well as labour and skills shortages, tapping the potential of persons with disabilities is an important way of achieving a higher overall employment rate in line with the employment target set out in the EPSR Action Plan. This target should also be pursued in the context of the green and digital transitions, which offer new employment opportunities for persons with disabilities.
10. For persons with disabilities, labour market access and participation are particularly important as vehicles for social inclusion and financial independence. However, persons with disabilities still face a variety of obstacles in accessing the open labour market and retaining formal employment. These obstacles concern both the demand side (e.g. discrimination, cost of workplace adjustment and provision of reasonable accommodation, misperceptions of productivity, lack of information or awareness on available support) and supply side (e.g. (such as level of education and skills, need for personalised comprehensive services including in job search, and fear of stigmatisation), as well as contextual and institutional factors (ableism, barriers in accessibility, including to essential services such as transport).

11. Disability is a very heterogeneous phenomenon. Persons with disabilities often have complex needs, requiring a personalized approach and support tailored to specific individual situations. In order to match persons with suitable jobs, it is necessary to assess the needs of each individual, including in terms of their health status, the support they require at the workplace, their career development prospects, as well as their social support needs. Inclusive education and adequate social services, effective employment services, including affirmative action, reasonable accommodation in the workplace, vocational rehabilitation and sheltered employment are all important factors that play a role in ensuring that persons with disabilities can access and participate in the open labour market.
12. Social services should be used as a tool for active inclusion, as adequate access to quality social services is a basic precondition for allowing socially excluded persons with disabilities to actively participate in the labour market. Personalised provision of social inclusion services, such as counselling, mentoring, social work as well as support, should be used to enable persons with disabilities to overcome their adverse social situation and to enhance their employability. Active labour market policy measures (ALMPs) and employment services should provide support such as guidance and counselling, job mediation, ergo-diagnostics, retraining and career guidance, as well as cooperation with employers and schools, in particular local employers and specific schools for pupils with disabilities. It is necessary to systematically support the development of social and integration services so that they have adequate capacity and funding.
13. In order to improve the labour market outcomes of persons with disabilities, it is necessary to promote synergies and cooperation between all relevant services, providers and actors, including health and rehabilitation services, social services, , employment services, employers, the social partners, NGOs, patients' organisations, schools and municipalities. Stakeholder participation at the regional and local level is also particularly important.

14. The social economy complements Member States' action in delivering quality social services, and as such plays a vital role in facilitating the social and labour market participation of persons with disabilities. Social enterprises, in particular, promote active citizenship and are an excellent example of an “economy that works for people”. They offer opportunities for upskilling, thus supporting persons with disabilities in preparing for and participating in the labour market. In order to promote the labour market participation of persons with disabilities, it is important to foster social enterprises and make full use of their potential to act as bridges from sheltered employment into the open labour market.
15. Access to the open labour market for persons with disabilities should be promoted through various tools, such as financial contributions to employers, tax deductions, hiring incentives and quotas. Many Member States have established a quota system obliging employers to either hire a minimum proportion of persons with disabilities or incur a monetary cost in the form of penalty. However, the effectiveness of such measures is limited, with many employers preferring to pay the penalty. Hiring should also be promoted by fighting stereotypes and misconceptions, such as those concerning administrative costs, absences and limited performance, as well as by providing information to employers on available support, by promoting the sharing of good practices, through diversity awards etc.
16. Practices such as adaptation of workplaces and organisation of working time, e.g. through part-time work, are highly effective for the integration of persons with disabilities into the open labour market. Throughout the COVID-19 pandemic, there has been an increasing use of flexible forms of work, in particular telework. These practices, and in general the use of accessible and inclusive IT solutions and tools, should be promoted as means to unlock the potential of persons with disabilities and contribute to creating work conditions that are more conducive to the equal participation of persons with disabilities. It is key that employers receive support, including financial support, for providing reasonable accommodation in the workplace and at home in case of telework, and for acquiring necessary equipment, such as accessible and inclusive communication tools, technological solutions and software. Appropriate health and safety conditions should be ensured, and health checks should be performed in order to identify jobs that are suitable for persons with disabilities.

