



**Equality Commission for Northern Ireland Response to Department for Employment and Learning (DEL) consultation on a Strategy for 'improving the job prospects and working careers of people with disabilities in Northern Ireland'**

**December 2015**

**Executive Summary**

1. The Equality Commission for Northern Ireland (the Commission)<sup>1</sup> welcomes the formal adoption by the Department of the Supported Employment model but recommends that further consideration is given to mainstreaming funding for the model.
2. We also welcome the proposal to develop a new 'Pathway to Employment' but recommend that further consideration is given to making the service accessible and to increasing awareness of the employment options available.
3. The Commission recommends that the Department ensures that appropriately disaggregated data relating to the Employment for People with Disabilities Strategy (EPDS) is collected, analysed and made available.

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<sup>1</sup> See Annex 1.

4. We welcome the commitment in the draft EPDS to ‘considering flexibilities within existing programmes and services that would support disabled people in part-time employment.
5. We also welcome the opportunity to continue to work in partnership with the Department, the Northern Ireland Union of Supported Employment (NIUSE) and sector-specific employers to promote positive action to secure and facilitate the employment of disabled people.
6. The Commission recommends that representation of disabled people in the Disability Stakeholder Forum should be given further consideration by the Department with a view to ensuring that the multiple identities of persons with disabilities are better reflected and that the risk of tokenism is avoided.
7. The Commission wishes to draw attention to the need for wider issues with the potential to impact on the employment of persons with disabilities, such as legal redress against discrimination and accessible transport, to be addressed in the context of a whole of Government approach facilitated by an effective overarching Disability Strategy.

## **Introduction**

8. The Equality Commission for Northern Ireland welcomes the opportunity to respond to the Departments’ consultation on a Strategy for ‘improving the job prospects and working careers of people with disabilities in Northern Ireland’ (the Employment for People with Disabilities Strategy)(EPDS)
9. The Commission acknowledges the aim of the policy, ‘To directly assist disabled people to find, sustain and progress within paid employment; or to start up a business by providing comprehensive

and tailored disability employment services which will lead to greater access to and participation in a range of pre-employment support options and ultimately to increase the number of disabled people who will secure successful job and career outcomes'.

10. The Commission welcomes the proposals contained within the Strategy, which are intended to help promote economic, social and personal inclusion through supporting people with disabilities<sup>2</sup> to find and retain suitable work with a specific focus on people who have significant disability related barriers to employment, including people with learning disabilities and difficulties, long-term mental ill-health, sensory impairment, autism, neurological conditions, more severe sensory and physical disabilities.
11. There is clear evidence of the economic exclusion of disabled people. The key features of this exclusion are set out below.
12. With respect to the employment gap experienced by persons with disabilities, just under a third (32.8%) of disabled persons are in employment compared to 78.1% of non-disabled persons<sup>3</sup>.
13. Conversely, the majority of those with a disability (60.1%) are economically inactive, compared with 17.8% of those without a disability<sup>4</sup>. In July 2015 persons with disabilities made up 32% of the

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<sup>2</sup> One in five persons (20.5%), aged 16-64, in Northern Ireland has a current long-term disability compared to 19.0% for the UK as a whole. This proportion was higher for females (22.4%) than for males (18.6%), equating to 131,000 disabled women and 107,000 disabled men. Source: Department of Finance and Personnel (May 2015): *LFS Quarterly Supplement: January - March 2015*, page 3.

Available at: [http://www.detini.gov.uk/lfs\\_quarterly\\_supplement\\_january\\_-march\\_2015\\_new.pdf?rev=0](http://www.detini.gov.uk/lfs_quarterly_supplement_january_-march_2015_new.pdf?rev=0)

<sup>3</sup> Department of Finance and Personnel (May 2015): *LFS Quarterly Supplement: January - March 2015*, page 3. Available at: [http://www.detini.gov.uk/lfs\\_quarterly\\_supplement\\_january\\_-march\\_2015\\_new.pdf?rev=0](http://www.detini.gov.uk/lfs_quarterly_supplement_january_-march_2015_new.pdf?rev=0)

<sup>4</sup> Department of Finance and Personnel (May 2015): Op. Cit., page 24. Further information available at: [http://www.detini.gov.uk/lfs\\_quarterly\\_supplement\\_january\\_-march\\_2015\\_new.pdf?rev=0](http://www.detini.gov.uk/lfs_quarterly_supplement_january_-march_2015_new.pdf?rev=0)

total figure of those classed as economically inactive in Northern Ireland<sup>5</sup>.

