



**Asia-Pacific
Economic Cooperation**



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ADVANCING EMPLOYMENT IN APEC FOR PERSONS WITH DISABILITIES

A BASELINE STUDY OF OPPORTUNITIES IN THE REGION

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ACRONYMS

ABA	Architectural Barriers Act (United States)
ADA	American with Disabilities Act (United States)
ADE	Australian Disability Enterprises
APEC	Asia-Pacific Economic Cooperation
CRPD	Convention on the Rights of Persons with Disabilities
DDA	Disability Discrimination Act of 1992 (Australia)
DES	Disability Employment Services (Australia)
DOLE	Department of Labor and Employment (Philippines)
DPOs	disabled people's organizations
EAF	Employment Assistance Fund (Australia)
EEO	Equal Employee Opportunity Task Forces (Indonesia)
GDP	gross domestic product
GoFD	Group of Friends on Disability
HKSAR	Hong Kong Special Administrative Region
HRDWG	Human Resources Development Working Group (APEC)
IDEA	Individuals with Disabilities Education Act (United States)
ILO	International Labour Organization
MOLISA	Ministry of Labor – Invalids and Social Affairs (Viet Nam)
MTPE	Ministry of Labor and Employment Promotion (Peru)
NCDA	National Council for Disability Affairs (Philippines)
NDIS	National Disability Insurance Scheme (Australia)
ODEP	Office of Disability Employment Policy (United States)
ODI	Office of Disability Issues (Canada)
OFCCP	Office of Federal Contract Compliance Programs (United States)
SENADIS	Servicio Nacional de la Discapacidad (National Services for the Disabled) (Chile)
SSDI	Social Security Disability Insurance (United States)
SSI	Supplemental Security Income (United States)
TANF	Temporary Aid to Needy Families (United States)
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	United Nations Children's Fund
WIOA	Workforce Innovation and Opportunity Act (United States)

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EXECUTIVE SUMMARY

Increasing the access of people with disabilities to inclusive employment opportunities is a key component to advancing inclusive economic growth across all of APEC's 21 member economies. By integrating persons with disabilities, who represent about one in every six – or 650 million people in total – in the region, into the workforce, economies enhance the economic wellbeing of a significant number of people, and provide an outlet for their unique contributions toward regional economic growth and innovation.

This report aims to provide APEC with a regional baseline of the opportunities and challenges facing persons with disabilities in the region. The impetus for this report arises from APEC's commitment to increasing the economic empowerment and inclusion of persons with disabilities to enhance quality growth and human development. In 2014, APEC, under China's leadership, created the APEC Group of Friends on Disability (GoFD), which aims to raise the visibility of disability issues across APEC working groups to advance the participation of persons with disabilities in the economy. APEC Leaders subsequently highlighted their priority of inclusion for people with disabilities in both the 2015 and 2016 Leaders' Declarations. The intent of this report is to further that commitment to understand the employment landscape for people with disabilities in APEC, which then can be used to determine priority action areas for the GoFD and the Human Resources Development Working Group (HRDWG).

The report begins with an introduction to the definition and conceptual models of disability; then explains the causes and prevalence of disability; and describes key challenges faced by persons with disabilities in the labor market. The report then presents an overview of key international frameworks on disability rights. This provides the groundwork for a discussion and analysis on laws and regulations across APEC economies regarding employment of people with disabilities. The report then describes economy-level efforts that support people with disabilities through employment practices, quotas and incentives, job search and placement, and education. The last section highlights how economies interact with the disability community and the private sector to collaborate to further inclusive employment opportunities. The report concludes with a set of recommendations, both at the economy-level and specifically for the GoFD and HRDWG action plan level. These recommendations include the following:

1. Engage persons with disabilities in the development of disability policies and programs.
2. Ensure effective enforcement of non-discrimination laws, and adoption of laws and policies to prohibit discrimination on the basis of disability where they do not yet exist.
3. Ensure that persons with disabilities receive the same wages as their peers without disabilities.
4. Encourage member economies to consider incentives such as tax breaks, wage subsidies, and reimbursements for the costs of accommodation.
5. Strengthen employment/job placement services, effectively communicate the availability of those services to persons with disabilities, and address barriers (e.g. access to transportation) that may inhibit the ability of persons with disabilities to utilize those services.
6. Encourage the establishment of systems to transition people with disabilities from education to employment.
7. Improve inclusive education systems for children with disabilities, in anticipation of their needs in a future workplace.
8. Address cultural barriers and stigma about persons with disabilities, especially concerning their employment capabilities.
9. Address the specific challenges faced by women with disabilities in finding and keeping employment.

10. Work with private business and public employers to encourage hiring of persons with disabilities, and address concerns and overcome myths about their productivity and costs of accommodations.
11. Increase engagement with the private sector to build more inclusive workplaces and support them to provide reasonable accommodations, such as assistive devices and flexible work schedules, among others.

The information included in this report is drawn from economy-level surveys circulated through the GoFD and the HRDWG, as well as desk research and first-person interviews with the disability community.

INTRODUCTION

There is a strong economic argument for advancing employment for persons with disabilities in APEC economies. Although some APEC economies have extensive legal, regulatory, and policy frameworks that support the inclusion of people with disabilities in the workforce, many others do not. In some cases, there is also a limited understanding or ineffective implementation of the existing laws, policies, programs, and enforcement mechanisms to support inclusion.

This report serves as an initial baseline report of employment opportunities for people with disabilities in the APEC region. It is intended to help inform the GoFD and the HRDWG as they prioritize future capacity building efforts. The report covers key concepts, regional trends, economy-specific highlights across the education-employment continuum, cross-cutting issues, and engagement with nongovernment actors. The information included is collected from surveys, stakeholder research, and desk research across APEC economies. Owing to a lack of information for all economies on areas covered by this report, some non-APEC economies were used as a reference point in certain instances.

The development of this report was led by the United States, with the aim of helping APEC better understand the landscape for employment of persons with disabilities in the region. It also stems from the creation of the APEC Group of Friends on Disability (GoFD), created under China's 2014 APEC Host Year. The GoFD is charged with promoting information sharing, highlighting best practices, and exploring collaboration between member economies to include more persons with disabilities in the workforce. APEC reaffirmed its commitment to advancing the inclusion of persons with disabilities in both the 2015 and 2016 Leaders' Declarations, noting that it is essential in promoting inclusive development.

THE ECONOMIC CASE FOR ADVANCING THE EMPLOYMENT OF PERSONS WITH DISABILITIES

According to an exploratory study by the International Labour Organization (ILO) of the macroeconomic costs of excluding people with disabilities from the world of work, the economic losses related to disability are large and measurable, ranging between three and seven percent of GDP. This study took two drivers of economic losses into account: (a) the gap between the potential versus the actual productivity of people with disabilities; and (b) the difference between unemployment and inactivity rates of persons with and without disabilities. These drivers demonstrate the costs that society must bear for excluding people with disabilities from the workplace. These were tested using data from a combination of 10 economies in Asia and Africa. The overall losses and the relative importance of factors underlying these losses—disabling environment, unemployment, and inactivity—were estimated for each economy.

This study found that environmental changes can narrow the gap between the actual and the potential productivity level of a person at a given disability level. It also found that people with disabilities were less productive, not because they had disabilities, but because they live and work in environments that are inaccessible and therefore do not support disability-inclusive employment. According to the analysis, it makes economic sense to create an environment that is inclusive, accessible, and supportive for people with disabilities.

In addition, according to the UNESCAP Disability at a Glance 2015 Report, the region's total workforce has already begun to decline in many parts of Asia and the Pacific due to population ageing. This trend, which will

likely continue over the next decades, increases the need for governments to recognize the role that people with disabilities can play in boosting GDP growth by filling labor shortages.

KEY DISABILITY CONCEPTS

Conceptual models of disability have changed over time and continue to evolve. Historically, societies have often adopted the medical or charity models of disability. Under the medical model, persons with disabilities are considered ‘broken’ and in need of being ‘fixed’ or ‘cured’ by medical professionals. This model assumes that a typical or ‘normal’ human condition exists, and that persons with disabilities represent deviations from that concept of normal, and should be brought into conformance. Consequently, persons with disabilities can be made to feel like failures when they are inevitably unable to be ‘cured.’ In addition, the medical model’s privileging of the opinions of the medical profession can deprive persons with disabilities of their autonomy and independence.

Under the charity model of disability, persons with disabilities are viewed as lacking the ability to take control of their own lives and be self-supporting. Instead, it is society’s duty to provide resources, typically through charitable delivery mechanisms. This approach can discourage governments from assuming their responsibilities to combat societal discrimination on the basis of disability. Furthermore, the charity model of disability views persons with disability as passive recipients of charity, and in so doing denies persons with disability their own agency as bearers of rights.

Although the medical and charity models can have importance and relevance in the lives of everyone, including persons with disabilities, thanks to advocacy by the disability community, the medical and charity models are no longer considered effective or empowering conceptual frameworks for promoting the full inclusion of persons with disabilities in society. Rather, disability has come to be considered a social construct, similar to the way in which race; gender; and ethnicity are socially constructed. Under the social model of disability, the concept of disability does not refer to the specific physical, mental, sensory, or other characteristics of the individual, but rather is the result of the interaction between people with those characteristics and societal barriers. Such barriers can include attitudinal, physical, legislative, information, communication, and structural barriers. The social model requires a collective response from society at-large to make the environmental modifications necessary for the full participation of people with disabilities in all areas of social life (Disabled-World 2015). In other words, it is no longer appropriate to expect persons with disabilities to change to fit society’s norms, but rather it is the duty of society to adapt to facilitate community inclusion and enjoyment of human rights by persons with disabilities.

Considering the multifaceted, complex, and dynamic nature of disability, international consensus does not yet exist for one specific definition of disability. In addition, definitions can be highly context dependent. For example, a broad definition of disability would be appropriate for non-discrimination legislation, whereas a more narrow definition would be appropriate to determine who qualifies for access to particular benefits or services. It is for these reasons that the UN Convention on the Rights of Persons with Disabilities (CRPD) does not contain a definition of disability among its other definitions in Article 2. However, Article 1 of the CRPD refers to “persons with disabilities” as including “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” CRPD preambular paragraph (e) also recognizes that “disability is an evolving concept, and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.” It is worth noting though that even among proponents of the social model of disability, the term “disability” is still often used to refer to people’s inherent physical, mental, sensory or other characteristics, as the term “impairment” can have a negative meaning for some disability

advocates. This dual meaning is similarly utilized in this report. This report applies the CRPD concepts of disability generally, while deviations may exist in economy-level definitions. The report also focuses primarily on APEC economies, though non-APEC economies in the region may be included for comparison.

DISABILITY: CAUSES AND PREVALENCE

Persons with disabilities represent a broad spectrum—from those who are born with their disabilities, to those who acquire their disabilities; from those with permanent disabilities, to those with short-term, temporary, or intermittently recurring disabilities; from those with apparent disabilities, to those whose disabilities may not be visible or otherwise apparent. Persons with disabilities include people of all ages and from all other social groups, and their disabilities may vary greatly by degree or significance even among people with the same kind of disability. Both the causes and prevalence of disability are influenced by a variety of external factors that include but are not limited to availability of resources, social and economic structures, and health care and social protection interventions. In addition, poverty is both an important cause and consequence of disability—with this correlation also existing among APEC member economies. Thus, for this report, it is worth considering available data on the causes and prevalence of disability among APEC member economies and across the region.

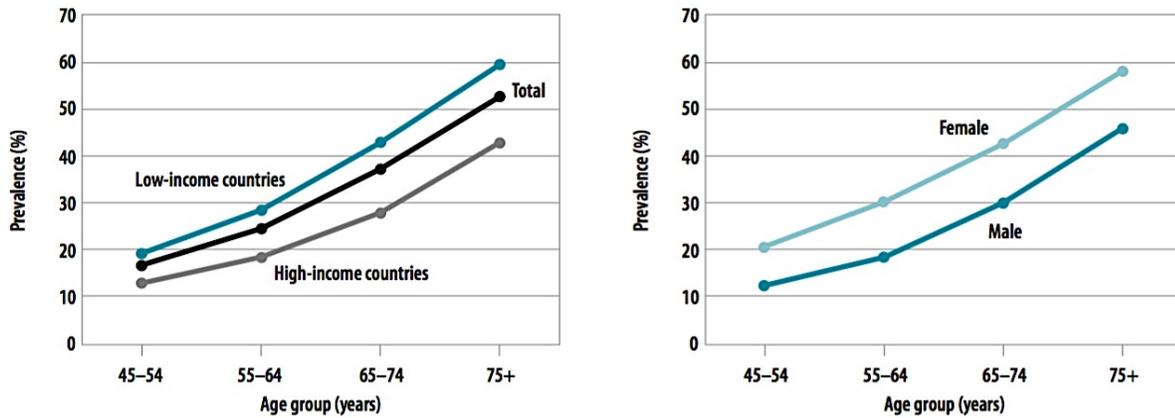
People can be born with or acquire their disability for many different reasons. Causes include, but are not limited to malnutrition, genetics, age, illness, violence – including conflict, gender and sexual-based violence, workplace injuries and illnesses, and injuries resulting from traffic, pedestrian, or other accidents. Work-related injuries and illnesses can be a significant factor in disability. According to the ILO, 317 million workplace accidents occur annually, and many of these result in extended absences from work.

Given their potential impact, we will begin here by examining the trends worldwide that contribute to health differences and conditions that may result in disability. While it is important to note that while health conditions can cause or contribute to a disability, the environment in which a person lives can determine whether a disability is in fact a barrier to living and working effectively.

Trends in shifting risk factors for different age and socioeconomic groups have increased the incidence of disability because of chronic conditions among the general population. According to the World Health Organization's *World Report on Disability*, causes have been identified and attributed to three broad categories of health conditions—infectious diseases, chronic conditions, and injuries. Infectious diseases may create, or be defined in terms of impairments—and are estimated to account for nine percent of the years lived with disability in low- and middle-income economies. Prominent among them are lymphatic filariasis, tuberculosis, and HIV/AIDS, as well as other sexually transmitted diseases (WHO 2011).

Global ageing has been identified as having a major influence on disability trends given the higher risk of disability at older ages and the unprecedented rate of ageing of domestic populations. In particular, the disability prevalence among people age 45 and over in low-income economies is higher than in high-income economies, and higher among women than men. According to the *Global Burden of Disease* report, the increased lifespans have not been met with the necessary accessible health services. In particular, unequal access to quality health services, as well as armed conflicts and natural disasters, have been found to contribute to the increased incidence of disability. As can be observed in the figures below, rates of disability are much higher among those aged 80 to 89, the fastest-growing age cohort worldwide. The rate of disability is increasing at 3.9 percent each year; it is projected to account for 20 percent of the global population 60 years or older by 2050 (IHME 2013).

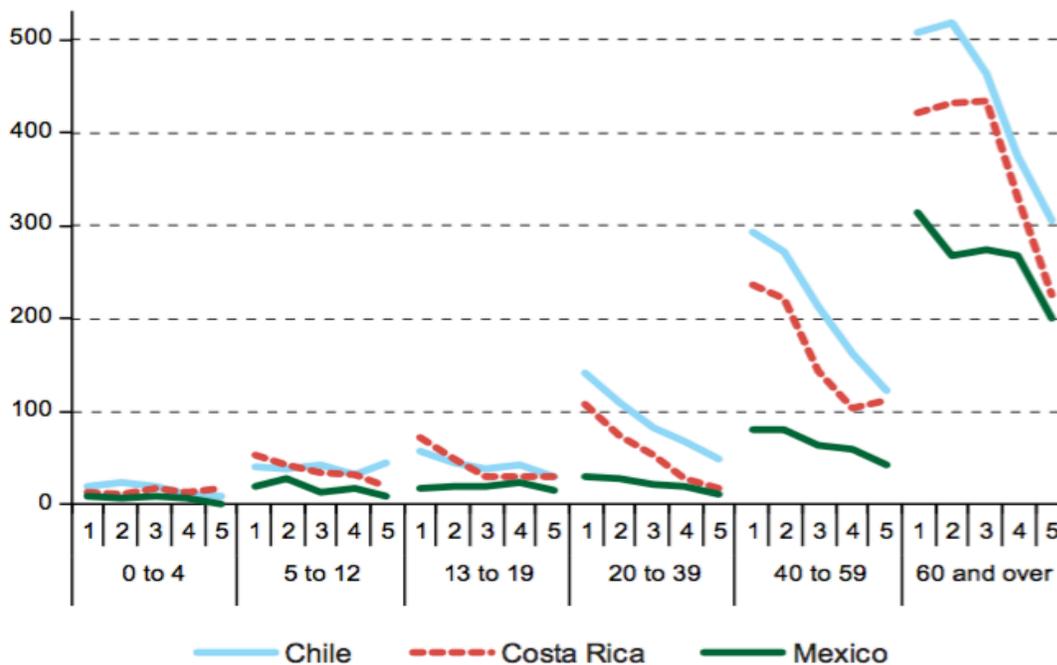
Figure 1: Age-specific Disability Prevalence Derived from Multidomain Functioning levels in 59 Economies, by Economy Income Level and Gender, 2015



When disaggregating the data for more than half the economies in Latin America and the Caribbean, disabilities were more prevalent among women than men, especially for groups aged 60 years and over. Other population groups that exhibited higher rates of disability included rural dwellers, indigenous peoples, Afro-descendants, and those with low incomes (WHO 2011).

People with disabilities were observed to be overrepresented among the poorest segments of society. Household surveys in Chile, Costa Rica, and Mexico indicated a higher prevalence of disabilities in lower income quintiles, beginning at age 50 and becoming more evident at age 60 and over (Figure 2). In fact, the odds of having a disability were considered two times higher in the bottom income quintile than the top quintile.

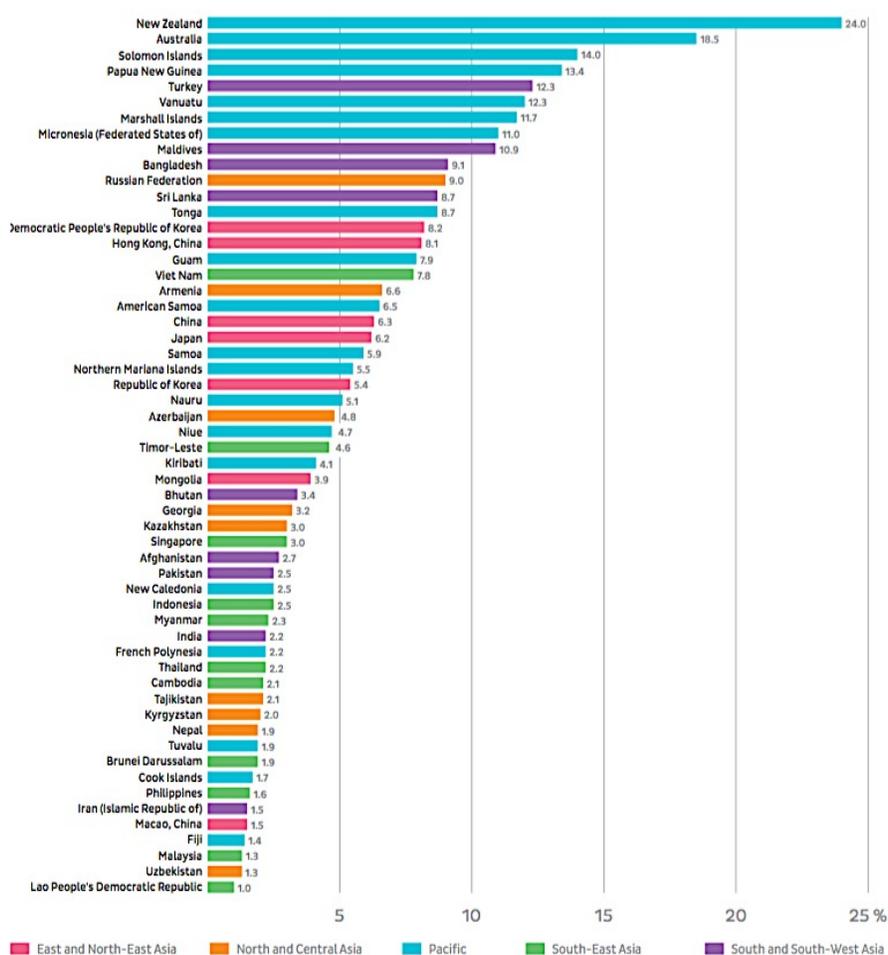
Figure 2: Persons with Disabilities in Three Selected Economies, by Income Quintile and Age Group, 2010 (number per thousand)



In the Asia-Pacific region, it is estimated that about one in six persons, or up to 650 million, experience some form of disability, as shown in Figure 3 (UNESCAP 2015). As indicated by the UNESCAP report,¹ disability prevalence in the Asia-Pacific region, at least as reported by economies (which include non-APEC economies), varies dramatically, ranging from 1.0 percent in the Lao People's Democratic Republic to 24.0 percent in New Zealand. The differences in rates of disabilities among economies can be due to differences in definitions used, data collection methodologies, and the willingness of individuals to self-identify. In addition, the prevalence of disability around the world is much higher in developing economies than in developed economies.

