

Employment and disability in the European Union

SUMMARY

Approximately one in six people in the European Union (EU) aged 15 and over lives with some kind of disability. Even if there has been an overall improvement in the employment situation of persons with disabilities in the EU (given the increase in employment rates), they still remain among the most disadvantaged groups as regards employment. This phenomenon considerably affects the EU's social integration ability and economic growth.

Alongside and in support of Member States' policies, the EU has introduced a series of legal provisions, initiatives, actions and strategies to improve the employment situation of disabled people. In 2010, the EU signed the UN Convention on the Rights of Persons with Disabilities (CRPD), which is a legally binding international treaty. According to the CRPD, the right to work and employment is a fundamental right (Article 27). The main instrument supporting the CRPD's implementation in the EU is the European disability strategy 2010-2020. Its overall aim is to empower people with disabilities so that they can enjoy their full rights, participate in society and have equal access to employment as others.

Since 2017, the European Pillar of Social Rights has provided further impetus to the active social inclusion of people with disabilities. In relation to the European disability strategy 2010-2020, the European Pillar of Social Rights and the European Semester (established in 2010 as an annual cycle for economic, social and fiscal policy coordination), the EU supports a number of initiatives designed to assist disabled people as regards employment. These include: non-discrimination, workplace adaptations, public employment services, accessibility, financial incentives and EU funding. Since the early 1980s, the European Parliament has given priority to combating all forms of discrimination against disabled people, in particular, as regards employment.

Academics and stakeholders share the view that tackling any kind of discrimination against, and fostering the active inclusion of, people with disabilities in the labour market are equally important for the EU's economy and society.



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Background

The right to work and employment is a fundamental right enshrined in [Article 27](#) of the United Nations Convention on the Rights of Persons with Disabilities (UN [CRPD](#)). However, at European Union (EU) level, only 50.6 % of persons with disabilities are employed, compared to 74.8 % of persons without disabilities. The unemployment rate of persons with disabilities in the EU, aged 20-64, is 17.1 % compared to 10.2 % of persons without disabilities, and the EU activity rate of persons with disabilities (percentage of [active persons](#) in relation to the comparable [total population](#)) is only 61.0 % compared to 82.3 % of non-disabled people. Moreover, women with disabilities, young disabled persons and persons with high support needs are more likely to be discriminated against and excluded from the labour market ([ANED](#), 2017).

Unfortunately, disability is not a marginal phenomenon. According to data collected by Eurofound in its fourth [European quality of life survey](#) (latest data available, 2016), 28 % of EU respondents reported living with a chronic (or a long-standing) physical or mental health problem, illness or disability that hampers them in their daily activities.

European policies

The above phenomenon considerably affects both economic growth and social inclusion levels in the EU, as the integration of people with disabilities in labour markets remains difficult. Alongside and in support of [Member States' policies](#), the EU seeks to improve the employment situation of disabled people and has introduced a series of initiatives, actions and strategies to this end over a number of decades.

Relevant EU and international treaties

As over time the EU has paid increasingly closer attention to the situation of disabled people, the question of what would be the right legal basis for introducing a genuine EU disability policy also became increasingly important.

The rights of persons with disabilities have been enshrined in the EU Treaties since 1997. Article 19 of the [Treaty on the Functioning of the European Union](#) (TFEU, ex-Article 13 TEC) stipulates that 'in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'.

Moreover, Article 26 of the [Charter of Fundamental Rights of the European Union](#), adopted in 2000, is dedicated to the professional and social integration of persons with disabilities: 'All disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration. These measures must concern, in particular, according to the capacities of the beneficiaries, vocational training, ergonomics, accessibility, mobility, means of transport and housing'. Having come into effect in 2009, the Treaty of Lisbon attributed the same legal value to the Charter as the Treaties.

Adopted in 2006, the UN CRPD was the first international legally binding instrument to set minimum standards for the rights of persons with disabilities and the first human rights convention to which the EU became a party. The right to work and employment is a fundamental right enshrined in Article 27 of the convention.

By ratifying the UN CRPD in 2010, the EU associated itself with the efforts agreed at the international level to guarantee the fundamental rights of disabled people.