17. It is important for persons with disabilities to have access to comprehensive rehabilitation services which support their participation in the labour market, help prevent psychological problems and social exclusion, support vocational education and training and foster the development of skills, including IT skills. In order to ensure the efficient and timely provision of these services it is necessary to promote links and synergies between health, social and work rehabilitation, including through the introduction of individual case management. The outcomes of comprehensive rehabilitation, leading to an improved work capacity, could be assessed before decisions on the granting of a disability/invalidity pension are taken.
18. The European Social Fund Plus (ESF+) Regulation seeks to promote the inclusion in society of persons with disabilities on equal basis with others and supports Member States' efforts to implement the UNCRPD. Furthermore, the ESF+ aims at promoting employment by means of active interventions enabling integration and reintegration into the labour market, in particular for young people, for long-term unemployed people, for disadvantaged groups and for inactive people, as well as by means of promoting self-employment and the social economy. The ESF+ should also contribute to the promotion of accessibility for persons with disabilities with a view to improving integration into employment, education and training, thereby enhancing their inclusion in all spheres of life.
19. The Conference on the Integration of Persons with Disabilities into the Labour Market organised by the Czech Presidency in Prague on 20 and 21 September 2022, where the Commission launched the European Disability Employment Package, confirmed the pertinence of the six main areas of the Package. Participants emphasized the importance of increasing the number of persons with disabilities in the labour market. They also stressed, inter alia, the need to provide vocational training opportunities for persons with disabilities, with an emphasis on IT skills, including the use of digital technologies. In the light of the discussion, it is clear that the diversity of the needs of persons with disabilities should be recognised and their motivation should be suitably addressed. The measures set out in the package are targeted first and foremost at employers. The participants in the conference therefore confirmed the importance of supporting open market employers in their efforts to recruit and retain people with disabilities. At the same time, the role of employers in the sheltered labour market as well as social enterprises in supporting progressive integration needs to be recognised and promoted.

20. This set of Conclusions builds on previous work and political commitments voiced by the European Parliament, the Council, the Commission and relevant stakeholders in this area, including the documents listed in the Annex.

THE COUNCIL OF THE EUROPEAN UNION

INVITES THE MEMBER STATES, IN LINE WITH NATIONAL COMPETENCES, TO:

21. Implement all relevant guidelines and actions included in the Disability Employment Package, put forward by the Commission in collaboration with the Disability Platform and the social partners, as well as all relevant actions of the Action Plan for the Social Economy, presented on 9 December 2021.
22. Develop case management methods for supporting persons with disabilities on the path to the open labour market, including close cooperation between employment services and health services, health assessment institutions, social services and vocational rehabilitation services.
23. Use the potential of social enterprises that have expertise in integrating and combining social and entrepreneurship approaches, for the labour market employment of persons with disabilities.
24. Create and strengthen regional cooperation networks involving all stakeholders and actors with a role in promoting the employment of persons with disabilities.
25. Develop efficient systems and incentives to encourage employers on the open labour market to employ persons with disabilities.
26. Support the vocational education and training of persons with disabilities, including with a view to developing their IT skills.
27. Consider re/assessing the outcomes of comprehensive rehabilitation of persons with disabilities in terms of their working capacity before possibly granting disability/invalidity pensions.