Figure 3 provides a snapshot of disability prevalence in Asia-Pacific economies and territories.²

Figure 3: Disability Prevalence in Asia-Pacific Economies and Territories



¹ UNESCAP covers some APEC economies, as well as some non-APEC economies.

² Further context and theories as to why certain economies may have differing rates of employment continue in the following section.

TRENDS AND CHALLENGES IN INCREASING EMPLOYMENT OF PERSONS WITH DISABILITIES

This section discusses the employment situation of persons with disabilities in the Asia-Pacific region, based on the UNESCAP *2015 Disability at a Glance Report*. Despite challenges to accurately recording data on disability, this UNESCAP report indicates that as compared with others, people with disabilities in the Asia-Pacific region are less likely to be employed, and when they are employed, they are more likely to be engaged in vulnerable forms of employment. For example, in 2009, people with disabilities in Chile—who were determined to be employable—amounted to 1,180,662 weighted respondents, according to Encuesta Casen, the nationwide socioeconomic characterization survey (Lange 2014). Their labor force participation rate was indicated at 26 percent, just less than half the rate of their peers without disabilities who had a participation rate of 59 percent. In addition, only 9.3 percent of persons with disabilities received job training (ibid). Additionally, the UNESCAP report evidences that the difference in the employment rates of persons with and without disabilities tends to be larger in higher income economies. While there is limited consensus on the causes of the difference in employment rates between income groups, two possible explanations. The first is that in higher income economies, there is financial support available to working age persons with disabilities, which allows them to be more discretionary about the types of jobs that they take and therefore stay unemployed for longer periods of time (UNESCAP 2015). The second is that higher income economies have less availability of lower-skilled and informal jobs, which tend to be a larger proportion of the employment opportunities for persons with disabilities in lower income economies (ibid).

EMPLOYMENT-RELATED BARRIERS FACING PERSONS WITH DISABILITIES

Lack of data

Few governments collect data on the employment situations of persons with disabilities; therefore, information is very scarce on the number of persons with disabilities who are employed, unemployed, or are no longer in the labor market. Instead, information on the situation comes from media and non-governmental organization reports, which only can provide an anecdotal picture of the extent of the challenges faced by persons with disabilities in seeking employment. Although not a direct barrier to employment of persons with disabilities, lack of reliable data can inhibit the ability of policy-makers to fully understand the barriers faced by persons with disabilities in accessing competitive integrated employment, and to develop and adopt effective interventions to address those barriers. Lack of data can result from economies not understanding how to collect quality disability-related data, costly monitoring mechanisms and insufficient budgets, and societal stigma that may dissuade persons with disabilities from self-identifying.

Incomplete legal protections and enforcement

Persons with disabilities often do not have legal protections from employment discrimination. Some economies require inclusive education and employment opportunities, but do not explicitly prohibit discrimination. Other economies prohibit employment discrimination, but lack the resources or institutional

capacity to enforce their laws. Effectively enforced legal protections are of critical importance, given that disability-based employment discrimination can be especially insidious. For example, required medical examinations for job applicants are an example of employment discrimination, because this can be a way to exclude applicants with disabilities from employment opportunities.

Inaccessible and segregated training and education systems

Children and adults with disabilities frequently lack access to mainstream education opportunities, and often attend separate schools or training facilities instead. These separate schools often do not provide quality education, and can prevent students with disabilities from making progress towards their educational and professional goals. In addition, technical and vocational education, and training institutions for persons with disabilities, often provide job training only in a limited number of occupations.

Poor access to professional networks

Persons with disabilities often have more limited access to professional contacts who can support their job search. This barrier is often due to the exclusion of persons with disabilities from broader social institutions, like mainstream education and training. Because they lack the opportunity to build relationships with people who can suggest potential work opportunities, individuals with disabilities are at a significant disadvantage in finding employment.

Stigma and biases

When looking for work, persons with disabilities may face biases among potential employers who incorrectly believe that they are less productive or capable of performing their job duties, or that the costs of reasonable accommodations may be too high. These biases often stem from cultural beliefs, for example, that persons with disabilities are less capable than others, or that they have committed a wrong in a previous life and may bring bad luck on others. Employers may also incorrectly believe that employees with disabilities will be expensive to hire and retain. Women and girls, indigenous people, and Afro-descendants with disabilities can face multiple discriminations when seeking employment opportunities.

Inaccessible transportation and inaccessible workplaces

Persons with disabilities may face numerous barriers in getting to and from work. Public buses may not have wheelchair ramps or lifts; streets may not have sidewalks with curb cuts for wheelchair users or individuals with mobility disabilities; and office buildings may not have ramps or elevators. In the workplace, persons with disabilities may lack accessible information and communication technologies like screen-readers and devices such as Braille displays, which can prevent persons with vision or cognitive disabilities from being able to gain or keep employment.

Lack of support to assist injured/ill workers to return to work

According to the ILO, millions of people experience work-related injury or illness each year. These individuals with workplace-acquired disabilities often lack support from their employers and the government to stay at work or return to work as quickly as possible. Some of these workers leave the workforce entirely.

In summary, efforts to promote the employment of persons with disabilities are centered on the enactment and enforcement of legislation prohibiting employment discrimination based on disability, and mandating reasonable accommodations. This means making the built environment, education, and vocational training services fully inclusive and accessible. This also means providing access to legal remedies through complaint mechanisms to address instances of employment discrimination against persons with disabilities.

INTER-RELATIONSHIP OF EMPLOYMENT WITH SOCIAL BENEFITS

In the United States, persons with disabilities have access to a series of social benefits, including social security programs, Medicare, and Medicaid, among others. In some cases, these safety net programs limit the total income of persons with disabilities receiving benefits to just above the poverty line, taking away cash benefits when they earn a certain level of income. The system is more focused on a one-size-fits-all approach rather than taking into consideration the different levels of ability to work. This system can create a “poverty or benefits trap” for a group of people who are already more likely to live in poverty and have difficulty finding employment.

A 2011 study by the Rand Center for Disability Research noted that in the last 20 years the number of Americans receiving disability benefits had doubled. The key finding of the study was that a ‘marginal’ Social Security Disability Insurance beneficiary (defined as those who likely would not have been allowed benefits if their eligibility was determined by a stricter disability examiner) would have been 21 percentage points more likely to work if they did not receive the benefits (RAND Center 2011). The study found evidence of substantial variation in the disincentive effect by level of impairment; those with the most significant impairments would not be any more likely to work if they received benefits, although those with less significant impairments would be as much as 60 percentage points more likely to work (ibid.). The current Social Security Disability Insurance program includes a “cash cliff,” whereby beneficiaries lose their entire benefit if they earn more than US\$1,170 per month for a sustained period, with a “benefit offset” that would gradually decline as earnings rise. One approach often discussed is to eliminate the cash cliff and reduce benefits by US\$1 for each US\$2 of earning once earnings exceed a certain level. The Social Security task force of the Consortium for Citizens with Disabilities has proposed adopting an offset of US\$1 in Social Security Disability Insurance benefits for each US\$2 of earnings over US\$780 per month; Social Security is actively testing two different versions of this policy (Romig 4). This task force also proposed adjusting the Supplemental Security Income earned income exclusion, which has been frozen since 1974 with no inflation adjustments (ibid).

THE BUSINESS CASE FOR HIRING PERSONS WITH DISABILITIES

Employing persons with disabilities benefits businesses by building brand trust and loyalty. In fact, according to a U.S. consumer survey, “87 percent of respondents said that they would prefer to give their business to companies that hire individuals with disabilities” (U.S. Department of Labor). In addition, according to research customers with disabilities prefer buying goods and services from businesses whose workforce can understand their needs and goals. The longer employees remain in their position, employers will have less turnover costs, which results in an overall cost savings to the company (ibid).

INTERNATIONAL FRAMEWORKS OF DISABILITY

RECENT INTERNATIONAL FRAMEWORKS

Convention on the Rights of Persons with Disabilities

The purpose of the Convention on the Rights of Persons with Disabilities (CRPD) is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (Article 1). The CRPD and its Optional Protocol were adopted by the UN General Assembly on December 13, 2006, and entered into force May 3, 2008. To date, there are 160 signatories and 173 parties. The CRPD is the first core international human rights treaty to comprehensively address existing human rights in the context of disability.

“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 a work environment that is open, inclusive and accessible to persons with disabilities.”

Article 27, Convention on the Rights of Persons with Disabilities, 2006

With respect to work and employment, the CRPD calls for:

- Prohibiting employment discrimination based on disability;
- Protecting the right of persons with disabilities to equal opportunities and remuneration, and safe and healthy working conditions;
- Ensuring that persons with disabilities can exercise their labor and trade union rights on an equal basis with others;
- Providing persons with disabilities equal access to technical and vocational training;
- Promoting employment opportunities and career advancement for persons with disabilities in the labor market, as well as providing assistance in finding, obtaining, maintaining, and returning to employment;
- Promoting opportunities for self-employment, entrepreneurship, the development of cooperatives, and business start-up;
- Employing persons with disabilities in the public sector;
- Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures;
- Ensuring that reasonable accommodations are provided to persons with disabilities in the workplace;
- Promoting the acquisition by persons with disabilities of work experience; and
- Promoting access to vocational and professional rehabilitation, job retention, and return-to-work program (Article 27)

UNESCAP Incheon Strategy

In 2012, UNESCAP members adopted the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific. In May 2012, through resolution 68/7, UNESCAP declared the Asian and Pacific Decade of Persons with Disabilities, 2013-22, as the timeframe for implementing the Incheon Strategy. The Incheon Strategy provides “the Asian and Pacific region, and the world, with the first set of regionally-agreed disability-inclusive development goals, arrived at after more than two years of consultations with governments and civil society stakeholders,” (UNESCAP I).

Incheon Strategy goals focus on poverty reduction and employment, accessibility, social protection, education, CRPD ratification, and international cooperation. There are 10 major goals with 27 targets and 62 related indicators for monitoring and evaluating implementation of the goals.

EARLY ILO AND UN EFFORTS

In 1944, in the aftermath of World War II, the ILO became one of the first organizations to recognize the importance of providing persons with disabilities access to training and work in ILO Recommendation No. 71, Employment (Transition from War to Peace). The Recommendation states that people with disabilities should have “full opportunities for rehabilitation, specialized vocational guidance, training and retraining, and employment on useful work.” In the 1940s and 1950s, the United Nations promoted the well-being and rights of persons with physical disabilities through a range of social welfare initiatives, providing assistance to governments in disability prevention and rehabilitation, and the setting up of rehabilitation centers. In the 1970s, the UN increasingly embraced the growing international concept of human rights of persons with disabilities, and in 1975, the UN General Assembly adopted its Declaration on the Rights of Disabled Persons, further affirming the importance of work, vocational counseling, and training for people with disabilities.

In 1983, the ILO adopted Convention 159³ requiring domestic policy on vocational rehabilitation and employment of persons with disabilities to increase: (a) integration of persons with disabilities into mainstream employment and services; and (b) the consultation of representatives of, and for, persons with disabilities. Accompanying the Convention, Recommendation 168 detailed measures to promote equal employment opportunities, including reasonable accommodations, and outlined steps for the consultative process.

³ Some APEC economies have ratified Convention 159, including Chile, Japan, Korea, Mexico, Peru, the Philippines, and the Russian Federation.

APEC ECONOMY LAWS, REGULATIONS, AND POLICIES

Around the world, legislation on disability has evolved from a focus on social protection and welfare assistance for people with disabilities, to an inclusive approach that focuses on human rights. Many economies have adopted specific domestic legislation to prohibit discrimination and address employment issues for persons with disabilities. Some of the most comprehensive definitions of disability discrimination are found in the laws of APEC economies, including Australia; Canada; Hong Kong, China; New Zealand; the Philippines; and the United States. Many antidiscrimination laws focus on employment discrimination because this was an area in which laws relating to race and gender were already in place. Although there is no one definition of *disability-based discrimination* used across all economies' laws, most modern laws focus on principles of inclusion and integration, equal opportunity, and reasonable accommodation. In addition to strong legislation, effective enforcement mechanisms, developed and implemented in consultation with persons with disabilities and advocacy organizations, help ensure that individuals and employers respect laws.

An overview of general trends for each APEC economy is presented below. A list of laws relevant to each economy is also presented in the Annex.

GENERAL TRENDS IN APEC ECONOMIES

A variety of trends is seen across APEC economies:

- Differences exist between laws and regulations, including foundational documents, such as constitutions. Constitutions and other foundational documents do not typically provide protections expressly for persons with disabilities, though later laws do address such protections.
- Uneven legal protection for people with different types of disabilities, meaning that some disabilities (e.g., physical disabilities) are protected, whereas others (e.g., mental disabilities) may not be. Disparities also exist with respect to legal protections for disabilities that are acquired at birth versus those acquired later in life.
- Domestic antidiscrimination laws are particularly important to protect persons with disabilities against discriminatory action in hiring, retention, promotion, and termination. However, in practice, many of the laws and regulations are not fully enforced, and sometimes employers and persons with disabilities do not know or understand the legal requirements and protections.
- Despite some economies ratifying the CRPD, many public buildings and facilities continue to be noncompliant with economies' accessibility laws and regulations, in potential violation of their treaty obligations under the CRPD.

Topical Economy Highlights

Examples of Economies' Approaches in Law and Policy

Australia. The Disability Discrimination Act of 1992 (DDA) prohibits discrimination in education, housing, work, and access to other premises and facilities. Section 15 of the Act makes it illegal for potential employers in Australia to discriminate against persons with disabilities in the hiring process, as well as for employers to discriminate against an employee on the grounds of the employee's disability. Employers in Australia must offer

equal employment opportunities to everyone. If persons with disabilities can perform the essential activities or “inherent requirements” of a job, they should have the same opportunity to do that job as others. An employer is required to provide workplace accommodations for persons with disabilities if necessary for them to perform essential job activities. Such accommodations may include modifying equipment, providing flexible schedules, and modifying premises with ramps, accessible toilets, and so forth. The DDA does not require workplace changes if they cause major difficulties or unreasonable costs, but the burden is on the employer to prove such claims.

The Disability Services Act of 1986 seeks to provide a coordinated approach to assisting people with disabilities to find and maintain employment. It provides a legislative and funding framework for a range of disability services, including employment services, and provides a set of guiding standards known as the *Disability Services Standards*. Australia contracts with third-party organizations, who must maintain certification, to provide these disability services. The National Disability Insurance Scheme, pursuant to updates in 2015, is responsible for transition support into employment; personal attendant care for those who require support within the workplace; aids and equipment; transport to and from work for those unable to use public transportation; specialized or targeted employment support; and coordination of insurance scheme services with other employment services. Moreover, the National Disability Strategy 2010-20 is the overarching policy framework for driving disability reform and serves as an important mechanism to ensure compliance with the CRPD. The Strategy seeks to promote, uphold, and protect the rights of persons with disabilities by improving key services, education, employment, and health care support, ensuring independent living and active participation in community life.

Canada. Although there is no federal legislation that comprehensively addresses the rights of persons with disabilities or domestic accessibility standards, the rights provided in the CRPD are reflected across a variety of Canada’s domestic laws and policies with constitutional and statutory protections. These include the Canadian Bill of Rights, the Canadian Charter of Rights and Freedoms, various human rights laws, and a broad range of federal and provincial laws and policies. The Canadian Human Rights Act of 1985 prohibits discrimination in employment, public accommodations, and the provision of goods, services, and facilities. This Act focuses on the “principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated (Article 2).” Article 17 provides for the development of plans to meet the needs of persons with disabilities to adapt “services, facilities, premises, equipment or operations to meet the needs of persons.” The Act did not originally require “reasonable accommodations” by employers—until it was amended in 1998. The Employment Equity Act (1995) Section 10 (1) further expands the requirements to make accommodation for persons with disabilities. Federal (such as the Canadian Human Rights Commission) and provincial human rights commissions investigate and mediate complaints and enforce the laws and regulations in Canada.

Japan. In 1999, Japan had 63 provisions in 53 laws that disqualified persons with disabilities from obtaining licenses from certain professions. However, in 2001 the Japanese government realized the need to break down barriers to employment for these persons and began to amend the provisions. As of 2015, 51 provisions have been relaxed and 12 have been nullified. The 2013 Action Plan for persons with disabilities and the 2015 Basic Law on the Elimination of Discrimination against persons with disabilities commits the government to further legal revisions focusing on technological advances into accommodations, and on making it easier for persons with disabilities to gain employment.

New Zealand. The laws prohibit discrimination against persons with disabilities in employment, access to services, and accessibility of facilities. The Human Right Act (a) covers disabilities that people have currently, have had in the past, or are believed to have and (b) makes it unlawful to discriminate against relatives or associates of people with a disability because of that disability. From July 2014 to June 2015, total disability-related complaints decreased to 354 from the previous year’s total of 455, comprising about 28 percent of the

total complaints received by the Human Rights Commission. The financial penalties for not complying with employment laws, of up to NZ\$10,000 for individuals and NZ\$20,000 for companies, are sufficient to deter violations. The New Zealand Disability Strategy, with 15 objectives and more than 100 action points, provides the government with a framework to begin removing the barriers that prevent people with disabilities from participating fully in society.

The Philippines. The constitution and laws of the Philippines prohibit discrimination based on physical, sensory, intellectual, and mental disabilities, including in employment, travel, and access to services. The main legislative frameworks related to employment of persons with disabilities are the constitution, the Republic Act 7277—known as the *Magna Carta* for persons with disabilities—and Republic Act 10524. The so-called *Magna Carta* includes qualification standards, limits segregation of job applicants with disabilities, prohibits lower compensation, and ensures inclusion in labor unions, among other protections. The *Magna Carta* also emphasizes the need to provide a barrier-free environment, and the Republic Act 10524 requires a one percent quota for public employment, encouraging the same for private employers with more than 100 employees. Moreover, the Batas Pambansa No. 344, known as the Accessibility Law, is the main framework for ensuring that buildings and transportation are more accessible.

The National Council for Disability Affairs (NCDA) formulates policies and coordinates government agencies to provide rehabilitation services and integrate persons with disabilities into the mainstream of society. The law requires all government agencies and government-owned corporations to reserve one percent of their workforce for persons with disabilities, and five percent for government agencies engaged in social development. The “*Magna Carta*” commits the government to provide “sheltered employment” and apprenticeships for persons with disabilities. Nonetheless, the Department of Labor and Employment (DOLE) estimated that only 10 percent of employable persons with disabilities could find work (State Department). Persons with disabilities are limited in their recourse against employers who violate their rights owing to the cost of filing a lawsuit and the lack of effective administrative measures.

Russian Federation. Several laws prohibit discrimination in Russia against persons with disabilities in employment, education, transportation, and various other services. These include the Labor Code, Federal Law No. 181 (November 24, 1995) on Social Protection of Disabled People, and Law No. 1032 (April 19, 1991) on employment in the Russian Federation. Article 128 of the Labor Code requires employers to grant workers with disabilities leave without pay of up to 60 days. Federal law requires accessible buildings for persons with disabilities, but many buildings are still not in compliance, and there is lack of enforcement. Federal law also allows regional governments to set quotas for employment of persons with disabilities.

Singapore. Although the Constitution upholds the principle of equality in employment, there is no specific antidiscrimination legislation. Singapore’s legislative actions can be summarized by “instead of having legislation to protect employees from discrimination based on disability, Singapore has adopted a promotional and education approach” (DPA 2015, p. 35). The Tripartite Alliance for Fair and Progressive Employment Practices developed guidelines on fair employment practices that encourage employers to adopt progressive human resource practices. Government guidelines require the elimination of language in recruitment advertising referring to disability, age, gender, ethnicity, religion, marital status, and family responsibility. The Ministry of Social and Family Development is implementing a five-year plan (2012–16) to provide services and programs for persons with disabilities. The government provides tax deductions for employers to defray costs for building modifications to accommodate persons with disabilities. Regarding public transportation, trains are wheelchair accessible, as are most buses.

Chinese Taipei. In August 2015, the legislature passed the Law on the Implementation of the CPRD, stipulating accessibility in new building, facilities, and transportation. Chapter 4 of the People with Disabilities Rights Protection Act provides for the employment of persons with disabilities. The Employment Services Act, in Article 5, prohibits discrimination on disability, among other reasons. Job applicants and employees can file

complaints with the local government for employment discrimination and offenders can be fined (Article 65) between NTD\$300,000 (USD\$10,221) and NTD\$1,500,000 (US\$51,107).⁴ The law requires that persons with disabilities make up three percent of the public sector and one percent of the private sector workforce. Article 38 of the Disabilities Act imposes this condition on private employers with more than 67 employees; if they do not meet this quota, the companies must pay a subsidy to the Disabled Employment Fund based on the difference in number of people employed multiplied by the basic monthly wage. Chapter 4 of the People with Disabilities Rights Protection Act provides for the rights of persons with disabilities to employment. Article 5 of the Employment Service act prohibits employers from discriminating against job applicants or employees based on disability.