In 1997, the inclusion of disability in the Treaty of Amsterdam ([Article 13](#)) gave the EU a new competence enabling it to combat discrimination against disabled people.

Moreover, a provision on the integration of disabled people was incorporated into Article 26 of the Charter of Fundamental Rights of the European Union. From that point on, measures taken by the

Member States to guarantee compliance with the Charter were to be guided by the goal to give disabled people the possibility to lead a normal life and be as equally socially integrated as others.

The European disability strategy 2010-2020

In token of its commitment to creating a 'barrier-free Europe', in 2010 the European Commission published a [European disability strategy 2010-2020](#), laying out an action plan to enable persons with disabilities to enjoy their rights in full and to participate in society and the economy on an equal footing with others. It draws on the UN CRPD and complements the [Europe 2020 strategy](#) and the Charter of Fundamental Rights of the EU. The action plan covers eight areas: accessibility, participation, equality, employment, education, social protection and inclusion, and health and external action. As regards employment, the strategy stresses the need to increase the participation of persons with disabilities in the labour market, where they are currently under-represented. The strategy's fourth objective is to 'enable many more people with disabilities to earn their living on the open labour market' by means of:

- analysing the labour market situation of people with disabilities;
- fighting those disability benefit cultures that discourage people with disabilities from entering the labour market;
- helping their integration in the labour market with the use of the European Social Fund (ESF);
- developing active labour market policies;
- making workplaces more accessible;
- developing services for job placement, support structures and on-the-job training;
- promoting the use of the [General Block Exemption Regulation](#), which allows the granting of State aid without prior notification to the Commission.

An [evaluation](#) of this strategy has been launched with the aim to inform the development of a new strategic framework supporting the full integration of persons with disabilities, in particular, into the labour market. To initiate this evaluation process, a [public consultation](#), aimed at assessing the implementation of the current strategy and contributing to the future disability policy, was launched on 31 July 2019 and closed on 13 November 2019. Among other things, it considered the lack of equal opportunities for persons with disabilities in the labour market a key challenge to be addressed over the coming decade.

The European Pillar of Social Rights

The [European Pillar of Social Rights](#), a flagship social initiative jointly launched by the EU institutions and the Member States in November 2017, provides further impetus to the active social and labour market inclusion of persons with disabilities through its Principle 17, expressly dedicated to such persons: 'People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs'.

EU initiatives

In relation to the principles enshrined in the European disability strategy 2010-2020, the European Pillar of Social Rights and the European Semester, the EU supports a number of initiatives designed to assist disabled people as regards employment. These include: workplace adaptations, non-discrimination, public employment services, financial incentives, accessibility and EU funding.

Workplace adaptations

The Employment Equality Directive requires making reasonable accommodation, including workplace adaptations, in favour of persons with disabilities. Concerning the [minimum safety and health requirements for the workplace](#), the issue of specific measures that need to be taken to meet

the needs of workers with a disability (e.g. adapting doors, passageways, staircases, washbasins, lavatories and workstations) is addressed in the 1989 Directive on Health and Safety at Work and reiterated in the European Pillar of Social Rights (Principle 17).

Non-discrimination in employment

Adopted in 2000, the [Employment Equality Directive](#) prohibits discrimination and harassment on the ground of disability (amongst others) as regards employment. The directive recognises that the failure to provide 'reasonable accommodation' in the workplace could constitute discrimination.

Public employment services

Many of the powers relating to public employment services belong to the Member States. However, the [EU network of public employment services](#), established in 2014, provides a platform for cooperation and exchange of good practices, in particular, on disability. All the projects relating to public employment services receiving funding from the [European Social Fund](#) have to comply with accessibility and non-discrimination requirements. In addition, the information provided on the [EURES](#) portal and support services must be accessible to persons with disabilities.

Financial incentives

In order to create more equal opportunities for disadvantaged groups, including people with disabilities, a 2014 [Commission regulation](#) declares certain categories of aid, such as those used to support the employment or training of people with disabilities, compatible with the internal market. Such aid (financial support to companies) is therefore allowed to a certain degree. In 2009, the Commission published a communication establishing [criteria for analysing the compatibility of State aid](#) with EU law for the training and employment of disadvantaged and disabled workers. In particular, aid for employing disabled workers is allowed if the Member State can demonstrate that granting such aid pursues an objective of common interest and can show the necessity and proportionality of such aid.