14. Almost three times the proportion of disabled persons have no qualifications compared to non-disabled persons. Overall, persons with a disability are less qualified than those without. In particular, only 10.7% of those with a disability held a degree or equivalent qualification, compared with 24.9% of non-disabled persons. Thirty five percent of those with a disability had no qualifications, almost three times the proportion of those without a disability (12.2%)<sup>6</sup>.
15. According to a 2013 survey, most people claiming the main unemployment benefit, Job Seekers Allowance, had worked since 2010. This figure contrasts significantly with the experience of persons with disabilities which show just 12% of respondents with a disability had worked since 2010<sup>7</sup>.
16. As a result of the economic downturn, it has been increasingly difficult for people with disabilities to obtain work placements due to recruitment freezes and cutbacks by employers, thereby inhibiting progress into employment<sup>8</sup>.
17. Furthermore, significant attitudinal barriers to employment for people with disabilities remain. For example, a recent equality awareness survey in Northern Ireland found that 26% of respondents

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<sup>5</sup> Northern Ireland Statistics and Research Agency (July 2015): *Northern Ireland Labour Market Report*, page 23. Further informational available at: [http://www.detini.gov.uk/labour\\_market\\_report\\_-\\_july\\_2015\\_final\\_.pdf?rev=0](http://www.detini.gov.uk/labour_market_report_-_july_2015_final_.pdf?rev=0)

<sup>6</sup> Ibid, page 23.

<sup>7</sup> Department for Social Development (October 2013): 'Work and the welfare system: a survey of benefits (social security) and tax credits recipients in Northern Ireland', page 30, final paragraph, (Belfast: DSD). See also table 3.2 - length of time out of work by benefit type, age, disability and gender. Available at: [http://www.dsdoi.gov.uk/work\\_and\\_the\\_welfare\\_system\\_a\\_survey\\_of\\_benefits\\_and\\_tax\\_credits\\_recipient\\_s\\_in\\_northern\\_ireland.pdf](http://www.dsdoi.gov.uk/work_and_the_welfare_system_a_survey_of_benefits_and_tax_credits_recipient_s_in_northern_ireland.pdf)

<sup>8</sup> Equality Commission for Northern Ireland (2010): *Employment Inequalities in an Economic Downturn*, concluding paragraph, page 62. Available at: <http://www.equalityni.org/Publications/Delivering-Equality/Employment-inequalities-in-an-economic-downturn?ID=441> The research also drew attention to an increase in the number of queries from people with disabilities in work concerned about the impact of their sickness record on their job security.

stated that they would mind having a person with mental ill health as a colleague<sup>9</sup>.

18. An examination of inquiries to the Equality Commission's Discrimination Advice Team across each of the discrimination grounds reveals that the highest number relate to disability discrimination with respect to employment, representing 38% in 2013-14 and 34% in 2014-15.

19. The Independent Mechanism for Northern Ireland (IMNI) notes that while the Department for Employment and Learning provides a number of programmes to support persons with disabilities in Northern Ireland into employment such as Access to Work NI<sup>10</sup>, evidence from the disability sector indicates that these programmes have not effectively supported people with more complex disabilities requiring a high level of personalised and ongoing support to access and retain employment and did not include accurate statistics and targets utilising appropriately disaggregated data to identify what progress has been made in this area<sup>11</sup>.

20. The Commission further notes that the consultation document acknowledges that 'a critical gap remains in relation to how disability services link with each other, and specifically at key transition points between education and/or skills training, and the critical area of active job search'<sup>12</sup>.

21. Although the Disability Strategy for Northern Ireland identifies working towards increasing the number of people with disabilities

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<sup>9</sup> Equality Commission for Northern Ireland (2011): 'Do You Mean Me?', page ii. Available at: <http://www.doyoumeanme.org/teacher-guide/>

<sup>10</sup> Access to Work offers practical assistance to people with disabilities to maintain employment such as special aids and equipment, travel to work costs, support workers etc. Further information available at: <http://www.nidirect.gov.uk/access-to-work-practical-help-at-work>

<sup>11</sup> Equality Commission for Northern Ireland (2012): Notes of UNCRPD Work and Employment Workshop, 7 March 2012 (unpublished).

<sup>12</sup> Department of Employment and Learning (October 2015): Consultation on a Strategy for 'improving the job prospects and working careers of people with disabilities in Northern Ireland', page 5. Available at: <https://www.delni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>

entering all levels of employment as a strategic priority<sup>13</sup>, no specific actions to achieve this are set out<sup>14</sup>.