Thailand. The 2007 constitution provides guarantees of equality, and prohibits discrimination against persons with disabilities. However, the military abolished the constitution when they seized power in May 2014. Other laws have retained protections for persons with disabilities, including a quota system requiring that employers with more than 100 employees hire at least one person with disabilities for every 100 workers. The Persons with Disabilities Empowerment Act, B.E. 2550 (2007) and its Revision Act (2010), prohibits discrimination, provides for reasonable accommodation, and promotion of employment. Sections 33, 34, and 35 of the law outlines the quota system, levies, and accessibility measures. Section 35 provides for a levy system for those employers who prefer to forego employing persons with disabilities by contributing to the Public Fund for the Empowerment of Persons with Disabilities. Moreover, the Ministry of Labour's Skills Development Department implements the quota system and provides vocation training. There is also a National Plan for Empowerment of Persons with Disabilities that guides implementation of disability policies and covers five-year periods. Currently, the Fifth National Plan (2016–20) is being implemented by the Department of Empowerment of Persons with Disabilities, engaging CSOs, disabled persons organizations (DPO), and persons with disabilities in the decision-making process.

United States. The cornerstone of U.S. disability law is the Americans with Disabilities Act (ADA), adopted in 1990 and amended in 2008. The employment discrimination protections of the ADA apply to employers with 15 or more employees and to state and local governments. The ADA generally prohibits discrimination in employment based on an individual's disability, if the individual is otherwise qualified for the position. Discrimination against persons with disabilities is prohibited in application procedures; hiring, retention, and promotion; compensation; training; and other terms of employment. The ADA requires that employers offer qualified individuals reasonable accommodation to apply for jobs, enjoy the benefits and privileges of employment, and to enable their performance of job duties if it does not create an undue hardship on the employer's business. The reasonable accommodation may include making facilities upgrades, alternative work schedules, modification of equipment, assistance with communications needs, or other similar accommodations. In addition, Sections 501 and 503 of the Rehabilitation Act of 1973 apply the ADA's non-discrimination requirements to employment by federal agencies and federal contractors respectively. Sections 501 and 503 require that affirmative action be taken to ensure equal opportunity for individuals with disabilities.

The Workforce Innovation and Opportunity Act (WIOA) helps job seekers access employment, training, and support services to succeed in the labor market, including increasing competitive integrated employment opportunities for people with disabilities. Section 188 of WIOA prohibits discrimination based on certain protected bases, including disability, in employment or in the provision of services by organizations or entities that receive federal financial assistance under WIOA. Moreover, the Vietnam Era Veterans' Readjustment

⁴ APEC Disability and Employment Survey, Chinese Taipei, Sept. 5, 2016, Q. 3 and 4 responses.

Assistance Act prohibits employment discrimination by federal contractors against certain categories of protected veterans, including veterans with disabilities. It also requires federal contractors to take affirmative action to recruit, hire, promote, and retain veterans with disabilities, and other protected veterans.⁵

The Rehabilitation Act of 1973, as amended by WIOA, protects against discrimination in the context of federal entities and federal programs. Section 504 of the Rehabilitation Act prohibits discrimination and the denial of benefits, based on disability, under any program or activity receiving federal financial assistance or conducted by any federal executive agency or by the U.S. Postal Service. Sections 501 and Section 503 require federal agencies and federal contractors, respectively, to take affirmative action to ensure equal employment opportunity and prohibit these entities from discriminating on the basis of disability. It was amended in 2014 by Title IV of WIOA, and prioritizes increasing competitive integrated employment opportunities for people with disabilities. The standards for establishing a violation of the nondiscrimination provisions of Sections 501, 503, and 504 of the Rehabilitation Act of 1973 and the ADA are essentially the same. Section 508 requires that federal agencies make their electronic and information technology accessible to people with disabilities.

Viet Nam. The constitution provides protection for persons with mental and physical disabilities. Consistent with this constitutional framework, laws prohibit discrimination and maltreatment of persons with disabilities, encourage their employment, and require the provision of reasonable accommodations. The Ministry of Health and the Ministry of Labor – Invalids, and Social Affairs issued guidance to its provincial branches to adjust job skills training for persons with disabilities tailored to the group’s diversified needs. The Labor Ministry also issued a directive to request all provinces to set aside 20 percent of vocational training budgets for persons with disabilities and targeted 10 percent of total trainees to be persons with disabilities. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans. The Law on Persons with Disabilities of 2010 forbids stigmatizing persons with disabilities and discriminating against them. Pursuant to this law, persons with disabilities who are self-employed are entitled to loans at preferential rates for business development and business training (Article 33.6). The law also provides for protection in job placement and retention (Article 33 (1) as well as reasonable accommodation (Article 30.1) and vocational training (Article 33.5). In November 2014, Viet Nam ratified the CRPD, and increased coordination with foreign governments and international organizations to review legal provisions for implementation, conduct feasibility studies, and raise awareness.

Approaches to implementation and enforcement

As evidenced above, many APEC economies have adopted a variety of domestic laws and regulations that address the employment rights of persons with disabilities. Approaches to the assignment of responsibilities for implementation and enforcement activities are similarly varied. In some cases, domestic ministries or local bodies are accorded responsibility, and in others, domestic human rights institutions or independent bodies are given authority to, e.g. receive and investigate complaints, levy fines, or determine other forms of relief, for example.

- In Australia, the Disability Discrimination Commissioner, operating within the Human Rights and Equal Opportunity Commission, administers the DDA and investigates complaints. The DDA provides for a disability action plan that addresses barriers for persons with disabilities and sets policies and programs to address their needs.

⁵ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 1 response.

- In Mexico, the Council for Development and Inclusion of Persons with Disabilities, National Human Rights Commission, and the National Council to Prevent Discrimination work together to support the economy's efforts to meet the obligations of the CRPD.
- The Ministry of Civil Affairs and the China Disabled Persons Federation are mainly responsible for the more than 85 million persons with disabilities in China. Almost 100,000 organizations, mostly in urban areas, serve persons with disabilities and work to protect their rights. At times, the government works in conjunction with NGOs to sponsor programs to integrate persons with disabilities into society.
- In Singapore, the Ministry of Social and Family Development is responsible for protecting the rights of persons with disabilities, and operates from a master plan that outlines a five-year policy for programs and services in the disability sector. The government maintains a comprehensive code on barrier-free accessibility and has established building standards for the construction of all new buildings as well as for upgrading older ones. The National Council of Social Services works with voluntary associations to provide extensive job training and placement.
- In late 2012, Peru adopted the General Law on Persons with Disabilities (Law No. 29973), which contains rules and mandates that directly influence policies on the employment of persons with disabilities. The Ministry of Labour and Employment Promotion (MTPE), which promotes and guarantees labor rights of people with disabilities and development of their skills, has established Conadis, a domestic council for the integration of persons with disabilities. Nonetheless, Peru is a decentralized economy; so responsibility for promoting employment of persons with disabilities is both with the MTPE and the regional and local governments, with the MTPE guiding policy at the domestic level.⁶ The National Council for the Integration of Persons with Disabilities oversees compliance. NGOs and labor rights advocates noted that discrimination cases often went unreported, due to a lack of confidence in the legal system to address the issues and protect the rights of individuals (ibid).
- In the United States, the U.S. Equal Employment Opportunity Commission enforces Titles I and V of the ADA, which applies to private, state, and local government employers, as well as Section 501 of the Rehabilitation Act of 1973, which covers federal agency employers. Under Section 501, each federal agency is charged with promoting the hiring and retention of persons with disabilities in two ways: (a) to be a model employer of persons with disabilities through the use of meaningful affirmative hiring, placement, and advancement opportunities and (b) to ensure employment nondiscrimination and reasonable accommodation.⁷ The Office of Federal Contract Compliance Programs (OFCCP) is responsible for enforcing Section 503 of the Rehabilitation Act of 1973, which covers employment by federal contractors. Importantly, Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities, and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals. The OFCCP also enforces the Vietnam Era Veterans' Readjustment Assistance Act. Furthermore, the U.S. Department of Labor's Civil Rights Center is responsible for enforcing the nondiscrimination provisions of Section 188 of the WIOA, as well as Title II of the ADA and Section 504 of the Rehabilitation Act in certain circumstances.

⁶ APEC Survey on the Employment of Persons with Disabilities, Peru, Aug. 26, 2015, Q. 3 and 4 responses.

⁷ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 2 response.

QUOTAS, TARGETS, AND INCENTIVES FOR HIRING PERSONS WITH DISABILITIES

QUOTA AND TARGET SYSTEMS

Some economies use quota systems to mandate the hiring of persons with disabilities in the government and the private sector. Quota systems set a minimum percentage for employing persons with disabilities. Quotas may include mandatory or optional compliance, specify the size and type of enterprises subject to the quota, and provide sanctions for failure to comply. Target systems typically set aspirational goals for hiring rates that are not mandatory. In both cases, the intent is to not to create hiring opportunities for individuals who are not otherwise qualified, but rather to create mechanisms that can assist in overcoming employment discrimination against persons with disabilities.

Use of Quotas

In China, companies that fail to meet a 1.5 percent quota are required to pay a fee to the Disabled Persons Employment Security Fund to support training and job placement services for persons with disabilities.

Japan's Act for the Promotion of Persons with Disabilities contains a quota of 2.3 percent for public and 2.0 percent for private employers. For purposes of calculation, persons with significant physical and intellectual disabilities are counted as two disabled workers for quota purposes, whereas part-time workers (20-30 hours per week) are counted as half a worker. As of June 2016, the actual employment rate of private Japanese companies was 1.92 percent (1.88 percent in the previous year), and the number of employed persons with disabilities was 473,374, an increase of 21,240.5 or 4.7 percent over the previous year. The number of employed persons with disabilities has increased each of the past 12 years. A levy is collected from those not meeting the quota, whereas an allowance is provided to those businesses that meet or exceed their quota. In addition, Article 49 of the Act provides for grants to those business owners who satisfy necessary conditions to further promote and help to maintain the employment of persons with disabilities. Noncompliant companies with more than 200 employees must pay a fine of 50,000 yen per vacant position per month.

In Thailand, Article 33 of the Empowerment of Persons with Disabilities Act, 2007, requires the employment of one percent of disabled persons by all public and private sector employers with more than 100 employees. Private sector firms who fail to meet this requirement must pay into the Fund for Empowerment of Persons with Disabilities. Public agencies failing to meet the one percent are required to provide concessions or public spaces for persons with disabilities to sell products. Although there are no measures to enforce the quota against the government, such as fines or sanctions, the Cabinet adopted a resolution in October 2015 instructing all government agencies to follow the requirement and meet the quota by 2018. As of September 2015, only 160 of 290 agencies (55 percent) reported employing persons with disabilities. Private sector employers have achieved more than 75 percent of the quota rate, employing almost 29,000 persons with disabilities, providing 5,416 concessions for other forms of assistance, and paying fines of more than 2,000 million baht (about USD\$66 million) from those failing to meet the required quota.

In the Republic of Korea, a business with 50 or more employees is subject to quotas for persons with disabilities: 3 percent for government, 2.3 to 3 percent for public organizations, and 2.3 percent for private companies. The Employment Development Institute reported, in 2012, that only 5.4 percent of the 1.21

million firms in Korea hired at least one person with disabilities, amounting to an average of 1.57 percent of total employees in these organizations, well below the recommended 3 percent. Penalties include fines ranging from 676,000 to 1.089 million won per qualified person with a disability the business fails to hire, with additional penalties for failure to meet 50 percent of the quota requirement. In 2013, 7,549 companies were assessed penalties of 334 million won. A person with disabilities working for a company with 50 full-time employees can request reasonable accommodation, including adjusted working hours. In Korea, employers are exempt from paying minimum wage to persons with a mental or physical disability that will significantly impede their work if they obtain approval from the Minister of Employment and Labor. According to the Ministry of Health and Welfare, there were 73 out of 138 manufacturing facilities paying lower than the minimum wage to employees with disabilities (Hyun-woo, Hyun-chaee, and Ji-won 7).

Article 38 of the People with Disabilities Rights Protection Act in Chinese Taipei requires that a private sector firm with more than 67 employees employ at least one person with disabilities, at a ratio of not less than one percent of the total number of employees. Firms with less than 67 employees are required to pay a subsidy to the Disabled Employment Fund, based on the difference in number of employees multiplied by the monthly basic wage. The Fund also rewards firms that hire more people than the minimum requirement. According to a 2014 Ministry of Labor survey, 1,077,249 persons above the age of 15 had a disability, with 212,171 considered capable of employment. In contrast, 188,843 persons with disabilities were employed—a workforce participate rate of 19.7 percent.

In the Philippines, Republic Law 10524 requires that government agencies and government-owned corporations reserve one percent of jobs for persons with disabilities. The law also recommends that private corporations with more than 100 employees meet the same quota. Section 46 of the Act provides for a fine of not less than 50,000 pesos and not exceeding 100,000 pesos, or imprisonment of not less than six months and not more than two years, or both, at the discretion of the court. A study of employment of persons with disabilities found that less than 10 percent of about 100,000 registered with DOLE were employed, leading to the conclusion that because it is difficult to find employment in the formal sectors, many are engaged in the informal economy and entrepreneurship.

In Peru, the General Law on People with Disabilities establishes employment quotas in both the public and the private sector. The quota law initially specified a three percent requirement with a levy if the obligation was not met. In 2013, the quota was increased to five percent for public sector employers and extended to private companies with more than 50 employees with a three percent requirement. In 2014, the government passed implementing regulations and established fines for companies and government agencies that do not comply with the law. However, penalties have not been sufficient to deter violations. Fines for breaching the quota requirement in the public sector are used to finance job training and placement programs for persons with disabilities. Compliance for this new requirement began in 2015 with an audit to be conducted in 2016; thus, no fines have yet been imposed, and it remains unclear how the fine will be computed. Supervision and punishment for failure to comply is the province of the Ministry of Labor and Employment Protection (MTPE) through the National Superintendency of Inspection and Labour Inspection. The latter and the General Directorate for Employment have provided outreach to employers to raise awareness of the quotas and help them understand their obligations.

In Russia, Article 21 of Federal Law No. 181-FZ requires a quota for the employment of persons with disabilities of two to four percent of the average number of workers; this quota applies to employers of 100 or more persons. For those employing not less than 35 but not more than 100, quotas can be imposed up to

three percent. Article 24 obliges employers to create or allocate jobs for employment of persons with disabilities, and issues local regulations with information about these jobs in accordance with the required quota. The employment rate in 2015 of persons with disabilities ages 15-72 was 11.9 percent (13 percent for men and 10.5 percent for women).⁸ There are few penalties (5,000–10,000 rubles at most) for lack of compliance, and reports indicate that local authorities and private employers discourage persons with disabilities from working.

Canada has generally not employed quotas as an approach to employment equity for people with disabilities or other disadvantaged groups. The Employment Equity Act provides definitions for numerical hiring and retention targets, but these do not carry any penalties for noncompliance. The Canadian Human Rights Commission may use low hiring or retention numbers as indicators to initiate an audit or propose correction measures to an employer.⁹ Although the legislation provides for sanctions, they are seldom imposed.

Targets in the United States

Because the U.S. legal and policy framework is based on principles of equal opportunity and nondiscrimination, the government has generally avoided mandating quotas. Nevertheless, the federal government has promoted the employment of persons with disabilities among federal contractors and the federal workforce by setting aspirational goals. On July 26, 2010, President Obama issued EO 13548 to enhance opportunities for persons with disabilities in the federal workforce; the order included a goal to hire 100,000 persons with disabilities in federal agencies over five years. Between October 2010 and September 2015, the U.S. federal government exceeded this goal by hiring over 109,000 persons with disabilities. In September 2013, the Office of Federal Contract Compliance Programs published new regulations under Section 503 of the Rehabilitation Act of 1973, and an economy-wide seven percent utilization goal was established for the employment of qualified persons with disabilities for federal contractors. In January 2016, the Equal Employment Opportunity Commission issued amended regulations under Section 501 of the Rehabilitation Act, setting goals for federal agency workforces of 12 percent representation for individuals with disabilities and two percent for individuals with “targeted” disabilities (those that the government has, for several decades, emphasized in hiring because they pose the greatest barriers to employment, such as blindness, deafness, paralysis, convulsive disorders, and mental illnesses, among others). The goals apply at both higher and lower levels of federal employment. .

Conclusions about Quota and Target Systems

Most studies, including one conducted by the European Commission in 18 industrialized economies, revealed that no quota systems actually achieved their theoretical targets, though supporters of quotas did point to the fines and levies for other support programs (European Commission 2000). Quotas tend to be based on a presumption that (a) employers will not hire persons with disabilities unless they are mandated to do so; and (b) most persons with disabilities are unable to compete for jobs on an equal basis with others. Employers often see persons with disabilities as less productive and valuable to their organization, and may prefer to pay fines and levies to avoid their obligation in a quota system. In some cases, quotas can act like a ‘ceiling’ standard rather than a ‘floor’ - employers can use them as an excuse to hire no more persons with disabilities than the number required by the quota, thus limiting the opportunity for additional persons with disabilities to work there. Quota systems will not be successful or sustainable if premised on a belief that protected workers

⁸ APEC Disability and Employment Survey, Russia, Aug. 24, 2016, Q. 16 response.

⁹ APEC Disability and Employment Survey, Canada, Sept. 12, 2016, Q. 7 response.

are inferior. In most economies, the shift is away from quotas and toward measures that support individuals, coupled with stronger antidiscrimination laws.

INCENTIVES FOR EMPLOYERS

Incentives or reimbursements are often offered to encourage employers to hire persons with disabilities. Examples of incentives include wage subsidies, bonus and retention grants, tax credits for each new hire with a disability, grants for training or tutorial assistance or for workplace adjustment costs, and reductions in social security charges.

Australia does not use a system of required quotas or targets, choosing instead to focus on enhancing the availability of jobs. The Employment Assistance Fund (EAF) provides financial assistance to purchase a range of work-related modifications and services for people who need accommodation. The Australian government also funds wage subsidies for an initial period to offset costs of wages and training, including an immediate A\$1,500 for employers of Disability Employment Services (DES) participants. A restart wage subsidy of up to A\$10,000 is available to employers of DES participants age 50 and over who have been employed and are on income support for at least six months; in addition, a pro rata subsidy is available for older job seekers employed part-time (15–29 hours per week).¹⁰ The Department of Employment and Workplace Relations provides up to A\$10,000 for modifications to accommodate persons with disabilities.

Several incentives are available to employers in the United States, including the Disabled Access Credit, which provides businesses with 30 or fewer employees, or with US\$1,000,000 or less total annual revenue, with a nonrefundable tax credit for the cost of accommodations provided to an employee (or customer) with a disability. This credit covers 50 percent of eligible expenditures up to US\$10,000 (maximum annual credit of US\$5,000). Another incentive is the Work Opportunity Tax Credit, available to employers hiring individuals from economically disadvantaged backgrounds. Employers can receive a tax credit per individual hired of up to US\$2,400 or more for certain target population groups, including for veterans entitled to compensation for a military service-related disability. Many persons with disabilities meet the criteria for this tax credit, including all recipients of Supplemental Security Income (SSI) and all clients of state vocational rehabilitation agencies.

The U.S. Social Security Administration also offers participating Employment Networks (EN) service providers a formula-based cash incentive, contingent on favorable employment outcomes for beneficiaries receiving Social Security benefits. These payments can be as much as US\$29,640 over a 60-month period depending on beneficiary earnings. Several U.S. government veteran programs also provide assistance. For example, the U.S. Department of Veterans Affairs Vocational Rehabilitation and Employment Service provides a wage subsidy for on-the-job training or apprenticeships, which is gradually reduced as employers increase wages. Veterans Affairs also provides up to 50-percent wage subsidies for up to six months for employers who hire veterans with service-connected disabilities who are approved for rehabilitation and employment services.

Many U.S. states also offer employers additional incentives and tax credits for hiring persons with disabilities or providing assistive devices or other services. One example is the Florida Able Trust, a public-private partnership foundation established by the Florida legislature in 1990 to provide persons with disabilities with fair employment opportunities through fundraising, grant programs, public awareness, and education. Since its establishment, Able Trust has awarded over US\$19 million to persons with disabilities and nonprofit agencies

¹⁰ APEC Disability and Employment Survey, Australia, Aug. 26, 2016, Q.9 response.

throughout Florida for employment-related purposes. Its programs have enabled about 2,000 Florida citizens with disabilities to enter the workforce each year.