Accessibility

The 2019 [Accessibility of Goods and Services Directive](#) is also key in the promotion of accessibility for disabled people. This directive aims at improving the functioning of the internal market for accessible products and services, by removing barriers created by different rules in Member States. Even if the provisions concerning the built environment are not binding on Member States, they are encouraged to align their diverging requirements as much as possible. Persons with disabilities should benefit from fewer obstacles when accessing transport, education or the labour market.

EU funding

Under the [European structural and investment funds \(ESIF\) 2014-2020](#), resources are available to support the participation of disabled individuals in the labour market, including through labour market policy measures and infrastructure investment. The [cohesion policy](#) framework sets out 11 thematic objectives, including promoting social inclusion, combating poverty and any discrimination, allowing Member States to allocate funds under the ESIF specifically for delivering

The European Semester

As part of the [European Semester](#) monitoring process, the European Commission's country reports monitor, among other things, actions taken by Member States to enhance the participation of people with disabilities in the labour market. Accordingly, on 5 June 2019, the Commission released its [country-specific recommendations](#) to the Member States. Eighteen Member States saw a specific mention of disability in their recommendations. In most cases, these comments related to stepping up support for persons with disabilities to enter into the labour market and reducing the risk of poverty and/or social exclusion they face. The comments also touched on issues such as educational facilities and, to a lesser extent, community-based services and independent living.

support for people with disabilities (see [thematic objective 9](#) on 'promoting social inclusion, combating poverty and any discrimination'). More specifically,

- the European Social Fund (ESF) is devoted to promoting employment and social inclusion. [Regulation \(EU\) No 1304/2013](#) for the 2014-2020 programming period stipulates that the Member States need to allocate at least 20 % of their ESF resources to [thematic objective 9](#) of the ESF. In practice, Member States have programmed over 25 % of their ESF resources (€21.4 billion out of a total of €83.7 billion) for this thematic objective;
- the European Regional Development Fund (ERDF) supports social, health, education and housing infrastructure, assisted housing and other accessibility. Some €11.9 billion has been allocated to thematic objective 9 under the ERDF, while investment in social infrastructure, which covers support for community-based services for groups including people with disabilities, is worth €4.5 billion ([cohesiondata](#)).

European Parliament

The Disability Intergroup

Since the start of the 1980s, Parliament has given priority to combating all forms of discrimination against disabled people. On the strength of the work by the Disability Intergroup, Members of the European Parliament have adopted a number of decisions concerning the integration of disabled people and the acknowledgement and protection of their rights, calling on the Member States and the Commission to develop norms and regulations in the interest of disabled people (see paragraphs below). The establishment of rights to a decent income, social protection and social security are high on the intergroup's agenda.

The Disability Intergroup

The [Disability Intergroup of the European Parliament](#) is an informal grouping of Members of the European Parliament who are interested in promoting disability-related policy. Established in 1980, it is one of the oldest and largest intergroups in the Parliament. The Disability Intergroup has been a key player in advocating and advancing the rights of persons with disabilities in the EU. The new term (2019-2024) provides the opportunity for the Disability Intergroup to maintain its instrumental position in the adoption of legislation favourable to persons with disabilities.

Resolutions and reports

In its 1996 resolution on the [rights of disabled people](#), Parliament called on the Member States to include a clause on non-discrimination on grounds of disability when the Treaty on European Union was revised, to enact a new legal basis for social programmes, to introduce non-discrimination measures and to treat the rights of disabled people as a civil rights issue. It also called on the Commission to present a new action programme on equalisation of opportunities for disabled people, and to carry out censuses in all the Member States to improve the statistics on the causes or extent of disabilities. Moreover, it called on the EU institutions and Member States to review their access and employment policies.

In March 1998, Parliament advocated the introduction of a [European parking card](#) intended for disabled people and valid throughout the EU.