28. Facilitate transitions of persons with disabilities between social and vocational rehabilitation, including by setting up a system that responds to individual needs for labour market participation and work rehabilitation.
29. Promote the use of all available tools, in particular career guidance, training on reasonable accommodation, and ergo therapy, in identifying the concrete needs of persons with disabilities with a view to facilitating their employment on the open labour market.
30. Strive to ensure that social protection policies effectively contribute to facilitating the employment of persons with disabilities, while also providing a decent living standard and all necessary support to those who are and will remain outside the labour market.
31. Make use of the available EU funding instruments, in particular the ESF+, to support the labour market integration of people with disabilities, e.g. through improving the accessibility and inclusiveness of employment and career guidance services and promoting integrated pathways for the labour market integration of people with disabilities.
32. Implement the national measures set out in the Strategy for the Rights of Persons with Disabilities 2021-2030, i.e.:
 - establish, by 2024, targets for increasing the employment rate of persons with disabilities and reducing employment rate gaps between persons with and without disabilities to help achieve the 2030 EU headline employment target put forward in the European Pillar of Social Rights Action Plan;
 - strengthen the capacities of employment services for persons with disabilities and enhance work with social partners and organisations of persons with disabilities to that end;
 - facilitate self-employment and entrepreneurship, including for persons with intellectual and psychosocial disabilities, by providing support on legal and business matters, i.a. by using the EU funds.

- set targets for the participation of adults with disabilities in learning with a view to increasing their participation and ensure that national skills strategies cover the specific needs of persons with disabilities, so as to help achieve the target in the Skills Agenda and in the European Pillar of Social Rights Action Plan.

33. Help disseminate the deliverables of the Disability Employment Package at national level and among all relevant actors in order to maximise the effect of the initiative.

INVITES THE COMMISSION TO

33. Continue monitoring the situation of persons with disabilities in the areas of employment, education and training, poverty and social exclusion also in the context of the European Semester.

34. Support and monitor the implementation of the initiatives set out in the Disability Employment Package.

35. Support and monitor the implementation of relevant measures set out in the Action Plan for the Social Economy that fall within its remit.

36. Support mutual learning and the exchange of good practice in the area of integration of persons with disabilities into the labour market.

37. Support programmes in the area of digitalisation focused on education and training of persons with disabilities.

40. Help disseminate the practical tools and guidelines in the Disability Employment Package.

**INVITES THE EMPLOYMENT COMMITTEE (EMCO) AND THE SOCIAL
PROTECTION COMMITTEE (SPC) TO**

33. Continue to pay attention to the area of integration of persons with disabilities when monitoring progress in the application of relevant Union law, in cooperation with the Commission.

ANNEX

References

1. EU inter-institutional

European Pillar of Social Rights

https://ec.europa.eu/commission/sites/beta-political/files/social-summit-european-pillar-social-rights-booklet_en.pdf

European Inclusion Summit 2020: [Declaration by the EU Member States' Representatives of the interests of persons with disabilities.](#)

2. EU legislation

Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16-22)

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services. (OJ L 151, 7.6.2019, p. 70-115)

Regulation (EU) 2021/241 of the European Parliament and of the Council establishing a Recovery and Resilience Facility. (OJ L 57, 18.2.2021, p. 17-75.)

3. Council of the European Union

Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities

Council Conclusions on the Strategy for the Rights of Persons with Disabilities 2021-2030 (9749/1/21 REV 1)

Council Conclusions on strengthening the application of the Charter of Fundamental rights (6795/21)

Council Conclusions on [Improving the employment of people in a vulnerable position in the labour market](#); (14646/19)

[Council Conclusions on Access to sport for persons with disabilities.](#) (OJ C 192, 7.6.2019, pp. 18-22)

Council Conclusions on the Economy of Wellbeing (13432/19)

Council Conclusions in Support of the implementation of the European Disability Strategy 2010-2020 (11843/11)

4. European Commission

Commission Communication (COM (2010) 636 final): [European Disability Strategy 2010-2020.](#)

Commission (SWD(2020) 291 final): [Evaluation of the European Disability Strategy 2010-2020.](#)

Commission Communication (COM (2021) 101 final): [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030.](#)

Commission Communication: Building an economy that works for people: an action plan for the social economy (2021)

The European Pillar of Social Rights Action Plan (6649/21 + ADD 1 + ADD 2)

5. European Parliament

EP Resolution on Equal treatment in employment and occupation in light of the UNCRPD

6. United Nations

UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at:

<https://www.refworld.org/docid/45f973632.html>