In Hong Kong, China, the Work Orientation and Placement Scheme began in April 2005 to encourage employers to hire persons with disabilities for job vacancies on a trial placement basis. The Hong Kong Special Administrative Region government further enhanced this scheme by increasing the ceiling on the financial incentive to employees and by extending the subsidy period to HK\$5,500 per month for the first two months and HK\$4,000 per month for the next six months. Two other programs in Hong Kong, China—Sunnyway and On the Job Training Program for Persons with Disabilities—offer wage subsidies to employers as an encouragement to provide job opportunities for persons with disabilities. In July 2013, the regional government enhanced the programs by increasing the financial incentive to employees and employers and by extending the subsidy period. The job attachment allowance was increased from HK\$1,250 per month to HK\$2,000 per month for three months; moreover, the job trial wage subsidy was increased from HK\$3,000 to HK\$4,000 per month, and the wage subsidy period was increased from three to six months (*ibid.*, p. 14). Furthermore, the SPED program was launched in 2013, providing employers of persons with disabilities with a one-off subsidy of up to HK\$20,000 for procurement of assistive devices or workplace modifications, or both.

New Zealand provides the Transition to Work Grant as a nontaxable, non-recoverable payment to clients and their partners to provide financial assistance to meet the additional costs for persons with disabilities who are entering employment. Also in New Zealand, the Employment Transition Assistance Grant is a nontaxable payment for clients with a reduced level of income who still need assistance to continue employment; this payment is offered after completing an Invalid's Benefit Employment Trial. These programs include short-term, industry-focused training for specific employment opportunities and two types of wage subsidies. The Flexi-Wage Basic is a subsidy for those at the highest risk of staying on benefits without support, and the Flexi-Wage Plus is a subsidy with the option of using some funding for other assistance such as training, mentoring, or in-work support (*ibid.*, p. 15).

In Singapore, the Special Employment Credit provides up to six percent of wages, as an incentive to hire persons with disabilities. The Workfare Income Supplement augments wages and retirement savings based on the salary of the person with a disability.

In the Philippines, Section 8 of Republic Law 7277 provides employers with a 25 percent deduction from gross income of the total amount paid as salaries and wages to persons with disabilities. Private sector employers that improve or modify physical facilities to provide reasonable accommodation are also entitled to an additional deduction of 50 percent of the costs from their net taxable income. Presidential Proclamation No. 688, issued on November 22, 2013, declared 2013–22 the Philippine Decade of “Make the Right Real” for persons with disabilities in Asia and the Pacific, in keeping with the Incheon Strategy. This proclamation directs the National Council for Disability Affairs (NCDA) to formulate a plan of action to implement programs in accordance with the inclusive development theory. The NCDA, in coordination with other agencies, is using a whole of government approach, and in collaboration with AusAID, has drafted a domestic framework on results-based monitoring and evaluation of disability support.¹¹ The framework was developed through a series of training workshops and consultations to achieve the economy's goal of inclusive growth and poverty reduction for persons with disabilities.

¹¹ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016, Q. 8 response.

In Russia, the Accessible Environment state program provides subsidies to NGOs serving persons with disabilities to develop and implement employment programs that employ no fewer than 30 persons with disabilities per year for no less than six months. In March 2013, the mayor of Moscow announced the creation of 2,500 new jobs each year for persons with physical disabilities and claimed that 8,000 “special” positions had been created (Human Rights Watch 2013, 90). Moreover, Decree No. 155 (February 29, 2016) provides for federal budget subsidies to employers to implement special measures such as reducing physical barriers and providing employee mentoring. Infrastructure enhancements have improved access for persons in wheelchairs, increasing by a factor of 6.5 the number of jobs available for wheelchair users.¹²

In Canada, the Opportunities Fund for Persons with Disabilities provides about CAD\$40 million per year to assist persons with disabilities to prepare for, obtain, and maintain employment.¹³ The Fund supports a wide range of services and programs, including skills training, job placement, and wage subsidies. Services are delivered across the economy by Service Canada Centers in partnership with local community organizations. The Canadian government allocates CAD\$222 million to the provinces and territories through Labour Market Agreements for Persons with Disabilities to help this population segment enter and stay in the labor market.¹⁴ Through these agreements, provinces and territories offer a wide range of support including job coaching, employment counseling, and workplace accommodations.

¹² APEC Disability and Employment Survey, Russia, Aug. 24, 2016, Q. 12 response.

¹³ APEC Disability and Employment Survey, Canada, Sept. 12, 2016, Q. 10 response.

¹⁴ Ibid.

SUPPORTING PEOPLE WITH DISABILITIES TO FIND EMPLOYMENT

Persons with disabilities are less likely to be engaged in full-time employment than those without disabilities. Those with mental health and intellectual disabilities are even less likely to find gainful employment. When persons with disabilities do find employment, jobs are more likely to be in part-time, low-paid work with difficult working conditions and few advancement opportunities. In Australia, the labor participation rate for persons with disabilities in 2009 was 54 percent, compared with 83 percent for persons without a disability (Australian Bureau of Statistics, 2012). In Canada, the employment rate was 49 percent in 2011 among individuals aged 25 to 64 who reported having a disability that limited their activity, compared with 79 percent among those who did not report having a disability (Turcotte 12). In the United States, the labor force participation rate for persons with disabilities was 20 percent, and the rate for those without disabilities was 68.5 percent, which means that individuals with disabilities who are working or actively seeking work is 48.5 percentage points lower than their counterparts without disabilities. Relatedly, the unemployment rate in 2016 for persons with disabilities was 10.5 percent, more than twice the rate for those without disabilities, which was 4.6 percent (U.S. Bureau of Labor Statistics).¹⁵

RECRUITING, PLACEMENT, AND CAREER SERVICES

In the United States, the Workforce Investment Act of 1998 provided for one-stop centers to combine a wide range of job placement programs and services. When the Act was updated as the Workforce Innovation and Opportunity Act (WIOA) in 2014, it added specific requirements to ensure the full inclusion of individuals with disabilities, including physical and programmatic accessibility.

In China, more than 3,000 employment service agencies support people with disabilities. With a new focus by employment agencies, the model has moved from trying to fit people into available jobs to a “person-centered” approach that matches the interests and skills of persons with disabilities to the job. This focus has also begun to shift the trend from sheltered employment to supported employment (see below for more details), in an effort to improve perceptions about the abilities of persons with disabilities. Some successful models have been implemented by disabled people’s organizations (DPOs) to develop their own user-controlled employment services that work with persons with disabilities and employers to find jobs and build sustainable employment.

In the Philippines, the National Council for the Welfare of Disabled Persons formulates policy and coordinates activities of government agencies to integrate persons with disabilities into mainstream society. The Bureau of Local Employment maintains registers of persons with disabilities, listing their skills and abilities, and supports cooperatives and self-employment. These local government units facilitate access for persons with disabilities by conducting job fairs, career guidance, and job facilitation services. Labor market information systems, including PhilJobNet and the Skills Registry System, provide persons with disabilities updated information on

employment opportunities.¹⁶ The National Council, in collaboration with other agencies and stakeholders, is drafting implementation rules for RA 10070 to create the Persons with Disabilities Affairs Office that will work at the local government level to facilitate programs and services for those with disabilities.¹⁷ However, NGO reports suggest that the government continues to have limited means to assist persons with disabilities to find jobs, and, that due to the costs of legal services, they seldom file lawsuits against those who violate their rights.

In Singapore, SG Enable serves as a focal point for both persons with disabilities and their employers, working to enhance employability and employment options by leveraging resources of partners. The government also provides the Open Door Programme to fund Singapore-based or registered companies to hire, train, and integrate persons with disabilities. The government works closely with The Enabling Employers Network, an alliance of employers of persons with disabilities, who champion and advance the employment opportunities that have employed about 200 persons with disabilities (DPA 2015, p. 36). The SG Enable Internship Programme provides internship opportunities for students with disabilities studying in institutes of higher learning.

In Hong Kong, China, the Selective Placement Division provides free recruitment services to employers and free employment services to job seekers with disabilities. This service assists persons with disabilities to secure jobs in open employment that best suit their abilities, skills, qualifications, and experience to integrate them into the community and help them to be financially independent. It also provides vocational guidance, matching requirements of job vacancies against the abilities of job seekers; provides follow-up services to monitor work progress and build strong relationships between employers and employees; and organizes public education and promotional activities to enhance public understanding and build positive attitudes about persons with disabilities.

In Russia, official government websites provide information on employment opportunities for persons with disabilities. This includes the “Work in Russia” portal (www.trudvsem.ru), which has a job search service that began in November 2013.¹⁸ The Ministry of Labor regularly holds videoconferences with participation by executive bodies to improve the implementation of measures to promote employment of persons with disabilities, and its official website provides videos, booklets, leaflets, and other information to promote employment of persons with disabilities.¹⁹ Only about 20 percent of working-age persons with disabilities in Russia are employed. Although government employment services have typically focused on creating special workplaces, employers often discriminate against persons with disabilities, refusing to hire them, paying lower wages, or creating unbearable situations. Despite federal social protections that include subsidies, pensions, and entitlement to assistive devices and rehabilitation services, there is a lack of clear enforcement mechanisms at the federal level.

The SENADIS Job Placement Program in Chile, in operation since 2002, provides an alternative to independent job searches for persons with disabilities, and supports them by advertising job opportunities. However, most vacancies listed have been for assistant or manual labor, paid at minimum wage—and with a significant gender gap (women accounted for only 33 percent of placements) (CRPD Report-Chile 40).

¹⁶ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016, Q. 12 response.

¹⁷ Ibid.

¹⁸ APEC Disability and Employment Survey, Russia, Aug. 24, 2016, Q. 12 response.

¹⁹ Ibid, Q. 16 response.

In Mexico, the “Opening Spaces” strategy seeks to promote the creation and management of specialized employment agencies in all states, the establishment of assessment centers to identify skills and abilities, and the facilitation of cooperation between private and public employers. Between 2008 and 2010, this program resulted in benefits for 74,508 persons with disabilities, including 21,051 who found work (CRPD Report-Mexico 30). The National Labor Linkage Network creates connections between potential employers and job seekers, having assisted 15,723 persons with disabilities between 2009 and first quarter 2010 (ibid.). This network also helped job seekers with disabilities find work through its ErgoDis software, which facilitates implementation of an ergonomic workplace analysis and recommends adjustments. Other states, including Colima and Sonora, have employment agencies, projects, and grants to support those entering the job market. Furthermore, the Social Security Institute, in collaboration with the Ministry of Labor and Social Security, has an awareness-raising program to encourage companies to recruit persons with disabilities, resulting in 123 companies joining at the domestic level (CRPD Report-Mexico 31).

In Australia, the Department of Social Services provides programs to improve independence and participation by persons with disabilities, including the Disability Employment Services (DES) program. Persons with disabilities ages 14–64 who are able to work at least eight hours per week are eligible for these services.²⁰ DES was introduced in March 2010 to focus on sustainable employment and provide special services to help people with disabilities find and retain employment in the open labor market. DES includes individualized, tailored assistance for both prospective employers and job seekers.²¹ DES providers assist these job seekers by matching them with available jobs, negotiating with employers, and preparing both the workplace and job seeker with education and skills training, as well as ongoing support to ensure long-term success.²² Support may include resume writing, wage subsidies, and funding for education and training and for workplace modifications. As of July 31, 2016, there were over 183,000 program participants, and since its introduction, more than 318,000 paid job placements have been made with 173,000 26-week outcomes achieved.²³

The Complaints Resolution and Referral Services is funded by the Australian government for DES participants to raise concerns about DES providers, help participants understand their rights, and develop resolutions or referrals to other organizations when there are complaints. The Department of Social Services also funds supported employment through the Australian Disability Enterprises for about 20,000 people.²⁴ The Job Access service provides information and advice for practical workplace solutions for persons with disabilities and their employers, including a user-friendly website (www.jobaccess.gov.au) and free telephone information services that offer confidential expert advice on disability employment matters.²⁵ The Department of the Prime Minister and Cabinet also administers the Community Development Programme to support individuals with disabilities in geographically remote areas so they can gain employment.

In Chinese Taipei, the government oversees a system of career reconstruction services with vocational case managers who assess individual ability and draft career plans.²⁶ The government assists persons with disabilities

²⁰ APEC Disability and Employment Survey, Australia, Aug. 26, 2016, Q.4 response.

²¹ Ibid, Q. 12 response.

²² Ibid, Q. 14 response.

²³ Ibid.

²⁴ Ibid, Q. 4 response.

²⁵ Ibid, Q. 9 response.

²⁶ APEC Disability and Employment Survey, Chinese Taipei, Aug. 25, 2016, Q. 12 response.

with supported and sheltered services to employ them in suitable workplaces. The Ministry of Labor and its regional branches provide employment information for persons with disabilities through television, radio, and mass media and develop networks for them to exchange experiences and job search information. Public employment services also provide information on employment for persons with disabilities, but there is no specific outreach plan. According to a Ministry of Labor survey, in 2014, there were 1,077,249 individuals with disabilities above age 15, of which 188,343 were employed—a labor participation rate of 19.7 percent.²⁷

In Japan, the Kanagawa Regional Council of the Japanese Electrical, Electronic, and Information Union operates three separate employment service centers for persons with disabilities (ILO undated). They also collaborate with the government and employer's organizations to facilitate the employment of persons with disabilities. They use retired union members as job coaches to help new employees learn their jobs and adjust to open employment. In 2015, Hello Work offices (Japan's public employment offices) placed 90,191 persons with disabilities in jobs including those with physical, intellectual, and mental disabilities (CRPD Report-Japan 50). Hello Work established a collaboration system for support services, ranging from pre-employment support to post-employment job retention support, for 30,357 persons with disabilities, 15,392 of whom obtained a job.²⁸

In the United States, the U.S. Department of Labor promotes the employment of persons with disabilities through several agencies, including the Office of Disability Employment Policy (ODEP), which develops and influences policies and practices that increase the number and quality of employment opportunities for people with disabilities. The Department's Office of Workers' Compensation Programs supports the employment and reemployment of federal employees, as well as certain very limited categories of non-federal workers who have become injured or ill as a result of their work. The regulations enforced by the Office of Federal Contract Compliance Programs' prohibit federal contractors and subcontractors from discriminating in employment against individuals with disabilities, requiring these employers to take affirmative action to recruit, hire, promote, and retain these individuals. These regulations also require federal contractors to engage in outreach and recruitment efforts targeted to individuals with disabilities, annually assess the effectiveness of their efforts, and to identify and implement alternative efforts if their efforts are ineffective. The U.S. Department of Education's Rehabilitation Services Administration provides the states with grants to support a wide range of services to help persons with disabilities prepare for, and engage in, gainful employment that matches their capabilities and needs.²⁹ The Social Security Administration's Ticket to Work Program is a free, voluntary program available to people ages 18–64 who have a disability and receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits. Those participating in the Ticket to Work Program can get assistance to safely explore their work options without immediately losing their benefits, and to find a suitable job. Beneficiaries can also use a combination of work incentives to maximize their income until they begin to earn enough to support themselves.³⁰

THE SHIFT TOWARD SUPPORTED EMPLOYMENT

The use of sheltered employment has been the topic of much debate, with the trend now moving instead toward integrated and supported employment. Sheltered employment usually involves work in an enterprise that is established specifically for employing persons with disabilities, and that may receive special government

²⁷ APEC Disability and Employment Survey, Chinese Taipei, Aug. 25, 2016, Q. 14 response.

²⁸ *Ibid.*, p. 51.

²⁹ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 2 response.

³⁰ *Ibid.*, p. 11.

funding. Supported employment is paid work in an integrated setting with ongoing support services for persons with disabilities. Lastly, integrated employment encompasses all jobs where both persons with and without disabilities are employed in an equal position. Many sheltered workshops began as charity or religious efforts, and evolved into state-subsidized enterprises. Sheltered employment was intended for those deemed unlikely to find work in the open labor market because of the significance of their disability, skill limitations, or perceptions that individuals had limited potential. The majority of those employed in sheltered settings have intellectual disabilities or significant psychosocial disabilities, though that is not exclusively the case. Transition to regular labor markets, though often a stated goal of sheltered employment, has been slow for a variety of reasons. Such reasons include reluctance of employers to release key workers, reluctance of families to believe that integrated employment is appropriate for their family members with disabilities, a low level of technological skills among workers in sheltered workshops, and lack of effective recruitment by mainstream employers. Workers are often poorly paid, do not have employment contracts, and work in facilities that are focused on social service rather than employment promotion or economic returns to the individual.

Sheltered employment may be conducted in a separate business or in a segregated part of a regular enterprise. Sheltered workshops are controversial because of their segregation of persons with disabilities and their association with a charity ethos. In 2001, New Zealand launched the Pathways to Inclusion program to increase the participation of persons with disabilities in the workforce and in communities. Persons with disabilities working in sheltered employment were being paid less than minimum wage, but providers, with government support, shifted their operations to include supported employment. An evaluation of the Pathways program found that those participating in vocational services increased from 10,577 in 2003 to 16,130 in 2007; providers of paid employment increased from 44 percent to 76 percent in three years; services providing segregated employment that paid at least minimum wage all or most of the time increased from 10 percent in 2004 to 60 percent in 2007; and service users moving off benefits or declaring earnings within 12 to 24 months had increased (WHO 2011, p. 244).

In the United States, Section 14(c) of the Fair Labor Standards Act (FLSA) permits employers, after obtaining a certificate from the U.S. Department of Labor, to pay wages that are less than the Federal minimum wage (subminimum wages) to workers who have disabilities for the work being performed. A majority of those workers worked in segregated settings.

In 2014, WIOA amended the Rehabilitation Act, adding section 511. Section 511 places limitations on the payment of subminimum wages to individuals with disabilities by mandating the completion of certain requirements both prior to the payment of a subminimum wage to youth (individuals who are age 24 or younger), as well as during subminimum wage employment (for all employees). According to Section 511, youth cannot be paid a subminimum wage unless, prior to commencing work at a subminimum wage, they: 1) receive and complete pre-employment transition services or transition services from their school; 2) apply for vocational rehabilitation (VR) services and are found ineligible or, if found eligible, receive and complete those services; and 3) are provided with career counseling, and information and referrals to Federal and State Programs and other resources in the geographic area that offer employment related services and supports. Section 511 also prohibits employers from paying a subminimum wage under Section 14(c) to any worker with a disability, regardless of age, unless that worker has received career counseling, information, and referrals and information about self-advocacy, self-determination, and peer mentoring training opportunities, within the first six months of employment and/or annually thereafter.

WIOA also established the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (ACICIEID). In September 2016, the Committee issued its final report containing recommendations to the Secretary of Labor and the U.S. Congress on ways to increase competitive integrated employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities. The report also included an overview on the use of the certificate program carried

out under Section 14(c) and ways to improve oversight of the use of such certificates. Among its recommendations, the Committee urged Congress to amend the FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) program.

The Australian Disability Enterprises (ADE) are generally nonprofits that provide sheltered employment, within a commercial context, to about 30,000 people with moderate-to-significant disability. ADEs enable persons with disabilities to engage in a wide variety of work, such as packaging, assembly, production, recycling, screen-printing, cleaning and laundry services, food services, and gardening and landscaping services.³¹ ADEs are subject to legislated quality assurance standards that must be independently assessed and met to retain funding, and payments are linked to individual support needs.³²

By contrast, supported employment provides direct, on-the-job support to employees, usually for a limited timeframe. One common approach is using a job coach to offer on-site, individually tailored assistance to help persons with disabilities adjust to their working environment, and to assist in determining what accessibility accommodations are needed. However, there are a variety of models. Supported employment has been shown to be particularly cost-effective for those with intellectual and psychosocial disabilities, especially regarding productivity and health-related costs (Knapp et al. 2013). Few economies provide these types of services, even though they offer important contributions to the employment of persons with disabilities, especially those with psychosocial and intellectual disabilities.

The United States began supported employment as an alternative to traditional rehabilitation programs for those with the most significant disabilities. It is defined in U.S. law as paid work in competitive integrated work settings, with ongoing support services, for persons with the most significant disabilities (29 USC 705 38). A number of U.S. studies have shown that supported employment has produced greater benefits for persons with disabilities, and has been more cost-effective for all involved (Saloviita 87-98). In 2012, financial benefits for supported employment were found to have increased by 31.2 percent since the 1980s, whereas wages decreased by 40.6 percent for sheltered employees over the same time frame (Cimera 109). There has also been some movement toward supported self-employment, particularly in the United States, but this requires a high level of support at every stage of business start-up and operations. For persons with the most significant disabilities, self-employment may prove more satisfying and productive if the appropriate level of support is provided to ensure success.