In its 2011 resolution on the [European disability strategy](#), Parliament pleaded, among other things, for people with disabilities to be involved in all measures and decisions that affect them, and regretted the absence of an integrated gender perspective in the strategy.

In December 2013, Parliament adopted a resolution on [disabled women](#), in which it recalled that they were disadvantaged in a number of ways. They experienced difficulties in gaining access to adequate housing, healthcare, public transport, education, vocational training and employment, were victims of inequality in access to credit and rarely participated in decision-making processes.

Parliament called for the introduction of strategies, legislative initiatives and policies to guarantee non-discrimination and equal opportunities for disabled women.

In 2016, Parliament adopted a resolution on the [implementation of the UN CRPD](#), with special regard to the UN's concluding observations on the state of implementation of obligations under the CRPD. The resolution prompted EU institutions to ensure that all existing and future legislation fully adheres to the CRPD's recommendations. Moreover, several parliamentary questions have addressed the delay in the Commission's mid-term review. In 2017, Parliament adopted an own-initiative [report](#) on the implementation of the European disability strategy. The report stresses, in particular, the need to mainstream equality, gender and non-discrimination, as well as the rights of children with disabilities, into all areas of a future strategy; it furthermore urges the Commission and the Member States to reach out to the most vulnerable, such as the homeless.

On 2 March 2020, following the plenary statement of 17 December 2019 by Commissioner for Equality, Helena Dalli, on the follow-up to the European disability strategy 2010-2020, the Committee on Employment and Social Affairs (EMPL) tabled a [motion for a resolution](#) urging the Commission to deepen its commitment to the rights of persons with disabilities through a comprehensive, long-term, [post-2020 EU disability strategy](#), so that all persons with disabilities and their families could fully enjoy their human rights. The new Disability strategy should include ambitious, clear targets and implementation time frames. It should reflect the diversity of persons with disabilities and mainstream the rights of children with disabilities. An adequate budget for the strategy's implementation and an adequate and well-resourced monitoring mechanism are essential. Persons with disabilities and their representative organisations should be involved in the preparation, implementation, monitoring and evaluation. Disaggregated, comparable data collection should facilitate proper monitoring. The debate in plenary was however postponed, owing to the March session being curtailed following the coronavirus outbreak.

Academics' and stakeholders' views

Academics' views

Amongst others, a 2010 [OECD](#) study on sickness, disability and work shows that, as regards the level of people with disability in employment, the impact of economic growth is less important than the way disability policies are designed.

In 2015, Eurostat issued a publication on the [Employment of disabled people](#), based on the statistical analysis of the 2011 [labour force survey](#). According to the available data, one in seven working-age persons reported a basic activity difficulty, and less than half of persons with basic activity difficulties were employed.

In 2018, [Eurofound](#) published a report examining the social situation of working-age people with disabilities. The report looks at changes over the 2011-2016 period, notably in employment, and highlights the work that must be done to improve the employment situation of people with disabilities, as 'employment security seems to protect more against other social insecurities than merely being employed'.

Stakeholders' views

The [European Disability Forum](#) states that 'guaranteeing access to employment and occupation is a key issue, as it is a crucial aspect for the economic and social inclusion of 80 million persons with disabilities in Europe'.

Along the same lines, the [European Union of the Deaf](#) welcomes the achievements in the context of the European disability strategy 2010-2020, such as the adoption of the European Accessibility Act, the Web Accessibility Directive, the revisions of the European Electronic Communications Code and the Audiovisual Media Services Directive. Nonetheless, the organisation underlines that 'much more needs to be done in the coming decade for the EU to live up to its commitments under the UNCRPD'.

The European Trade Union Confederation ([ETUC](#)) points out that 'disabled people of working age still face massive discrimination in the workplace' and works with the European Disability Forum and other non-governmental organisations to promote equality and maintain vital public services.

[Business Europe](#), during a 2010 conference on 'Disability and personal autonomy through education, universal accessibility and employment', reiterated that 'active inclusion is essential in making use of the full potential of the labour force' and that 'people disadvantaged in terms of labour market inclusion face different challenges which require adapted measures'. During this conference, BusinessEurope pleaded for policies improving active inclusion and accessibility to the labour market.

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