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From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Social inclusion of persons with disabilities at the EU and national level: supporting labour market (re)integration
	- Policy debate

Delegations will find attached a Presidency steering note on the above subject, with a view to the policy debate at the EPSCO Council on 16 July 2024.

Social inclusion of persons with disabilities at the EU and national level: supporting labour market (re)integration

Policy debate

Recently, in an effort to ensure competitiveness of the EU economy and address the challenges of an ageing population and labour shortages, policymakers are shifting the focus of employment policies towards attracting more people into the labour market and promoting more productive and inclusive work. One way of achieving that goal is to activate internal labour reserves, for example by increasing the labour market participation of persons with disabilities and persons with challenges to participate in the labour market (hereinafter referred to people with changed working capacities). These efforts are important also because **employment is one of the key elements of promoting social inclusion of persons with disabilities**, and therefore requires particular attention.

Context

In accordance with the **United Nations Convention on the Rights of Persons with Disabilities** (hereinafter: UNCRPD), ratified by the European Union and all Member States, the Parties to that convention have committed to take all effective and necessary steps to promote, protect and ensure the full enjoyment of human rights and fundamental freedoms by persons with disabilities. This includes the right to work on an equal basis with others in an open labour market that is inclusive and accessible for persons with disabilities. Parties have also committed to promoting employment opportunities and career advancement of persons with disabilities through combatting discrimination and creating favourable working conditions, including by providing reasonable accommodation, which is an obligation under the Employment Equality Directive (2000/78/EC). In the UNCRPD, the obligation to take all appropriate steps to ensure that reasonable accommodation is provided applies to all areas of life, including education, employment and health care.

Principle 17 of the **European Pillar of Social Rights** (EPSR), jointly proclaimed by the European Parliament, the Council and the European Commission in 2017, recognises that persons with disabilities have the right to services that enable them to participate in the labour market and in society. The Pillar also affirms that everyone has the right to education, training and lifelong learning (Principle 1), equal treatment and opportunities (Principle 3), active support to employment (Principle 4), a healthy, safe and well-adapted work environment and data protection (Principle 10). In order to implement the Pillar principles, the European Pillar of Social Rights Action Plan adopted by the Commission has set three headline targets which were welcomed by the **European Council** in its Conclusions of June 2021¹, including the target of achieving an employment rate of at least 78% by 2030. To reach this target, it is essential that a significantly higher proportion of persons with disabilities participate in the labour market, reflecting their substantial presence in the EU's working age population.

The Commission's **Strategy for the Rights of Persons with Disabilities 2021-2030** prioritises the creation of a decent quality of life and independence, for which quality social and employment services, barrier-free and inclusive housing, lifelong learning and adequate social protection are essential. Fostering access to quality and sustainable jobs as well as promoting employment are also key. Accordingly, the Commission has invited Member States to set a target for increasing the employment rate of persons with disabilities by 2024 and reducing the gap between the employment rates of persons with and without disabilities. As one of the seven flagship initiatives of the Strategy, the Commission put forward the Disability Employment Package – a set of guidelines and practices, including practical steps and examples, focused on the recruitment, hiring and retention of persons with disabilities in employment. One of the guidelines explains the obligations, roles and responsibilities for putting in place reasonable accommodation in different stages of employment.

¹ <https://www.consilium.europa.eu/media/50763/2425-06-21-euco-conclusions-en.pdf>

According to the European Union Statistics on Income and Living Conditions 2023 (EU-SILC²), a growing proportion of people aged 16 and over in the European Union (26.8%) declared themselves to have a mild or severe permanent activity limitation, i.e. a disability, out of which 19.4% is in working age (between the age of 20 and 64). Meanwhile, based on the available data³ only about 50.8% of persons aged 20-64 with a disability are in work, compared to 75% of persons without a disability. According to the Social Scoreboard, the **employment gap of persons with disabilities in the EU** in 2023 was 21.5 percentage points⁴, showing little improvement compared to the first figures from 2014 (22.7 percentage points).

Challenges

Equal access to rehabilitation services and a person-centred, holistic approach to employment are some of the key ways to promote labour market participation of persons with disabilities. However, persons with disabilities still face **significant barriers in accessing services** such as education, training, rehabilitation and social protection, as well as assistive devices and technologies. This includes medical and social rehabilitation, as well as vocational rehabilitation which aims to facilitate an individual with additional support needs to overcome barriers, primarily to accessing, maintaining or returning to employment.

Another **challenge is the availability of accurate and comparable data** on the employment of persons with disabilities and persons with changed working capacities. This is partly due to the fact that policy concepts and systems of the Member States vary considerably, including the definition of a person with a disability for the purposes of labour market participation. Finally, Member States have different views on the extent to which employment outside the open labour market is a gainful activity or rather part of the rehabilitation process.

² https://ec.europa.eu/eurostat/databrowser/view/hlth_silc_20/default/table?lang=en

³ Source: European Disability Forum

⁴ https://ec.europa.eu/eurostat/databrowser/view/tepsr_sp200/default/table?lang=en&category=tepsr.tepsr_spi.tepsr_spi_hi

Means to support labour market participation

Member States strive to ensure open labour market participation of persons with disabilities and persons with changed working capacities, while facing a variety of challenges in this regard at the institutional, employer and individual level. **Active labour market policies** (such as reskilling, upskilling, provision of rehabilitation services) and other measures (e.g. supported employment, inclusive job awards, quota system) are used as an effective tools of fostering labour market participation of persons with disabilities.

Self-employment, support for business start-ups and the creation of social enterprises as part of the social economy can also positively influence the labour market participation of inactive persons with disabilities.

Persons with disabilities, in particular those with severe disabilities often work outside the open labour market, such as for example in **sheltered workshops**. Those forms of work differ and in some Member States are provided under labour law, while in others are considered rehabilitative settings. As a consequence, working conditions differ, and not all settings offer a transition to the open labour market.

Reasonable accommodation, as required under the UNCRPD and the Employment Equality Directive (2000/78/EC), is an important means of promoting employment in the open labour market on an equal basis for employees in need of support. It can be effectively supported by flexible working arrangements such as flexible working hours, part-time employment, telework, project-based employment or even job sharing. Although some progress has been reached in recent years, there are still significant challenges in implementing reasonable accommodation in practice in the workplace. Implementation of reasonable accommodation at national level varies in scope and form; therefore it is useful to identify and share good practices in order to enhance mutual learning between Member States.

Against this background, Ministers are invited to respond to the following questions:

- 1. What do you consider the most important measures and policy tools to promote quality and equal employment of persons with disabilities in the open labour market?*
 - 2. Have you set a national target for increasing the employment rate of persons with disabilities?*
 - 3. How could the Commission best support (both in employment as well as other policy fields and by which activities) the work of the Member States in the future implementation of the Strategy for the Rights of Persons with Disabilities (2021-2030)?*
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