In the APEC region, supported employment has been introduced by NGOs with varying levels of government support. In Hong Kong, China, the New Life Psychiatric Rehabilitation Association offers a supported program for those with psychosocial disabilities to provide services in cleaning, security, retail, and catering. They offer job coaching and ongoing support to persons with disabilities placed in open employment and to the employers who hire them. In Malaysia, the INTOWORK program of the Joy Workshop supports the transition of workers from sheltered to supported employment; also, in China, the China Association of People with Intellectual Disability has adopted supported employment as a key element of their five-year plan, 2014–2019. In Peru, the Centro Ann Sullivan del Peru began a supported program in 1996, and by 2006 had placed 90 persons with disabilities in 26 businesses and provided job coaching and ongoing support to workers. The program provides assistance for coworkers and supervisors to improve perception and support.

³¹ APEC Disability and Employment Survey, Australia, Aug. 26, 2016, Q. 12 response.

³² *Ibid.*

In Peru, the National Survey on Disability in 2012 found that about eight out of 10 persons with disabilities were not employed, and that the unemployment rate was three times higher than that of the general population.³³ Of those employed, many were self-employed or employed by small businesses, often in precarious situations. In terms of education, 22.3 percent had no education, and of those with education, 40.4 percent had completed primary education; 22.4 percent, secondary education; and 1.6 percent, higher studies. Peru is promoting the integration of people with disabilities into the labor market with strategies to improve skills and promote abilities through the National Policy of the Promotion of Employment Opportunities for Persons with Disabilities (2016–21). Peru has incorporated the concept of disability into public services for employment, such as job banks and programs encouraging entrepreneurship. The “Round of Services” is an innovative strategy to disseminate, sensitize, and train private employers on disability management in their companies; help them understand their obligations; and appreciate the advantages of hiring people with disabilities. Since 2013, the Ministry of Labor and Employment Promotion has developed pilot programs for effective, sustainable job placement in the private sector for those with intellectual and developmental disabilities. This is a supported employment system with training by a job coach, who not only helps adapt the person to the job, but also supports the company to adapt their environment. The Ministry is also implementing their action plan to improve employability through the Employment Center, funded by Fondoempleo, with four components: job training with a focus on demand, pilot training in self-employment and business development, employment centers in eight regions of the economy, and supported employment with job training.³⁴

TRAINING AS PART OF SUPPORT SERVICES

Building sustainable employment services for persons with disabilities requires training not only for individuals with disabilities but also employers and the business community at-large. Community-based vocational rehabilitation (discussed further in the next section) provides persons with disabilities with skills that are relevant to local needs and integrates them into the community, improving perception of their capacity. In Australia, a computer training program helps people with spinal cord injuries while still in the hospital, increasing the rate of return to work or further training. In the United States, the National Collaborative on Workforce and Disability for Youth, funded by ODEP, provides technical assistance to State and local workforce development programs to help young persons, including those with disabilities, to receive access to quality employment and education services. These programs provide young people with exposure to the world of work, information about career options, and opportunities for training and education (National Collaborative on Workforce and Disability for Youth).

Training offers opportunities to build the self-confidence of persons with disabilities, build entrepreneurial skills that can lead to successful businesses, and build networking relationships with employers. Community-based rehabilitation promotes the development of livelihoods and employment where it is most needed—and can be more successful for persons with disabilities. Developing networks of private companies has also proven successful in promoting employment of persons with disabilities. These networks have often developed in response to quota systems, out of a sense of corporate social responsibility, or because of a specific business need. Two examples include the Blue Ribbon Employment Council in Viet Nam and the Australian Network on Disability, which provides companies with disability consultancy services to increase their confidence and knowledge about hiring persons with disabilities. Forty local and international private

³³ APEC Disability and Employment Survey, Peru, Aug. 29, 2016, Q. 10 response.

³⁴ *Ibid.*, Q. 12 response.

companies joined the Blue Ribbon Employment Council, which provides jobs for persons with disabilities and has trained hundreds of community-based rehabilitation workers to serve as front-line service providers for persons with disabilities, providing them with health care, counseling, and job training.

Additionally, some large employers in the Asia-Pacific region have been proactive in promoting the case for inclusive employment, drawing on positive experiences. These companies have noted that persons with disabilities have higher retention rates and lower accident rates, bring valuable skills and experiences, provide unique insights into products or services for customers and clients with disabilities, and can improve morale and image (UNESCAP 2015). One such example is Genashtim Innovative Learning, based in Singapore, a for-profit social enterprise that helps employees work independently and productively by providing online learning service for executive education and language proficiency as well as remote PC support and surveillance. Eighty percent of the permanent staff members are persons with disabilities (ibid., p. 30). Genashtim uses assistive technologies, such as screen readers and e-speaking software, coupled with a flexible work approach, including remote working. This enterprise has been successful in attracting a range of international clients because of their quality and competitiveness.

EDUCATIONAL SUPPORT AND VOCATIONAL REHABILITATION AND TRAINING

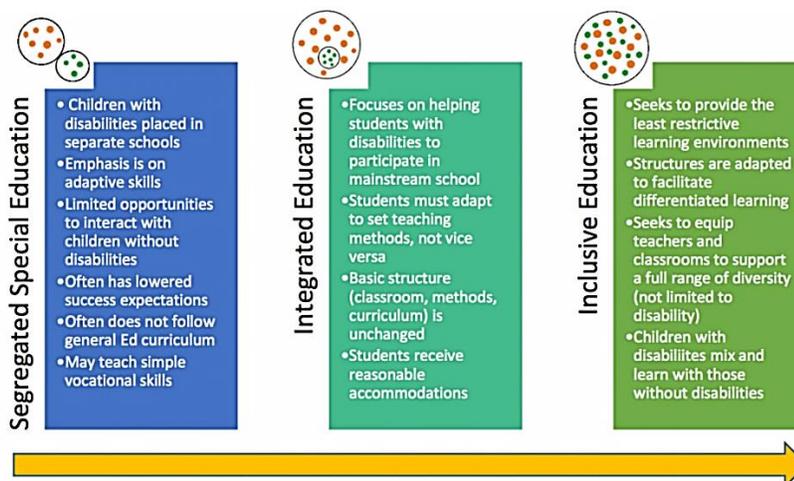
The dynamic barriers to gainful employment faced by people with disabilities are often preceded by a lack of inclusive education and skills training. Thus, people with disabilities regularly experience a disproportionately significant employment gap when compared to their peers without disabilities. UNICEF estimates that 90 percent of children with disabilities do not attend school. With such a high proportion excluded from the education system, it is no wonder that young people with disabilities face a significant employment gap later in life.

Beginning with effective inclusive education, young people with disabilities should learn alongside their peers, both with and without disabilities. This is important not only for young people with disabilities to realize their potential in an inclusive environment, but also for their peers without disabilities to better understand and celebrate human diversity—rather than learning to view persons with disabilities as less capable or as second-class citizens.

Inclusive education is both a philosophy and a process that seeks to promote the participation of children with disabilities, as well as to improve the quality of their learning outcomes (World Bank 2016a). It seeks to include marginalized populations in mainstream educational settings, resulting in the creation of new, hybrid methodologies and curricula (ibid.).

As shown in Figure 4, inclusive education is one of the current education models supporting the participation of children with disabilities, providing positive progress relative to segregated special education programs or integrated education.

Figure 4: Current Education Models Supporting the Participation of Children with Disabilities



According to Article 24 of the CRPD, a quality inclusive education must be provided at all levels and lifelong learning directed to: the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and enabling persons with disabilities to participate effectively in a free society. Article 23 of the UN Convention on the Rights of the Child stresses that, regarding children with disabilities, assistance must be provided to ensure that they have “effective access to ... education ... in a manner conducive to achieving the fullest possible social integration and individual development.” States parties must recognize that individual support and reasonable accommodation are priority matters and should be free of charge at all compulsory levels of education.

The recent general comment No. 4 (2016), on the right to inclusive education, describes that although historically viewed as welfare recipients, persons with disabilities are now recognized under international law as right-holders, with a claim to the right to education without discrimination and on the basis of equal opportunities. However, despite progress achieved, the CRPD treaty monitoring body indicates concern that profound challenges persist, as many millions of persons with disabilities continue to be denied a right to education—and for many more, education is available only in settings where they are isolated from their peers and the quality of education received is inferior.

When considering objectives of education quality and equity, new ways of teaching and organizing lessons should be considered. The curriculum should ensure that all children learn equitably. The use of technology in classrooms should be used in ways that do not promote or extend inequity. The curriculum and its implementation should aim to diminish this potential learning gap. Educational policy should ensure that teachers understand that children with disabilities do have the capacity to learn if provided with the appropriate curriculum, implemented through appropriate teaching methodologies.

For schools to function at a basic level, they should be equipped accordingly with the infrastructure needed to support inclusive education. The school itself should be understood as being a community center that is capable of empowering individuals and contributing to social change. Education policies that address learning contexts should support welcoming environments in which collaborative relationships between students and teachers are encouraged (UNESCO-IBE 2007).

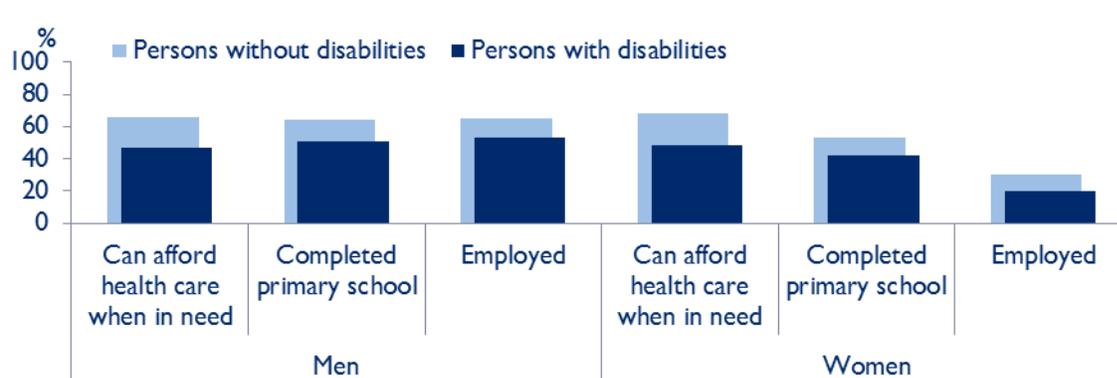
INCLUSIVE EDUCATION FOR WOMEN AND GIRLS

Article 6 of the CRPD recognizes that women and girls with disabilities are subject to multiple discrimination, and that States parties must adopt measures to ensure the equal enjoyment of their rights. Intersectional discrimination and exclusion pose significant barriers to the realization of the right to education for women and girls with disabilities.

Women and girls with disabilities can be disproportionately affected by violence and abuse, including physical and humiliating punishments by educational personnel, the use of restraints and seclusion, and bullying by others in and en route to school. Article 16 of the CRPD requires that States parties take all appropriate measures to protect persons with disabilities from, and prevent, all forms of exploitation, violence, and abuse, including their gender-based aspects.

In its general comment no. 4 on the right to education, the Committee on the Rights of Persons with Disabilities notes that States parties must identify and remove these barriers including inter alia, gender-based violence, and lack of value placed on the education of women and girls. State parties must also put in place specific measures to ensure that the right to education is not impeded by gender or disability discrimination, or both, as well as stigma or prejudice. The Committee further indicates that harmful gender or disability stereotypes must be combatted in textbooks and curricula. Figure 5 shows inequalities in access to health care, education, and employment by gender for people with disabilities and their peers without disabilities. The share of persons with disabilities who completed primary school and who are employed is about 10 percentage points lower than that of persons without disabilities. Regarding gender, the share of women with disabilities who complete primary school are about 10 percentage points lower than men with disabilities (42 percent compared to 51 percent, respectively).

Figure 5: Inequalities in Access to Health Care, Education, and Employment for Persons with Disabilities, by Gender, 2002–04



TRAINING AND MAINSTREAM PROGRAMS

At the local level, inclusive education requires the integration of children with disabilities in schools. This requires that the rights of the child be safeguarded, and that the school be able to respond to the specific needs of a child with a disability. There should be support for assuming obligations under the necessary international legal frameworks that protect the rights of children and their access to education. Current laws should be revised to support a relevant, refined concept of inclusive education. This should include legislative mechanisms that support nondiscrimination and protect vulnerable groups. Moreover, legislative policies and programs on education should include the topic of inclusion.

The legal argument for inclusive education is supported under Article 24 of the CRPD, which requires States parties to ensure that persons with disabilities have access to inclusive education at all levels, as well as to

lifelong learning—equal to their peers without disabilities. The United Nations Convention on the Rights of the Child reinforces this position.

Inclusive education also requires a redistribution of financial resource allocation, which should be redistributed according to equity criteria. This redistribution should be carried out with monitoring mechanisms to ensure transparency. It is also necessary to allocate funds for early childhood development with a comprehensive approach.

Australia. Over the past decade, there has been significant systemic reform in the education of students with disabilities across all levels of education, which has encompassed a shift toward inclusive approaches to education.³⁵ The government put in place the Disability Standards for Education 2005, to ensure that students with disabilities can access and participate in education on an equal basis with other students. The Standards apply to all early childhood, primary and secondary schools, vocational education, training, and higher education providers.³⁶

The National Disability Strategy 2010–20 was developed in partnership with state, territory, and local governments, and endorsed by the Council of Australian Governments in February 2011.³⁷ This strategy reflects the findings of an extensive consultation process with the Australian disability community, employers, and industry experts, led by the National People with Disabilities and Career Council. The Strategy commits to a range of action areas designed to ensure people with disabilities and their families have economic security. These include transition planning from education to employment, reducing barriers and disincentives to the employment of people with disabilities, encouraging innovative approaches their employment, and improving the affordability and security of housing.³⁸

Canada. Training initiatives include work-oriented training opportunities for persons with disabilities outside the educational context.³⁹ Examples of such programs include Labour Market Agreements for Persons with Disabilities, and the Opportunities Fund for Persons with Disabilities. Whereas the Labour Market Agreements include job coaching, employment counseling, and workplace accommodations, the Fund assists with skills training, job placements, and wage subsidies to encourage employers to hire persons with disabilities. The Fund is unique because it offers employment-focused interventions to reach a specific component of the persons with disabilities population, which has limited attachment to the labor market.⁴⁰

In addition, though not specifically targeted for youth with disabilities, the Canadian Skills Link program stream of the Youth Employment Strategy assists youth who face more barriers to employment than others, including young persons with disabilities. Other beneficiaries are youth who have not completed high school, single parents, indigenous youth, youth living in rural or remote areas, or newcomers.⁴¹ Skills Link helps youth develop basic employability skills and gain valuable work experience to assist them in making a successful

³⁵ APEC Disability and Employment Survey, Australia, Aug. 26, 2016, Q. 3 response

³⁶ *Ibid.*

³⁷ *Ibid.*, Q. 8 response.

³⁸ *Ibid.*

³⁹ APEC Disability and Employment Survey, Canada, Sept. 12, 2016, Q. 10 response

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

transition into the labor market or to return to school. Moreover, Budget 2016 proposed to make additional investments in the Youth Employment Strategy, including new investments for the Skills Link program.

Chile. In terms of training and labor inclusion, the government's National Policy of Social Inclusion for People with Disabilities (2013–20) seeks to increase access to the labor market for working-age persons with disabilities, in conditions of inclusion and equality (Lange 2014). Defined by SENADIS, the government's disability service, the National Disability Policy provides training programs for work and support for continued employment and recruitment incentives. Another important consideration for labor integration is the policy's emphasis on universal access. This is addressed by creating strategies to promote access for people with disabilities, on an equal basis with others, for training purposes and other areas of civil and social inclusion.

Peru. Since 2013, the MTPE has been developing pilot programs for sustainable, effective job placement in the private sector for people with intellectual and developmental disabilities.⁴² Referred to as *Supported Employment*, this methodology seeks to develop employable skills by a job coach who adapts and trains the person with a disability for work, but also normalizes the workplace and supports the company in the management of the particular type of disability.⁴³

More recently in Peru, the MTPE has introduced an action plan to improve the employability and employment of persons with disabilities through an employment center, which ended in September 2016.⁴⁴ The plan's four components include job training for people with disabilities, with a focus on demand, and a pilot training in self-employment and business implementation, executed through domestic job training programs by the MTPE. The plan also includes employment training for people with disabilities through employment centers in eight regions of the economy, and finally, job training and insertion for people with intellectual and developmental disabilities under the methodology of supported employment.⁴⁵

The Philippines. Accessible education is protected by the Constitution, which provides that the state must: (a) protect and promote the right of all citizens to quality education at all levels; and (b) take appropriate steps to make such education accessible to all.⁴⁶ The provisions include appropriate actions to make education accessible, and the establishment of special education for different types of disability. In particular, the Department of Education issued Order 26-1997, institutionalizing special education programs in all schools, and mandating all divisions to organize at least one special education center for special needs students.

The Philippines also implemented policy for inclusive education aiming to increase enrolment of students with disabilities. Specifically, the Commission on Higher Education issued a memorandum to all public and higher education institutions to comply with reasonable accommodations. Among the provisions of the Commission's Memorandum Order 23 s. 2000, entitled "Quality Education for Learners with Special Needs," public higher education institutions must admit all learners with special needs—whether in academic, vocational, or technical courses and other training programs. Students with intellectual disabilities must be

⁴² APEC Disability and Employment Survey, Peru, Aug. 29, 2016, Q. 10 response.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016, Q.5 response.

provided facilities, equipment, and instructional materials for developing self-care, socialization, motor, and cognitive skills, as well as prevocational and vocational training.⁴⁷

Employment and livelihood support in the Philippines is provided by various government agencies. This support includes educational and training programs for persons with disabilities by the National Council of Disability Affairs, the Department of Labor and Employment, Department of Social Welfare and Development, Technical Education and Skills Development Authority, and the Department of Science and Technology, among others.⁴⁸ The National Council is the lead government agency mandated by law to formulate policies on disability. The National Council's Sub-Committee on Training, Employment and Livelihood, which formulates, recommends, and proposes policies, legislation on training, employment, and livelihood for persons with disabilities. Further, the Department of Labor and Employment generates a list of job vacancies and provisions of other information on employment opportunities.⁴⁹

Russian Federation. The government approved an action plan for implementing programs that provide young people with disabilities with professional training and assistance in subsequent employment for 2016–2020.⁵⁰ The plan will systematize the work of the executive authority in the regions, as well as employment services and educational organizations to support programs for persons with disabilities. In addition, it will provide professional orientation and inclusive vocational training, and promote the entrepreneurial skill development of youth with disabilities and others. Training will be focused particularly on people with disabilities and employment services specialists.

Chinese Taipei. The government has established a system of career reconstruction services.⁵¹ These services are based on the employment aspirations of persons with disabilities. A vocational case manager assesses each person's ability, and then drafts an individualized career plan.⁵² The government assists persons with disabilities via multiple channels with standardization, in addition to supportive and sheltering services, to encourage employers to hire people with disabilities in suitable employment and to improve their employability. The government informs persons with disabilities about employment training programs by circulating printed flyers, as well as running advertisements and public service announcements on television, radio, newspapers, and other mass media.⁵³

United States. The U.S. legal framework calls for children with disabilities, including children in public or private institutions or other care facilities, to be educated with children without disabilities to the maximum extent appropriate.⁵⁴ Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

⁴⁷ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016, Q.5 response.

⁴⁸ Ibid. Q.14 response.

⁴⁹ Ibid.

⁵⁰ APEC Disability and Employment Survey, Russia. Aug.10, 2016, Q. 12 response.

⁵¹ APEC Disability and Employment Survey, Chinese Taipei, Aug. 25, 2016, Q. 10 response

⁵² Ibid.

⁵³ Ibid.

⁵⁴ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 12 response.

The purpose of the Individuals with Disabilities Education Act (IDEA) is to ensure that all children with disabilities have a free appropriate public education that emphasizes special education and related services designed to meet their unique needs available to them, and prepare them for further education, employment, and independent living. Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities and to ensure equal opportunity in programs and activities that receive federal financial assistance from the U.S. Department of Education.⁵⁵

In addition, the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), requires each state to report data to the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, on the number and category of individuals with disabilities who receive vocational rehabilitation services (including students transitioning to the workforce), the type of services provided, and whether they successfully obtained competitive integrated employment.

ADDITIONAL APPROACHES TO TRAINING

Peru. Vocational training courses have a demand approach.⁵⁶ First, jobs are identified for people with disabilities through employer site visits. Consideration is provided based on the employee profile required for the job, which is then followed by the development of appropriate training courses. Some companies have entered into agreements, assuring employment for some graduates from vocational training programs. Graduates who are not placed directly into a position are recorded in the job bank. In some cases, vocational training courses in Peru are exclusive to people with disabilities, and in other cases, include people with disabilities among their peers without disabilities.