22. In this context, we endorse the proposed development of a dedicated strategy to co-ordinate and better deliver existing support and to provide additional specialist support for people with disabilities to help them prepare for and move into employment, or for those already in work, who want to develop their career so that they can fulfil their potential<sup>15</sup>.
23. The Commission recommends that the EPDS should explicitly reference Article 27 of the UNCRPD, ‘Work and employment’. Article 27 1 requires that States Parties ‘recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities’ and ‘ensure that reasonable accommodation is provided to persons with disabilities in the workplace’<sup>16</sup>.

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<sup>13</sup> Office of the First Minister and the deputy First Minister (2013): ‘A Strategy to improve the lives of people with disabilities 2012-2015’, pages 22-23 (Belfast: OFMdFM). Available at:

<http://www.ofmdfmni.gov.uk/disability-strategy-2012-2015-revised-010313.pdf>

<sup>14</sup> In the Commission’s response to the consultation on the Disability Strategy (available at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/UNCRPD-Disability/Policy-responses>), we recommended that the Strategy takes into account the need to ensure:

- that people with disabilities already in employment can be retained in employment;
- that people with complex disabilities are given the opportunity to find employment, where possible;
- a smooth transition from unemployment to employment;
- full consideration to Article 27 of the UNCRPD, including the requirement to promote opportunities for self-employment and entrepreneurship.

We **recommended** that any action measures to promote employment under this Strategic Priority be sufficiently flexible to ensure that the move from benefit to employment does not impose an unintended financial penalty on people with disabilities (pages 34-38).

<sup>15</sup> Department of Employment and Learning (October 2015): Consultation on a Strategy for ‘improving the job prospects and working careers of people with disabilities in Northern Ireland’, page 7. Available at:

<https://www.delni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>

<sup>16</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 27. See:

<http://www.un.org/disabilities/convention/conventionfull.shtml>

## **Theme 1: Supporting people to secure paid employment**

24. The Commission welcomes the formal adoption of the model of Supported Employment for people with significant disabilities seeking to find and retain paid employment and acknowledges that nine Supported Employment Officers have already been put in place and that a further three Officers will be appointed.
25. However, the Commission understands that Supported Employment initiatives will continue to be supported through the European Social Fund (ESF). While DEL has provided matching funding for some ESF funded supported employment projects, long-term and mainstream funding for these has not been secured. We note the acknowledgement from DEL representatives to the Employment and Learning Committee in May 2013 in its Special Educational Needs Post 19 Briefing, that ESF funded projects were the main source of support for people with complex support requirements to access educational training and employment opportunities<sup>17</sup>. The consultation document, while noting that ‘many countries acknowledge that the Supported Employment Delivery Model has proven to be very effective, in helping people with more significant disabilities into sustained employment, few have implemented it as a mainstream employment service’.
26. The Commission urges the Department to take into account the emphasis in the UNCRPD on the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development<sup>18</sup>.
27. In the absence of mainstreaming, the Department may wish to consider ring fencing the matching funding to ensure that ESF monies can be fully utilised.

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<sup>18</sup> United Nations Convention on the Rights of Persons with Disabilities, Preamble (g). See: <http://www.un.org/disabilities/convention/conventionfull.shtml>

28. We welcome the proposal to develop a new ‘Pathway to Employment’, including a clear sign posting and referral service for all people with significant disability related barriers.
29. The Commission recommends that in developing the service, consideration is given to the requirements of Article 8 of the UNCRPD, ‘Awareness raising’ and Article 9, ‘Accessibility’<sup>19</sup> in order to make persons with disabilities, including those with intensive support requirements, fully aware of the training, work experience and employment options open to them in a way that is fully accessible.
30. The Commission welcomes the commitment by the Department in the draft EPDS to ‘development of robust management information systems that will enable the Department to track the progress of all clients who are being supported through the range of disability services and programmes’<sup>20</sup>. Article 31, ‘Statistics and data collection’, of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires that States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention. Information shall be disaggregated, as appropriate, and used to help assess the implementation of the States Parties obligations under the Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights. Furthermore, States Parties are required to assume responsibility for dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

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<sup>19</sup> United Nations Convention on the Rights of Persons with Disabilities, Articles 8 and 9. See:  
<http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>20</sup> Department of Employment and Learning (October 2015): Consultation on a Strategy for ‘improving the job prospects and working careers of people with disabilities in Northern Ireland’, page 27. Available at: <https://www.delni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>

31. A number of key themes have emerged in the jurisprudence arising from the UNCRPD Committee's Concluding Observations to date:

- Systemize the collection, analysis and dissemination of statistics and data<sup>21</sup>;
- Capture data which can be disaggregated by age, gender, type of disability, place of residence, and cultural background<sup>22</sup>;

32. Independent research commissioned by the Equality Commission concluded that it was 'currently extremely difficult to measure the effectiveness of public policy in relation to people with disabilities' and this was due to a lack of co-ordinated and effective monitoring to quantify the impact of policy change<sup>23</sup>.