The Philippines. The DOLE previously implemented a program named *Tulong, Alalay Sa Taong May Kapansanan*, or TULAY, that provides people with disabilities access to training and employment opportunities in the formal and informal economy.⁵⁷

Currently, DOLE provides the following employment facilitation programs:

- DOLE regional offices provide orientation seminars to employers on their obligations regarding employment of people with disabilities;
- The DOLE Integrated Livelihood Program provides grant assistance (working capital, tools, equipment, and raw materials) to persons with disabilities, as one of the priority clients, to start up their own livelihood ventures. They are given preparatory trainings on different aspects of business operations (i.e., business plan, bookkeeping);
- The KAGABAY Program (Katulong at Gabay sa Manggagawang may Kapansanan) that aids the occupationally disabled workers through physical restoration, retraining, or entrepreneurship;
- Various job fairs for people with disabilities (however, these activities are not regularly conducted through DOLE regional offices); and

⁵⁵ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 3 response.

⁵⁶ APEC Disability and Employment Survey, Peru, Aug. 29, 2016, Q. 18 response.

⁵⁷ APEC Disability and Employment Survey, Philippines, Aug. 5, 2016, Q. 12 response.

- Free skills training from TESDA through the Training for Work Scholarship Program. People with disabilities are among the priority clients of the program.⁵⁸

Thailand. The Ministry of Social Development and Human Security, the Ministry of Labor, and the Ministry of Education have aimed to provide more robust job trainings to build employment capacity and develop necessary work skills for persons with disabilities.⁵⁹ The Vocational Development Center for persons with disabilities is publicly run by the Ministry of Social Development and Human Security. This Center carries out pilot projects to reach persons with disabilities through self-help groups. For example, it has implemented a career development project for industrial sewing machines in three provinces, and is expected to expand the project with new self-help groups in the southern, northern, and central provinces.⁶⁰

United States. The U.S. Department of Labor Disability Employment Initiative seeks to enhance the U.S. workforce system's capacity to improve education, training, and employment opportunities and the outcomes of youth and adults with disabilities who are unemployed, underemployed, or receiving Social Security disability benefits.⁶¹ ODEP funds the Job Accommodation Network (JAN), which provides guidance through its online resources and one-on-one consultations to employers, workers, and job seekers on workplace accommodations and disability employment issues. The JAN consultants offer guidance on the Americans with Disabilities Act (ADA) and related legislation, as well as self-employment and entrepreneurship options for people with disabilities (The Job Accommodation Network).

The Department of Education's Rehabilitation Services Administration provides grants to states to operate vocational rehabilitation services programs, which provide individualized job training and employment services and supports to persons with disabilities.⁶² These services and supports can include accommodations, assistive devices, job coaches, or other similar services. These services are designed to help persons with disabilities prepare for, and engage in, gainful employment. Eligible individuals are those who have a physical or mental disability that results in a substantial impediment to employment, who can benefit from vocational rehabilitation services for employment, and who require these services. Priority must be given to serving individuals with the most significant disabilities if a state is unable to serve all eligible individuals.⁶³

ADVANCING THE INCLUSIVE EDUCATION AGENDA

Inclusive education, vocational rehabilitation, and training for people with disabilities facilitate their transition from education to the labor market, promoting sustainable integrated employment.

Although progress is being made, further efforts are needed to strengthen inclusive education at the economy level. A recent review of economies found that 14 percent of constitutions explicitly include equality in education for persons with disabilities, and an additional 7 percent include the right to nondiscrimination for persons with disabilities in educational settings (Heymann, Raub, and Cassola 131–41). Ensuring nondiscrimination and equal opportunity in education is a significant feature in most disability rights and

⁵⁸ APEC Disability and Employment Survey, Philippines, Aug. 5, 2016. Q. 12 response.

⁵⁹ APEC Disability and Employment Survey, Thailand, July 31, 2016. Q. 12 response.

⁶⁰ Ibid.

⁶¹ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 12 response.

⁶² Ibid. Q. 10 response.

⁶³ Ibid.

antidiscrimination legislation (World Bank 2016a). Such legislation often calls for reasonable accommodations, barrier-free environments, and access to assistive technologies to facilitate the learning experiences of students with disabilities.

Benefits of inclusive education are diverse. As outlined by the World Bank, both those with and without disabilities receive accrued educational benefits owing to inclusive strategies producing more active, creative, and effective pedagogical tools (*ibid.*). Social benefits occur in the form of increased exposure to different individuals, thereby lowering prejudice and discrimination. Moreover, economic benefits are realized by all: (a) children with and without disabilities receive a more wholesome education from inclusive systems, thereby better positioning them to succeed and participate in society at-large; and (b) society, as a whole, is relieved of setting up separate schools by disability, which is an ineffective, costly endeavor (*ibid.*).

However, comparison of outcomes in education should consider that individuals with certain significant disabilities, like extensive intellectual disabilities, typically need more time and more opportunities to acquire and practice skills. The comparison should also recognize that many persons with disabilities, for instance, a person with significant vision disability, could achieve the same educational outcomes as a person without disabilities, given an accessible school environment (UNDESA 2016).

ACCESSIBILITY IN THE EMPLOYMENT CONTEXT

The provision of reasonable accommodation is an important component to improving employment opportunities for persons with disabilities, as required by Article 27, and defined in Article 2 of the CRPD. Reasonable accommodations may include adapting the work environment with ramps and accessible toilets, allowing for modified work schedules, providing assistive devices, and ensuring accessible recruitment and hiring procedures. A study of over 200 employers in Hong Kong, China, found that 76 percent of respondents did not employ any staff with disabilities, 72 percent did not provide accommodations to persons with disabilities, and only 37 percent planned to hire persons with disabilities during the next five years. The two largest barriers perceived by employers were costs of accommodations (23 percent) and candidates' lack of skills and experience (19 percent) (Chan Ho-ting and Wong Ming-wai 2015). Although employers often fear the cost of reasonable accommodations, their fears are typically unfounded, given that costs are typically minimal. A study in assistive equipment showed a return of about eight times the investment costs through increased productivity and reduced absenteeism (UNESCAP 2015, p. 24). Although other studies have shown less dramatic results, they have also demonstrated cost-effectiveness of such measures.

Another unfounded concern is that of the productivity of persons with disabilities. As illustrated by the ILO in its exploratory study, persons with disabilities are not inherently less productive than other individuals, but living and working in environments that are inaccessible and unsupportive can reduce their productivity, and in so doing reinforce negative stereotypes of their capabilities. Accessibility is therefore of critical importance in ensuring that persons with disabilities are able to reach and thrive in places of integrated employment. However, approaches to promoting accessibility are inconsistent across APEC economies.

In Malaysia, the law requires that persons with disabilities have equal access to public services and facilities, and that the government and businesses make improvements to ensure these are available. The government has generally adapted new buildings with a full range of facilities for persons with disabilities, but few older

Barriers to Employment in Mexico City

Abraham Plaza braves the streets of Mexico in his wheelchair to make his way to work. This requires going down 40 steep, crowded metro rail station steps that could easily lead to a dangerous fall. Nonetheless, he is happy to be able to support himself by checking passenger tickets and giving directions at the Benito Juarez International Airport. To qualify for his job, Abraham completed a rigorous course, run by an alliance of Grupo Altia, FHADI, and Vida Independiente.

But the lack of accessibility in Mexico City is not the biggest problem wheelchair users face. The culture of *pobrectio* (“you poor thing”) leads to a life of pity and assumptions about persons with disabilities that result in many spending most of their lives in their parents' homes. Cultural attitudes make it difficult for persons with disabilities to find work in the formal economy, forcing many to sell food or small items in the informal sector just to get by. Many wheelchair users say employers are shocked when they meet after talking on the phone. The city recently published a public safety announcement on the metro about Down's Syndrome that read: “The disability isn't contagious, but discrimination is,” in an attempt to change public perception. Nonetheless, Mexican laws prohibiting employment discrimination have been almost impossible to enforce.

Source: Noah Lanard, “Mexico City from a Wheelchair: 'There's No Second Chance on These Streets,’” *The Guardian*, June 23, 2016

buildings have been retrofitted to make them accessible. Also, the government does not mandate accessibility in transportation, but has maintained a 50-percent reduction in excise duties on locally made cars and motorcycles adapted for riders with disabilities.

In Papua New Guinea, there are no mandates in legislation for building accessibility, and most buildings are not accessible to persons with disabilities. There are also no policies or programs to assist persons with disabilities in obtaining access to communications and information. The National Board for the Disabled provides grant funding to NGOs that provide services to persons with disabilities. The government also provides other limited services, but few are available outside of major cities; in other areas, only the clan and family system is available to support persons with disabilities.

Section 4(h) of Law No. RA 7277 in the Philippines requires equal physical access to public buildings and establishments, but barriers still exist. Many older buildings lack functioning elevators, and schools have architectural obstacles. Efforts to improve access to transportation have been limited. Two of Manila's light rail lines, although wheelchair accessible, still do not have working elevators. Buses lack wheelchair lifts, sidewalks are often crumbling, and where wheelchair ramps exist, they are often too steep. NGOs also reported that persons with disabilities were overcharged or refused service by taxis or other private transportation providers (State Department 2014).⁶⁴ These issues are even more exacerbated in the regions. In this light, the National Council on Disability is working to develop a "Non-Handicapping Environment" throughout the economy with an approach to address accessibility and physical barriers.⁶⁵ Department of Public Works Order No. 37 seeks to enforce the Batas Pambansa 344 (Accessibility on National Roads) by instructing all offices of the Department to adopt standard drawings with minimum requirements for accessibility.⁶⁶

The Singapore government has enacted a comprehensive code on barrier-free accessibility and promulgated standards for new buildings as well as for the progressive upgrading of older structures. The Open Door Programme provides up to a 90-percent subsidy for workplace modifications, and the Accessibility Fund provides up to 80 percent of construction costs for ramps, lifts, signage, and accessible toilets (DPA 2015, p. 14). Guide dogs for the blind are allowed in public places and on public transport. Moreover, 100 percent of public trains are wheelchair accessible, as are 68 percent of public buses. In addition, the Ministry of Transport and the Land Transport Authority are working to make all public buses wheelchair accessible by 2020. In 2015, the Authority also began an SGD\$330 million island-wide program to make public transport physically accessible; it will include more sheltered walkways and lifts at more pedestrian overhead bridges.⁶⁷

Russia has at least 13 million people with disabilities living across its major cities, towns, and rural areas. Although commitment has been shown in recent years with the ratification of the CRPD, much remains to be done to consistently enforce laws and provide proper accessibility. In Russia, private businesses do have an obligation to make property accessible or face lawsuits or fines, but government agencies are not required to bring lawsuits or fines against violators if the expense would exceed the domestic-level budget. Many persons with disabilities rarely leave their homes; therefore, they do not have meaningful employment. Interviews conducted by Human Rights Watch for their September 2013 report revealed that many faced difficulty leaving their homes or accessing private businesses and government offices because of narrow doorways, lack

⁶⁴ U.S. State Department Report on Human Rights and Practices, Philippines, 2014.

⁶⁵ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016. Q. 13 response.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

of elevators, and wheelchair ramps that are too steep or lack accessible handrails, or both (Human Rights Watch 2013, p. 6). There is also a lack of accessible transportation, making it difficult or impossible for them to work outside the home. Although some cities now have accessible buses and taxis, service is infrequent, and schedules are not widely circulated. A government program, Accessible Environment for 2011–2020, proposes to increase the proportion of employed persons with disabilities to 40 percent by 2020.⁶⁸

In Viet Nam, the Barrier-Free Access Code and Standards (2002) establishes domestic accessibility standards for construction. The National Action Plan to Support People with Disabilities for 2012–2020 provides vocational training and suitable jobs as well as other services to 250,000 working-age persons with disabilities; the Plan also addresses accessibility to public buildings and transportation. The law requires that the construction of new or major renovations to existing government and large public buildings include access for persons with disabilities. However, implementation has been sporadic with only some buildings in larger cities having ramps and accessible entrances. The Ministry of Construction has units in more than 22 provinces to enforce barrier-free codes and provides training on construction codes for inspectors and architectural companies (U.S. Department of State 44).

In Chile, the law provides for equal access to building information and communications, but most public buildings still do not comply with the mandates. The public transportation system, especially outside of Santiago, does not provide adequate accessibility for persons with disabilities. Nonetheless, TransSantiago, the public transportation system, has instituted changes including new ramp systems and elevators at some metro rail stations.

The Australian Disability Discrimination Act of 1992 is supplemented by disability standards and guidelines that provide details on accessibility, including the Disability Standards for Accessible Public Transport 2002, Disability Standards for Education 2005, and Disability (Access to Premises–Building) Standards 2010. The JobAccess Gateway provides an accessible online and telephone service and also creates a virtual disability employment marketplace to provide extensive information to employers about employing persons with disabilities. The Gateway, a disability confidence organization, also includes information about creating accessible businesses. Moreover, the Employment Assistance Fund (EAF) provides financial assistance to purchase work-related modifications and services for people who entering the workforce or are already employed.

In Chinese Taipei, measures through the Employment Service Act improve accessibility by helping the visually impaired purchase large televisions screens and by obtaining sign language interpreters for the hearing

Workplace Stress for Workers with Disabilities

More than 4 in 10 working Americans say their job affects their overall health, with stress having a significantly negative impact. But more than 60 percent of people with a disability say their job has a bad impact on their stress level. Often, it is not the work itself that is stressful, but the time, energy, and physical toll it takes to get to work, sit for hours, and manage other demands unique to those with disabilities. On balance, the income, independence, and social contact from work is good for people with disabilities. But when disabled employees worry about performance, advancement, whether they will be kept beyond their probationary period, they fear requesting reasonable accommodation. Although employers say they worry about the costs of disability accommodation, the average cost is only about US\$500 per person.

Source: Yuki Noguchi, “Workplaces Can be Particularly Stressful for Disabled Americans, Poll Finds,” *National Public Radio Morning Edition*, July 13, 2016

⁶⁸ APEC Disability and Employment Survey, Russia, Aug.10, 2016, Q. 5 response.

impaired. There is a subsidy of up to 100,000 yuan available for modifications to improve the work environment, obtaining equipment, and adjusting working methods to support persons with disabilities.⁶⁹

In Peru, the General Law on Persons with Disabilities requires accessibility on an equal basis for transportation, services, information and communication, and physical environment. The technical standards (AI 20) for accessibility were included in the National Building Regulation of May 2009 to establish conditions and technical design specifications for making buildings more accessible. On June 28, 2016, the MTPE issued technical regulations for implementing reasonable accommodations for persons with disabilities in the workplace.⁷⁰ In a 2015 study of 40 employers on reasonable accommodations, the employers noted that making these accommodations produced optimum results and improved worker productivity at little or no cost.⁷¹ Law No. 30412, enacted in January 2016, states that people with significant disabilities are entitled to free passes on urban and intercity public transport systems.⁷²

In Canada, the Enabling Accessibility Fund supports community-based projects to improve accessibility, remove barriers, and enable better participation in workplace. The Fund has an annual budget of CAD\$13.65 million to support capital costs for construction and renovations to improve physical accessibility and safety.⁷³ Budget 2016 provided an additional \$4 million for 2016–17.⁷⁴ The National Building Code of Canada, revised every five years, contains several provisions on accessibility of newly constructed and significantly renovated commercial and multiunit residential buildings. The Canadian Radio-Television and Communications Commission has developed many accessibility policies and programs in consultation with providers and users with disabilities, including a message relay service that allows a TTY user and a voice telephone user to communicate through an operator.⁷⁵ A recent development is a video relay service that allows sign language users and voice telephone users to communicate through an interpreter.⁷⁶ An income tax provision supports employers and businesses to enhance accessibility and purchase adaptive technology. Moreover, the Canadian Transportation Agency enforces legislation and policies for accessibility in airplanes, trains, buses, ferries, and terminals, and provincial and municipal governments have similar requirements for businesses, subways, and taxis.⁷⁷

In 1973, the United States created the U.S. Access Board as an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. The Board is now a leading source of information on accessible design, development and maintenance of design criteria for the built environment, transit vehicles, telecommunications equipment, medical diagnostic equipment, and information technology. It also provides technical assistance and training, and continues to enforce accessibility standards that cover federally funded facilities. The Board develops and maintains accessibility guidelines for buildings, facilities, and transit vehicles; it also provides technical assistance

⁶⁹ APEC Disability and Employment Survey, Chinese Taipei, Sept. 5, 2016. Q. 15 response.

⁷⁰ APEC Disability and Employment Survey, Peru, Aug. 29, 2016. Q. 13 response.

⁷¹ *Ibid.*, Q.15 response.

⁷² *Ibid.*, Q. 13 response.

⁷³ APEC Disability and Employment Survey, Canada, Sept. 12, 2016. Q. 10 response.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*, Q.11 response.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

and training on these guidelines. The Board has issued accessibility requirements for access to buildings and sites economy-wide in new construction and alterations.

Similar requirements apply to building and sites funded by the federal government under Architectural Barriers Act (ABA), 1968. Access to public transportation is required by the ADA and other laws. The Access Board issued accessibility requirements under the ADA for access to facilities and vehicles of public transit systems. The Board is developing new guidelines for passenger vessels under the ADA. ODEP participates in a U.S. government interagency effort called *United We Ride* (now called the Coordinating Council on Access and Mobility), which seeks to improve transportation on the state and local levels for older adults, individuals with lower incomes, and persons with disabilities.⁷⁸

⁷⁸ APEC Survey, United States, p. 12-13.

CROSS-CUTTING ISSUES

GENDER

Although all persons with disabilities face barriers to employment, men with disabilities are almost twice as likely to be employed as women with disabilities (O'Reilly 31-33). In most cases, women with disabilities earn less than men with disabilities, often experiencing unequal hiring and promotion standards, unequal pay for equal work and occupational segregation, and unequal access to training or retraining and to credit and other productive resources. Moreover, these women rarely participate in economic decision making (ibid.).

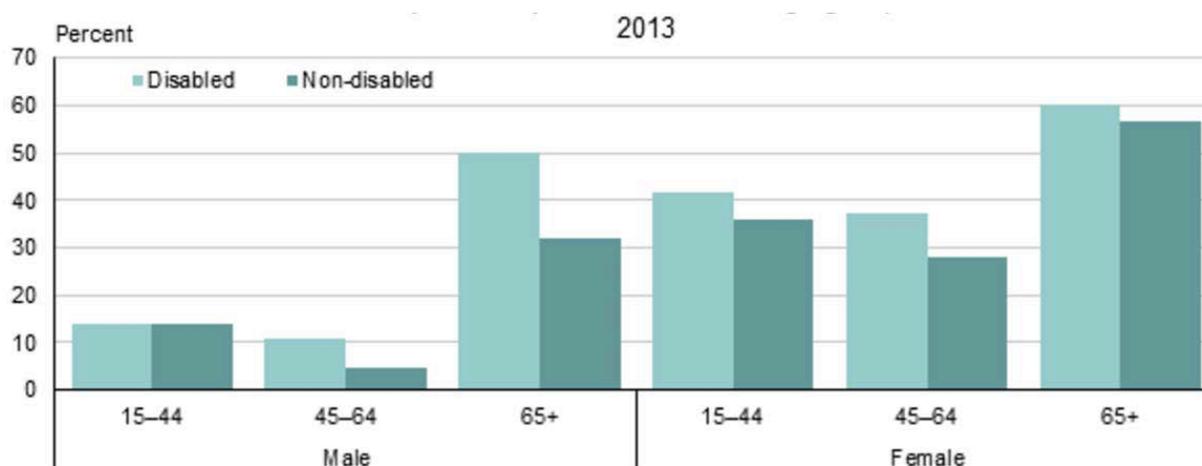
In fact, an analysis of the World Health Survey results for 51 economies revealed that 52.8 percent of men with disabilities are employed compared with 19.6 percent for women (WHO 2011, p.237). The unemployment rate among women with disabilities is as high as 75 percent; moreover, 58 percent of women with disabilities live on less than US\$10,000 per year; of these, 23 percent live on less than US\$5,000 per year (Handicap International 22).

Women with disabilities often work in the worst conditions, facing more discrimination and harassment, and often in unpaid positions. Women are also less likely than men to have the necessary education or training to obtain gainful employment, due to gender-based discrimination in education.

Greater gender equality in education and employment can make a significant contribution to development and economic growth. This is precisely why the Sustainable Development Goals and the Quadrennial Comprehensive Policy Review make gender equality a standalone goal. To achieve disability-inclusive development, the Incheon Strategy to "Make the Right Real" for persons with disabilities in the Asia-Pacific also promotes gender equality and empowerment of women with disabilities.

Figure 6 illustrates gender disparities in New Zealand between working women and men with disabilities. Individuals with disabilities, already less likely to be employed, are more likely to work part-time (less than 30 hours per week). The rate of part-time employment is particularly high for women with disabilities at 42 percent compared with 19 percent of men with disabilities. Although part-time work is generally more common among women than men, it was more common for women with disabilities than for women without disabilities, of whom 34 percent worked part-time.

Figure 6: Adults in Part-time Employment in New Zealand, by Gender, Disability Status, and Age Group, 2013 (Statistics New Zealand)



Employment of women with disabilities brings a strong benefit to both the economy and families. When women are employed, they can break out of the cycle of dependency, avoid social isolation, and overcome poverty. Better employment opportunities for women offer wide-ranging benefits to economies by decreasing welfare payments, adding to the GDP, increasing purchasing power for women and their families, and adding to the tax base. Barriers to the workplace are even more significant for women, given the potential for harassment and danger. The fear of going to school or work for women and girls with disabilities may cause them to remain at home and miss opportunities for education and work.

The First National Survey on Disability conducted in Peru in March 2012 by the National Institute of Statistics and Informatics revealed striking gender differences between workers with disabilities in the labor market. As shown in the table, survey results show that men with disabilities are more likely to be employed than women. Approximately 26.1 percent of men with disabilities are employed, while only 12.8 percent of women with disabilities are employed.

TABLE: PERU: MEN VERSUS WOMEN WITH DISABILITIES (14 YEARS AND OLDER), BY GENDER AND EMPLOYMENT STATUS, 2012 (PERCENTAGE)

Employment Status	Total	Male	Female
Economically active	21.7	29.4	14.9
Employed	19.1	26.1	12.8
Unemployed	2.6	3.3	2.1
Not economically active	76.8	69.1	83.7
Not specified	1.5	1.5	1.5
Total	100	100	100

CULTURAL BARRIERS

Disability is often defined by the dictates of culture and history within an economy. What is considered a disability varies from culture to culture, and terminology or definitions may vary between economies. In poor

communities where most residents are struggling, disability may not be seen as a priority, except by those directly affected. Thus, it is important to understand disability issues as they relate to human development and social justice. For example, in some economies, persons with disabilities have been excluded from group credit schemes because they are seen as a bad risk by those who do not have a disability.

It is difficult to generalize about the effect of culture on the rights of individuals with disabilities, because each society has different attitudes and mores that form the basis of their beliefs. It is important to recognize that culture is not static, and does not represent a consensus among all groups within a given culture. Religion, ethnicity, class, and citizenship are additional parts of cultural identity that can further influence cultural norms around disability.

Disability should be addressed as a development and social issue focused on inclusiveness rather than through the lens of pity and charity. Notions of fairness and equality and individual human rights may be viewed very differently in traditional societies; belief systems may instead give prominence to such forces as fate, karma, and divine punishment, which are beyond the reach of human intervention (Coleridge 3). In some APEC societies, disabilities can be perceived as being related to misconduct in a previous life, and a family member with a disability may be perceived as a disgrace to the family (Parker 7). Thus, the fact that some people have a disability may be regarded as the natural order of things, and attempts to redress the balance in terms of “equality” may be seen as misguided. These are crucial reasons for raising public awareness and destigmatizing disability issues in a culturally appropriate way.

DATA COLLECTION

Understanding the extent and number of persons with disabilities is fundamental to developing effective policies to promote their employment and to monitor the impact of these efforts. However, many economies do not collect data on the prevalence of disability in their labor forces. This can prevent governments and civil society organizations from targeting their efforts and creating policies and programs to increase the number of employed persons with disabilities. There are also instances when economies do not disaggregate data collection by disability. In addition, even when governments seek to collect data, cultural norms, and in particular social stigma, may influence individuals’ decisions when self-reporting whether they have a disability on a census, household survey, workplace employee survey, or other data collection instrument. In some cases, cultural taboos around disability can result in individuals responsible for data collection refusing to ask questions related to disability, or changing the framing of those questions in ways that can lead to the incorrect data being collected. Differences in understanding of disability terminology – both by respondents and survey implementers - combined with stigma, can make such assessments less than reliable. It is therefore important that data collection methodologies focus not only on the content of the questions, but also on training those responsible for data collection, so that data collection activities are respectful of respondents and geared toward solicitation of appropriate information.

Censuses and some surveys use proxy reporting to measure disability incidence. Proxy reporting means that responses are provided by a respondent about another member of the sampled unit or household. Proxy reports are used in surveys as an alternative to interviewing all individual sampled unit members, when attempting to obtain individual reports is neither reasonable nor practical (Washington Group). However, cultural norms and stigma about disability and varying understandings of disability by people surveyed other than persons with disabilities themselves can also affect the collection of accurate disability data.

In the Asia-Pacific, disability is often not mainstreamed into general data collection methods on employment, and figures can vary depending on how disabilities are defined and collected by different economies and surveys. In cases in which it is mainstreamed, these processes rarely meet international standards of disability classification (UNESCAP 2015).

Due to the costs associated with implementing a domestic census, household survey, or other large-scale periodic data collection effort, economies may be hesitant to undertake disability data collection unless they can be assured it will be worth the investment. In response to the challenges around reliable data collection, the Washington Group has developed a long and a short question set for use on censuses or surveys on disability, or as part of other data collection efforts on issues including employment and health (Washington Group). The Washington Group questions seek to collect reliable, objective data on the incidence of disability, by asking respondents about problems they have with seeing, hearing, mobility, understanding, and basic levels of self-care (ibid.). The intended use of this data is to compare levels of participation in employment, education, or family life for persons with disabilities versus those without disabilities, to determine their levels of inclusion economically and socially. The data can also inform policies and programs to improve employment outcomes for persons with disabilities and monitoring and evaluation of these efforts.

ENGAGEMENT WITH CIVIL SOCIETY AND ADVOCACY GROUPS

Among the key drivers for the employment of people with disabilities is the important role of society. As more companies (and organizations, in general) become more disability-inclusive, others are more likely to create disability inclusive workplaces (2014a, p. 9). With this in mind, civil society and advocacy groups play an instrumental role by engaging in the development of regulations and employment programs.

As indicated by the WHO *World Report on Disability*, people with disabilities often have unique insights about their disability and their situation. Accordingly, they should be consulted and actively involved in formulating and implementing respective policies, laws, and services. At an individual level, persons with disabilities are entitled to be consulted on issues that concern them directly—whether in health, employment, education, rehabilitation, or community living. Supported decision-making may be necessary to enable some individuals to communicate their needs and choices (WHO 2011).

It is important to include people with disabilities in the development of regulations and employment programs to dispel misconceptions, share authentic stories, and demonstrate that there is a place for people with disabilities in the workplace.

According to a recent ILO study (2014a, p. 26), a knowledge sharing and job-seeking skills workshop for people with disabilities in Sri Lanka effectively confronted many of these barriers and misconceptions. By including employers, DPOs, and NGOs, the workshop revealed that those with disabilities in Sri Lanka often believe that they cannot contribute to the workplace. The effect of this false belief is two-fold: not only does it deter many Sri Lankans with disabilities from entering the job market, but it also reinforces a negative mindset that emphasizes “disability” over “ability.” An additional finding was that job seekers with disabilities tended to be unaware that they were eligible for jobs that were not advertised as disability-specific; moreover, equal opportunity employers were found to have vacancies for people with disabilities who were not applying. A key message emerging from the workshop was the importance of replacing traditional perceptions of disability through creative media platforms and advocacy.

By including civil society in discussions, regulators and employment programs benefit from a better understanding of the barriers that prevent people with disabilities from joining the labor market. The involvement of civil society can subsequently result in greater inclusion of people with disabilities.

Canada. Through the Office of Disability Issues (ODI), Employment and Social Development Canada engages with the disability community on various issues. One tactic is partnering with NGOs at the annual Conference of States Parties to the CRPD to organize events on various disability-related issues. ODI has contracted with stakeholders to apply their expertise on projects such as the People First of Canada’s work on ODI’s Guide

to plain language and awareness training for public servants.⁷⁹ ODI distributes information to a broad range of stakeholders by email to inform them of consultations and programs.

Peru. Public and private organizations comprised of, and advocating for, people with disabilities are considered strategic partners for providing employment services. From 2013 to 2016, the Ministry of Labor and Employment promotion (MTPE) partnered with organizations of people with intellectual and development disabilities through cooperation agreements. These organizations then contributed to employment projects that followed the methodology of supported employment. In addition, and in accordance with the General Law of Persons with Disabilities, the Ministry of Labor has conducted consultations regarding technical standards on employment in the private sector and reasonable accommodation for the employment of persons with disabilities with DPOs.⁸⁰ In addition, Article 14 of the General Law of Persons with Disabilities includes the right of consultation, which recognizes that the authorities in different sectors and levels of government have an obligation to consult with organizations representing people with disabilities, before adopting legislative and administrative regulations, policies, and programs on issues relating to disability.⁸¹

The Philippines. The National Council for Disability Affairs (NCDA) formulates domestic government policies and coordinates the activities of all the concerned agencies, both public and private, on disability issues.⁸² Representatives from the private sector, whether civil society organizations or businesses, actively participate in NCDA meetings. These representatives regularly sit on the interagency panel that reviews the development strategies and action plans of respective agencies.⁸³ As the lead agency, the NCDA ensures that concerned agencies are synced together so that the views from other sectors are relayed and informed. Moreover, the NCDA ensures that concerned government agencies mainstream their programs and services in accordance with current laws, policies, and strategies for people with disabilities.

In addition, the Philippines engages with persons with disabilities through the following initiatives:

- Participation of DPOs in grassroots participatory budgeting process, promoting programs and services for persons with disabilities;
- Implementation of Republic Act No. 10070—that is, an act establishing an institutional mechanism to ensure the implementation of programs and services for persons with disabilities in every province, city, and municipality—amending Republic Act 7277 (“Magna Carta”);
- Appointment and participation of persons with disabilities in local special bodies pursuant to Republic Act No. 7160, an act providing for a 1991 local government code;
- Implementation of Republic Act No. 10524 in all government agencies, which states “[e]mployment of persons with disabilities—1% of the total workforce in all government offices should be reserved for qualified persons with disabilities;” and

⁷⁹ APEC Disability and Employment Survey, Canada, Sept. 12, 2016, Q. 15 response.

⁸⁰ Ibid.

⁸¹ APEC Disability and Employment Survey, Peru, Aug. 29, 2016, Q. 8 response.

⁸² APEC Disability and Employment Survey, Philippines, Aug. 5, 2016, Q. 8 response.

⁸³ Ibid.

- Partnership with other NGOs and government agencies in undertaking livelihood and entrepreneurial projects.⁸⁴

Thailand. The Thai Network Social Enterprise for Empowering Disabled, or Thai SEED, was established with government support.⁸⁵ With members from government agencies, the private sector, foundations, self-help groups, business development organizations for/of persons with disabilities, the Network currently enhances capacity building and support for persons with disabilities to provide employment opportunities and decent work.⁸⁶

United States. Through www.epolicyworks.org, the U.S. government conducts outreach through domestic online dialogues with people from diverse sectors to gather information.⁸⁷ Dialogue topics have included school-to-work transitions for youth with disabilities, stay-at-work/return-to-work strategies, and state-level disability employment policies, among others.

ODEP also works with advocacy organizations in the development and implementation of the Campaign for Disability Employment, an outreach effort to share best practices on disability inclusion with employers and others throughout the United States. ODEP collaborates through its Alliance Initiative with professional associations, nonprofit organizations, businesses and business organizations, educational institutions, and others to share information on effective disability hiring strategies. ODEP also manages technical assistance centers that help businesses develop and implement model policies, initiatives, and strategies that increase recruiting, hiring, advancing, and retaining workers with disabilities.⁸⁸

One example of an Alliance is ODEP's collaboration with the U.S. Business Leadership Network (USBLN), a domestic nonprofit that helps business improve performance by enhancing disability inclusion in the workplace, supply chain, and marketplace. ODEP's Alliance with USBLN aims to provide network members and others with information, guidance, and access to resources that will help them to recruit, hire, and advance workers with disabilities.⁸⁹

⁸⁴ APEC Disability and Employment Survey, Philippines, Aug. 26, 2016, Q.18 response.

⁸⁵ APEC Disability and Employment Survey, Thailand, July 31, 2016, Q. 12 response.

⁸⁶ Ibid.

⁸⁷ APEC Disability and Employment Survey, United States, Q.16 response.

⁸⁸ APEC Disability and Employment Survey, United States, Oct. 3, 2016. Q.9 response.

⁸⁹ Ibid.

COORDINATION WITH THE PRIVATE SECTOR

According to the World Bank, the cost of exclusion based on disability is between US\$1.37 trillion and US\$1.94 trillion of global GDP. This cost affects all of society—and businesses, in particular. Given the global economy, it is in the interest of all economies and sectors to manage diversity efficiently to increase productivity and business success. Many companies, large and small, have discovered the potential of employing persons with disabilities and the contribution they make to the workplace. The DuPont Corporation was one of the first to measure their performance. The details are reported in *Equal to the Task II* that show that, over 30 years, employees with disabilities performed on par or better than staff without disabilities in terms of attendance, safety, and overall job performance (ILO 2).

Despite this reality, fears and myths continue to prevent companies from hiring workers with disabilities. In particular, employers fear high costs of accommodation. Nonetheless, in the United States, it has been found that most accommodations cost nothing, and that when accommodations do require expenditures, the costs are typically less than US\$500 (ibid. 3).

In reality, there is a strong business case for hiring persons with disabilities to improve corporate profitability. Persons with disabilities are dependable employees who are likely to remain in the job, avoiding employer turnover and training costs (U.S. Department of Labor 2). Persons with disabilities, like other workers, have skills that employers need. Perhaps even more important to businesses is the multi-billion-dollar market segment that persons with disabilities bring with the disposable income they can earn and that of friends and family. Persons with disabilities, more than anyone, know first-hand about products and service needs for this market segment. Annual disposable income of disabled persons is estimated at US\$200 billion in the United States, US\$50 billion in the United Kingdom, and US\$25 billion in Canada (ibid.).

According to an ILO best practices guide for employing young people with disabilities in the private sector, more and more companies are discovering the benefits of being “disability confident” (ILO 11). The notion that youth with disabilities are difficult to employ is becoming an antiquated way of thinking as businesses realize improved productivity and enjoy recognition as companies with responsible business practices. The best practices guide featured 10 private sector employment initiatives from eight economies. Among the various initiatives, the following four-step approach to transition young people with disabilities into the workforce was proposed:

- Collaborate with an organization that specializes in disability services.
- Support or launch a skills training initiative.
- Establish recruitment or job placement services.
- Develop a policy of inclusion and nondiscrimination (ibid. 13).

The best practices guide indicated that although each company’s initiative was uniquely designed to meet the needs of their business, the above were observed to varying degrees in each of the featured cases.

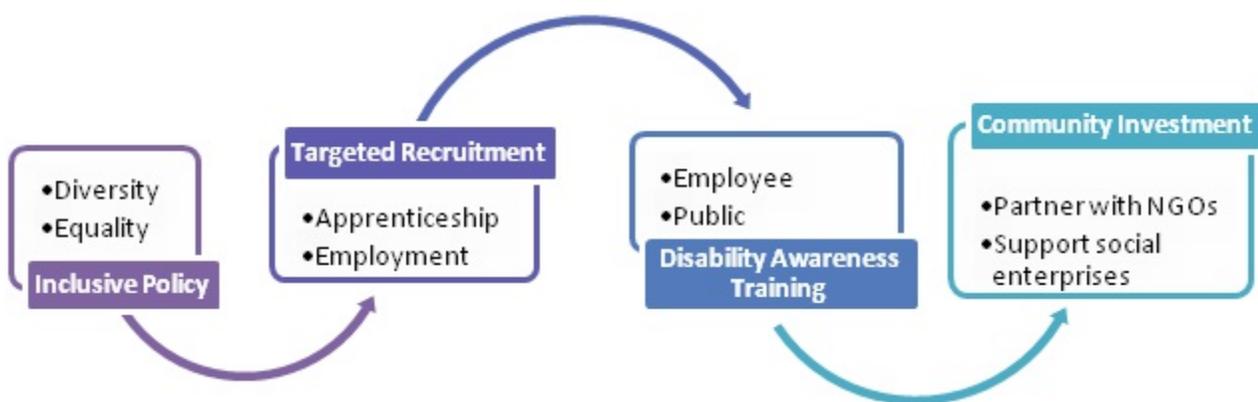
The United States has produced a publication for employers entitled *Business Strategies that Work: A Framework for Inclusion*. This publication identifies promising employment policies and practices for “recruiting, hiring,

retaining, and advancing qualified individuals with disabilities, providing guidance for employers who want to ensure that their workplaces are disability-inclusive” (U.S. Department of Labor 2).

One initiative in Singapore featured the Eureka Call Centre Systems, which employed assisted technologies to enable staff with vision disabilities, who subsequently outperformed their colleagues without disabilities (ibid.). In the Eureka case, the performance of employees without disabilities was 50–70 percent of what employees with disabilities were able to achieve. The Eureka representative recalled that one after another, all the agents without disabilities dropped out. Eureka also found that their employees with disabilities were punctual, rarely absent, and enthusiastic about their work. Within a year of starting the initiative, the Eureka call center was almost entirely run by staff with vision disabilities, and its previous annual turnover rate of about 40 percent had plunged to two percent.

In its June 2015 report, CSR Asia discussed Asian businesses’ lack of knowledge about inclusive employment. Many firms continue to pay penalties or miss incentives for hiring persons with disabilities without realizing the losses to their profitability and reputation. CSR Asia identified the process shown in Figure 7 as a guideline for better, socially responsible business practices to engage persons with disabilities.

Figure 7: Guideline for Better Business Practices to Engage Persons with Disabilities



This report also identified best practices by several companies in different sectors, including restaurant, entertainment, and hospitality, as well as banking, that have effectively managed the employment of persons with disability in their business models. These models have inclusive companywide policies promoting diversity and equality in different aspects of the company’s operations, from recruitment and promotion to training and engagement. Figure 8 shows different approaches, including targeted recruitment, internal awareness raising activities, and community investment through collaboration with different stakeholders (Gu 3).

Figure 8: Best Practices for Employment of Persons with Disabilities



As can be seen in these examples, inclusiveness not only enhanced the work of these businesses but also improved their reputations as responsible employers. Having employees with disabilities highly visible in the workplace serves as a strong example to the public. The variety of industries illustrated above also speaks to the range of skills of workers with disabilities, and their capacity to succeed being comparable to workers without disabilities. The Disney and JW Marriott models clearly illustrate the benefits of systematic training schemes, and partnering with specialized NGOs and industry peers. These examples show that employing persons with disabilities works not only in the interests of the company but also for customers, investors, and society at-large.

Hong Kong, China has worked to strengthen cross-sectoral collaboration with the business sector, local communities, NGOs, and government to build the self-reliance and integration of persons with disabilities into local communities. District councils have conducted activities such as the International Day of the Disabled events, and awarding personal attendants who support the employment of persons with disabilities.

In Australia, the National Disability Recruitment Coordinator service works with small-to-medium-size enterprises and large organizations, to help them implement disability recruitment strategies and to deliver seminars for employers that raise awareness about employing persons with disabilities. This service also includes training employers to design jobs that target people with disabilities and raise their awareness about disability. A key focus for DES providers is to engage with employers to enhance the jobs available for people with disabilities, including building networks and relationships with local employers to match DES participants

with their needs.⁹⁰ Given that half of employment is with small business, this is an important approach to securing jobs for persons with disabilities. The National Disability Recruitment Coordinator helps employers remove barriers and build workplace cultures that support people with disabilities.⁹¹ The Department of Employment Services works with industry to promote and develop key messages about the business benefits of employing persons with disabilities and promoting the government assistance that is available. The Department has also worked with the Australian Chamber of Commerce and Industry to disseminate key messages and engage employers to promote employment of individuals with disabilities.

Chinese Taipei conducts multiple job fairs each year for persons with disabilities, engaging companies to set up booths and provide information about local employment opportunities.⁹² The government also provides funds to local governments and private companies to conduct supported employment services, offering in-depth and ongoing professional support to encourage open employment.

In Peru, the Ministry of Labor and Employment Promotion (MTPE) implemented the “Wheel of Services for Disability Management in Business” to disseminate, sensitize, and train private employers on disability management. The program promotes understanding of legal obligations and emphasizes the benefits of hiring people with disabilities, in addition to the need to comply with the employment quota.⁹³ The ILO has organized a network of inclusive employers with whom the MTPE also cooperates. Moreover, the MTPE has signed a cooperation agreement with the National Society of Industries. The objective of the agreement is to (a) disseminate awareness materials for eliminating stereotypes and prejudices that create barriers to inclusion, (b) incorporate mechanisms to create employment on an equal basis, and (c) fulfil legal obligations using public employment services through the Employment Centers.⁹⁴ Finally, the MTPE also organizes meetings and events with the Association of Exporters, Lima Chamber of Commerce, and National Society of Mining and Petroleum.

In 2012, the government of Canada supported the creation of a Panel on Labour Market Opportunities for Persons with Disabilities to address barriers and challenges for persons with disabilities in the workplace.⁹⁵ The Panel conducted wide-ranging consultations and published a report, *Rethinking Disability in the Private Sector*, in January 2013. The report noted a key finding: hiring persons with disabilities makes good business sense.⁹⁶ As a result of the report, the government of Canada provided CAD\$2 million in funding in the 2013 budget for the creation of a Canadian employer disability forum. The Canadian Business SenseAbility is a nonprofit run by businesses to champion and accelerate private sector success in hiring and retaining employees with disabilities. The focus is mainly on education, training, and sharing of resources and best practices among Canadian businesses to increase employment for persons with disabilities in the private sector.⁹⁷ Canada is the first economy to develop a National Standard for Psychological Health and Safety in the Workplace, which has been increasingly adopted by large and small employers. The Standard is

⁹⁰ APEC Disability and Employment Survey, Australia. July 26, 2016. Q. 19 response.

⁹¹ Ibid, Q. 18 response.

⁹² APEC Disability and Employment Survey, Chinese Taipei, Sept. 5, 2016. Q 19 response.

⁹³ APEC Disability and Employment Survey, Peru, Aug. 29, 2016. Q. 20 response.

⁹⁴ Ibid.

⁹⁵ APEC Disability and Employment Survey, Canada, Sept. 12, 2016. Q. 17 response.

⁹⁶ Ibid.

⁹⁷ Ibid, Q. 18 response.

championed by the Mental Health Commission of Canada, a nonprofit, and was developed with assistance from Employment and Social Development Canada and major corporations.⁹⁸

In the U.S., under the Rehabilitation Act of 1973, states may use vocational rehabilitation program funds to work with employers to provide work-based learning experiences for young people with disabilities, provide opportunities for pre-employment transition services (required pre-employment transition services include job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education, workplace readiness training, and instruction on self-advocacy), recruit qualified applicants with disabilities, train employees with disabilities, and promote awareness or disability-related obstacles to continued employment.⁹⁹ They may provide consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and workplace access to enable recruitment, job matching, hiring, and retention of qualified individuals with disabilities who are recipients of vocational rehabilitation. They may also assist employers with utilizing available financial support for hiring or accommodating individuals with disabilities. Additionally, state workforce development boards and workforce advisory committees work with businesses to address barriers and promote the employment of persons with disabilities. Local nongovernmental organizations and domestic nonprofits, such as the National Organization on Disability, work with the business community to promote the employment of persons with disabilities.

⁹⁸ APEC Disability and Employment Survey, Canada, Sept. 12, 2016, Q. 11 response.

⁹⁹ APEC Disability and Employment Survey, United States, Oct. 3, 2016, Q. 17 response.

CONCLUSIONS AND RECOMMENDATIONS

Although progress has been made to expand the potential for employment of persons with disabilities, much more remains to be done to ensure integration into the workplace on an equal basis. Primarily, we must continue the “people first” approach that has begun to spread worldwide. This means not only using new terminology, but also translating this approach into the implementation of laws, provision of services, and improvement of accessibility. Many barriers remain, in terms of both physical accessibility and social stigma, that must be overcome to ensure that persons with disabilities can realize their full potential and career desires. The greatest barrier for persons with disabilities may well be the attitudinal barriers they face, especially those in the minds of employers and colleagues. Survey results from member economies repeatedly noted that stereotypes and myths are some of the biggest obstacles to realizing an inclusive work environment that supports the needs of persons with disabilities.

Although most member economies either have ratified the CRPD or have their own domestic legislation (or both), laws, regulations, and policies alone cannot solve the problems faced by persons with disabilities. Furthermore, laws in many economies need further revisions, stronger enforcement, and consistent application. Revisions and amendments need to consider the specific needs of persons with disabilities, and engage them in the process to ensure that services and support programs match those needs. Most economies lack domestic strategies that could greatly improve the implementation and coordination of policies, programs, and services. A missing component in many economies is effective channels for complaints whereby persons with disabilities can challenge discrimination and failure to comply with existing laws and regulations. Although strides have been made to ensure reasonable accommodations, few economies have the accessibility standards and building compliance necessary to make workplaces fully accessible.

APEC Survey Responses regarding Greatest Barriers to Employment of Persons with Disabilities

- Social and cultural prejudice
- Misconception by employers that accommodation is costly
- Physical barriers to and at work
- Lack of accessible transportation
- Attitudes about skills and abilities
- Limited skills and education mismatch
- Lack of accessible information about employment opportunities
- Legislation, regulations, or policies prevent employment in particular jobs
- Lack of protection from discrimination
- Lack of support for employers and recruitment agencies
- Need to champion best practices
- Lack of focus on long-term career planning and capacity building
- Poor recruitment efforts

These recommendations are designed to guide member economies as they seek to support persons with disabilities in finding and maintaining gainful employment.

- **Provide better legal protections.** As the most current multilateral framework on disability, it is encouraged that all member economies consider ratifying or acceding to the CRPD—and take steps to ensure full compliance. It is critical that we move beyond mere recognition of the CRPD to ensure the protections guaranteed therein are a reality. Legislation that prohibits employment discrimination

on the basis of disability and mandates reasonable accommodations for job seekers and workers can be fundamental to advancing the economic empowerment and inclusion of persons with disabilities. In addition, legislation that requires accessibility of transportation systems and the built environment can help to ensure that persons with disabilities can participate effectively in society and find, retain, and advance their chosen jobs. Once adopted, strong legislation needs to be effectively implemented, monitored, and enforced.

- **Increase awareness-raising efforts to overcome stereotypes, myths, and prejudices about persons with disabilities in the workplace.** Employers need (a) a better understanding of the benefits and skills that persons with disabilities bring to the workplace; and (b) to be more adaptable to the needs of employees with disabilities. Coworkers also need to be sensitized to build inclusive work environments and to be flexible with their colleagues who have disabilities.
- **Address the gendered aspects of employment.** Evidence clearly shows that although more women have disabilities, fewer women with disabilities are employed—and often at lower wages and in vulnerable situations. Member economics should develop programs designed to promote the employment of women with disabilities and address additional burdens they face—either in the workplace or at home—that may inhibit their ability to work. Programs that provide financing for small businesses or working from home should target women. In addition, workplaces should address the different gender needs of both men and women with disabilities.
- **Work with private and public employers to encourage the hiring and retention of persons with disabilities.** It is important that member economies support employers to address concerns and overcome myths about productivity and costs of accommodations. The costs to make reasonable accommodations are normally very low, despite belief to the contrary. The productivity of persons with disabilities has been shown to be on par with nondisabled workers.
- **Ensure consistent, complete enforcement of any quota systems.** If economies choose to use quotas, they should maintain strict enforcement, including the use of any fines or penalties, or both. Lack of enforcement renders the quota system ineffective, because employers know they will not be held accountable. Fines and penalties should be collected and used to provide services such as job coaching, training, or assistive devices and accommodations. Economies might find more success in the use of incentives because quotas (a) often cause resentment and (b) further the myth that persons with disabilities are not qualified and only hired because of legal mandates.
- **Encourage member economies to offer more incentives** (such as tax breaks, wage subsidies, reimbursements for accommodation costs, extra points in procurement processes, etc.) to increase the hiring of persons with disabilities and to do business with firms operated by persons with disabilities. Incentives are normally a more successful way to encourage hiring and to integrate persons with disabilities into the workplace. Employers typically respond more positively to these incentives rather than to a mandate that can further stereotypes and hamper inclusive integration of persons with disabilities into the workplace.
- **Lead by example.** Having persons with disabilities in the workplace, especially in managerial positions, provides strong role models that can encourage others to seek employment, change attitudes about abilities, and offer mentorship for better integration. Providing job coaches—to help

both employers and employees with disabilities to adjust to the work environment and manage personal needs—can prove successful for workplace integration.

- **Improve inclusive education systems for children with disabilities in anticipation of their future workplace needs.** Developing the right skills is a critical precursor for employability. In fact, youth with disabilities who do not complete higher education are far less likely to find gainful employment.
- **Provide better employment/job placement services, effectively communicate the availability of those services to persons with disabilities, and address barriers (e.g. access to transportation) that may inhibit the ability of persons with disabilities to utilize those services.** There is a case to be made for both integrated job recruitment as well as dedicated services, designed to match the skills of persons with disabilities to the needs of employers. In either case, it is critical that persons with disabilities and their families are made aware of the availability of these services, either through public advertisements, school/university recruitment centers, or through other related service providers.
- **Ensure that persons with disabilities are paid the same wages as their peers without disabilities.** Paying persons with disabilities less for their services sends them and their employers a message that their services are worth less, is demotivating, and in many cases is illegal. The work of persons with disabilities should be valued, monetarily and otherwise, on par with their peers without disabilities.
- **Increase funding for people with disabilities to start their own business.** Self-employment is a good option for many persons with disabilities, but many lack access to credit and services to start up and develop a business. Both micro and macro funding should be readily available to help persons with disabilities in this regard. This funding should be accompanied by business development services to help them develop business plans, marketing plans, and budgets. Starting new businesses would not only benefit persons with disabilities but could provide jobs for others in the community.
- **Make transportation accessible and affordable for persons with disabilities.** Economies should make public transportation accessible so that persons with disabilities have reliable transportation to work. This process should include audits of environments, transportation systems, buildings, and services to promote barrier removal and make necessary adaptation.
- **Increase public awareness activities to address cultural barriers and attitudes about persons with disabilities, especially concerning their employment capabilities.** Some cultures hold beliefs that persons with disabilities have committed past sins or are unlucky and, thus, treat them as requiring charity. This attitude prevents gainful employment and encourages a system of pity rather than the recognition of the strong potential and ability that persons with disabilities possess. Although overcoming such long-held beliefs may be difficult, it is important to ensuring that persons with disabilities will be accepted in workplace settings. Consequently, positive images and examples of people with disabilities succeeding in the workplace should be broadly disseminated.
- **Increase engagement with private sector.** Collaboration with the private sector has already proven successful to encourage hiring, develop special training programs, and adapt workplaces for

persons with disabilities. Economies should work directly with the private sector to build workplaces that are more inclusive and support them to provide assistive devices, make reasonable accommodations, and offer flexible work schedules.

- **Address discrimination issues for indigenous people and Afro-descendants with disabilities.** Indigenous people and Afro-descendants typically face discrimination in their own economies. Those with disabilities face double discrimination—and as such, it is important to address these vulnerabilities, especially to ensure access to employment opportunities and systems of redress for discrimination. Economies should also raise awareness of the rights of indigenous people and Afro-descendants and work to encourage their integration into the workplace.
- **Develop employment skills training opportunities in rural areas for persons with disabilities.** Persons with disabilities in rural areas are often harder to reach, and may not be able to access skills training services and resources available in urban areas. Employment programs and skills training opportunities are needed to support improved employment outcomes for people with disabilities in rural areas.
- **Engage persons with disabilities in the development of disability policies and programs.** Policies developed without this input are unlikely to address the needs of persons with disabilities or to be successful. Economies should also establish channels for open discussion between DPOs and representatives from the public and private sectors, to identify opportunities for good employment matches.
- **Encourage the establishment of systems to transition people with disabilities from education to employment, such as technical or vocational skills training opportunities, or internships.** Training programs are particularly helpful to develop relevant skills, but they must be paired with actual jobs in the community. Persons with disabilities will be more encouraged to participate in, and complete, training programs if they are linked to likely employment upon completion. Internships and other job opportunities while students with disabilities are still in school can help increase job readiness and expectations for fully inclusive, meaningful work.
- **Develop best practices for increasing labor market participation that address barriers to employment faced by employers in hiring people with disabilities.** A system of public-private partnerships could prove useful in addressing these barriers and in promoting the advantages of diversity and inclusiveness in the workplace.
- **Increase accommodations, including auxiliary aids and services, to remove communication barriers in employment settings of people with disabilities, especially for people who are blind, deaf, or have intellectual or learning disabilities.** Auxiliary aids and services include qualified interpreters, captioning, and materials in alternative or different formats.
- **Encourage regular data collection on incidence of people with disabilities through household surveys.** These surveys should include the short or long set of questions developed by the Washington Group to identify the population with functional limitations that have the potential to limit independent participation in society. Use of this data would compare levels of participation in employment, education, or family life for those with disability, versus those without disability to see if

persons with disability have achieved social inclusion. More standardized data and definitions will allow for better comparison of data across economies.

ANNEX – LIST OF RELEVANT LAWS BY ECONOMY¹⁰⁰

Australia

Ratified CRPD (2008) and Acceded to CRPD Optional Protocol (2009)
 Disability Discrimination Act (1992)
 Aged or Disabled Persons Care Act (1954)
 Disability Services Act (1986)
 Disability Services Amendment (Improved Quality Assurance) Act (2002)
 Disability Discrimination Amendment (Education Standards) Act (2005)
 Social Security (Disability and Sickness Support Amendment) Act (1991)
 Veteran's Entitlements Amendment (Disability, War Widow, and War Widower Pensions) Act (2007)
 Federal Magistrates Amendment (Disability and Death Benefits) Act (2007)
 Families, Community Services and Indigenous Affairs Legislation Amendments (Child Disability Assistance) Act (2007)
 Disability Services (Transitional Provisions and Consequential Amendments) Act (1986)
 Human Services and Health Legislation Amendment Act (1994)
 Mental Health and Related Services Assistance Act (1973)
 Civil Aviation Amendment Act (2005)
 Age Discrimination (Consequential Provisions) Act (2004)
 Defence Legislation Amendment Act (No. 1) (1999)
 Employment Education and Training Act

Brunei Darussalam

Ratified CRPD (2016)
 Old Age and Disability Pension Act (1954, revised 1984)
 Compulsory Education Order (2007)
 Employment Order (2009)

Canada

Ratified CRPD (2010)
 Constitution – Charter of Rights and Freedoms (1982)
 Human Rights Act
 Employment Equity Act

Chile

Ratified CRPD (2008) and Ratified CRPD Optional Protocol (2008)

¹⁰⁰ Dates of economies' relationship to the CRPD are current as of April 2017.

Social Integration of Persons with Disabilities (1994)

China

Ratified CRPD (2008)

Law of the People's Republic of China on the Protection of Disabled Persons

Regulations on the Education of Persons with Disabilities (1994)

Regulations on the Employment of People with Disabilities (2007)

Law of the People's Republic of China on the Protection of Persons with Disabilities (adopted 1990, revised in 2008)

Hong Kong, China

Ordinance on Disability, c. 487 (1990)

Disability Discrimination Ordinance (1995)

Indonesia

Ratified CRPD (2011)

Act of the Republic of Indonesia Number 4, of 1997, Concerning Disabled People

Law No. 39 on Human Rights (1999)

National Plan of Act for the Measure of Social Welfare Enhancement for Indonesia's People with Disabilities

Ministry of Public Works Decree on Building Accessibility and Environment (2006)

Japan

Ratified CRPD (2014)

Law to Promote the Elimination of Discrimination Based on Disability (2013)

Human Resources Development Promotion Law

Law for Employment Promotion and Matters related to Disabled Persons (1960, amended in 2005)

Basic Law on Persons with Disabilities (1970, amended 2004)

Act for Research, Development, and Dissemination of Assistive Devices (1993)

Act for Promotion of Use of Communication and Broadcasting Services by Disabled Persons (1993)

Labour Act (1994)

The act on Building Accessible and Usable for the Elderly and Physically Disabled (1994)

Law concerning the Payment of Special Disability Benefit for Persons with Special Disability (2004)

Law for the Support of Development Disabled persons (2004)

Law on the Facilitation of Movement for Aged and Handicapped Persons (2006)

Law to support the Independence of Persons with Disabilities (2005)

Act on Comprehensive Support for Persons with Disabilities (2005)

Act on Mental Health and Welfare for the Mentally Disabled (1950)

Act on Welfare of Physically Disabled Persons (1949)

Republic of Korea

Ratified CRPD (2008)

Welfare Law No. 4179 for Persons with Disability (1989)

Act No. 4129 relation to Employment, Promotions, etc. of the Handicapped (1990)

Special Education promotion law (amended in 1994)

Anti-Discrimination against and Remedies for Persons with Disabilities Act (2007)

Welfare for Persons with Disabilities Act (WPWDA) (1989)

Act on Special Education for Individuals with Disability and the Like (2007)

Act on Mobility Convenience of Mobility Vulnerable (2005)
 Act on Facilities Improvement for Persons with Disabilities (1997)
 Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons (2007)

Malaysia

Ratified CRPD (2010)
 Persons with Disabilities Act (2008)

Mexico

Ratified CRPD (2007) and Ratified CRPD Optional Protocol (2007)
 Ley Para Las Personas Con Discapacidad Del Distrito Federal
 Ley General Para La Inclusion de las Personas con Discapacidad (General Act on the Inclusion of Persons with Disabilities)

New Zealand

Ratified CRPD (2008) and Acceded to CRPD Optional Protocol (2016)
 Human Rights Act (1993)
 Human Rights Amendment Bill (2001)
 Disabled Persons Employment Promotion (Real and Related Matters) Bill (May 18, 2004, No. 138-1)
 Disabled Persons Community Welfare Act (1975)
 Health and Disability Services (Safety) Act (2001)
 Intellectual Disability (Compulsory Care and Rehabilitation) Act (2003)
 New Zealand Public Health and Disability Act (2000)
 Health and Disability Commissioner Act (1994)

Papua New Guinea

Ratified CRPD (2013)

Peru

Ratified CRPD (2008) and Ratified CRPD Optional Protocol (2008)
 Law No. 27,050, General Law on Persons with Disabilities (Ley General de la Persona con Discapacidad)
 Supreme Decree No. 102-204-EF (on pay and certifying condition of disability)
 Wage Law 939
 Acts 28,164 and 27,139, amending article of Law No. 27050, General Law on Persons with Disabilities
 Supreme Decree No. 001-2003-TR for Registry of Companies Promoting Persons with Disabilities
 Engagement, RFMI-010-90, January 26, 1990, approving rule and function of National Institute of Rehabilitation
 Presidential Decree No. 0001-89-SA, providing that disabled persons can access vacancies in the three occupational groups of the public sector
 Ministerial Resolution No. 474-88-TR (on persons with visual impairment and physical limitations as telephone operators)
 Presidential Decree No. 037-88-TR (on protection, care and occupation rehabilitation)
 Act 24,759 (on business condition of persons with disabilities)
 Act 24,067 (on regulation of health, education, social work, and advocacy to promote and deliver service for social integration)
 Law 23,285 (on work for people with physical, sensory and intellectual disabilities)
 Ley No. 27050 – Ley Ge

The Philippines

Ratified CRPD (2008)

Magna Carta for the Disabled

2005 Republic Act 9442

1954 Republic Act 1179 (Promotion of Vocational Rehabilitation for Blind and handicapped)

1963 Republic Act 3562 (promoting education of the blind)

1965 Republic Act 4564 (annual sweepstakes for developing and expanding program for physically disabled)

1968 Republic Act 5250 (establishing 10-year training program for special education teacher)

1989 Republic Act 6759 (declaring Aug. 1st as White Cane Safety Day)

1992 Republic Act 7277 (for rehabilitation, self-development and self-reliance of persons with disabilities and integration into mainstream society)

Section 17 of 2007 Republic Act 9433 (providing magna carta for public social workers)

2010 Republic Act 10070 (ensuring implementation of programs and services for persons with disabilities in every province, city, and municipality)

2012 Republic Act 10524

Russian Federation

Ratified CRPD (2012)

Constitution of the Russian Federation, Article 39

Presidential Decree No. 2254, Dec. 22, 1993, on state measure to support all-Russian associations of persons with disabilities

Federal Law No. 122, Aug. 2, 1995, on social services for elderly and persons with disabilities

Federal Law No. 181, Nov. 24, 1995, on social protection for persons with disabilities

Singapore

Ratified CRPD (2013)

1990 Barrier Free Accessibility Code

Mental Capacity Act (2008)

Chinese Taipei

People with Disabilities Rights Protection Act (1980)

Thailand

Ratified CRPD (2008) and Acceded to CRPD Optional Protocol (2016)

1991 Rehabilitation of Disabled Persons Act

The Persons with Disabilities Empowerment Act B.E. 2550 (2007)

The Persons with Disabilities Education Act B.E. 2551 (2008)

Constitution, Article 16 and 21

United States

Signed CRPD (2009)

Section 501, 503, 504, and 508 of the Rehabilitation Act (1973)

Individuals with Disabilities Education Act (IDEA)

The Americans with Disabilities Act (ADA) (1990)

ADA Amendments Act (2008)

The Workforce Innovation and Opportunity Act (2014)

Vietnam Era Veterans' Readjustment Assistance Act of 1974

Viet Nam

Ratified CRPD (2015)

Disability Law 51/2010/QH12 (2010)

Ordinance on Disabled Persons (1998)

The Barrier-Free Access Code and Standards (2002)

Constitution, Article 67

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