33. Moreover, the research found that statistics on policies and programmes were very rarely disaggregated to give information on persons with disabilities or on the type of disability<sup>24</sup>.

34. DEL's Briefing on SEN Post 19 provision to the Employment and Learning Committee highlighted that the Department does not

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<sup>21</sup> CRPD/C/ARG/CO/1 Concluding Observations: Argentina, at para 50; CRPD/C/AUT/CO/1 Concluding Observations: Austria, at para 51; CRPD/C/SLV/CO/1 Concluding Observations: El Salvador, at para 64; CRPD/C/HUN/CO/1 Concluding Observations: Hungary, at para 47; CRPD/C/ESP/CO/1 Concluding Observations: Spain, at para 50; CRPD/C/PER/CO/1 Concluding Observations: Peru, at para 47; and CRPD/C/TUN/CO/1 Concluding Observations: Tunisia, at para 37.

<sup>22</sup> CRPD/C/ARG/CO/1 Concluding Observations: Argentina, at para 50; CRPD/C/AUT/CO/1 Concluding Observations: Austria, at para 54; CRPD/C/SLV/CO/1 Concluding Observations: El Salvador, at para 64; CRPD/C/HUN/CO/1 Concluding Observations: Hungary, at para 50; CRPD/C/PRY/CO/1 Concluding Observations: Paraguay, at para 72; CRPD/C/ESP/CO/1 Concluding Observations: Spain, at para 50; and CRPD/C/TUN/CO/1 Concluding Observations: Tunisia, at para 37.

<sup>23</sup> Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): 'Disability programmes and policies: How does Northern Ireland measure up? – Monitoring implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland', page 253 (Belfast: Equality Commission).

<sup>24</sup> Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): 'Disability programmes and policies: How does Northern Ireland measure up? – Monitoring implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland', page 254 (Belfast: Equality Commission).

monitor whether people with learning disabilities access employment/training opportunities after leaving further education<sup>25</sup>.

35. The Commission **recommend** that the Department ensure that appropriately disaggregated data relating specifically to the Disability Employment Strategy is collected, analysed and made available.

### **Theme 2: Job retention and career development**

36. The Commission welcomed the flexible approach to the application of the 'Access to Work' scheme piloted in 2014 at Queens University Belfast which enabled disabled persons with complex support requirements to gain twelve months work experience (previously the scheme had been limited to supporting people in employment and excluded pre-employment measures).
37. The restrictions relating to support for disabled people in employment had previously been highlighted to the Commission during a series of workshops on work and employment rights held with persons with disabilities and NGOs during 2012<sup>26</sup>.
38. One major barrier was identified as the requirement that both discrete and mainstream government programs to support disabled people into work were only engaged when over 16 hours per week were worked. Paradoxically, disabled people who are unable to work 16 hours per week, often require the most support. The Preamble to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) specifically requires that States Parties recognise the need to promote and protect the human rights of all

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<sup>25</sup> Department For Employment and Learning (2013): Briefing to the Committee for Employment and Learning Special Educational Needs Post 19: DEL Briefing. Available at: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/May-2013/Special-Educational-Needs-Post-19-DEL-Briefing/>

<sup>26</sup> Equality Commission for Northern Ireland (2012): notes from United Nations Convention on the Rights of Persons with Disabilities Work and Employment Workshop – 7<sup>th</sup> March 2012 (unpublished).

persons with disabilities including those who require more intensive support<sup>27</sup>.

39. It is encouraging, therefore, to see the commitment by the Department in the draft strategy to ‘considering flexibilities within existing programmes and services that would support disabled people in part-time employment’<sup>28</sup>. The Commission understands that the revised trigger for the engagement of employment support programmes will be eight hours.

### **Theme 3: Working with employers**

40. The Equality Commission welcomes the continued partnership working with the Department and the Northern Ireland Union for Supported Employment (NIUSE), together with sector specific employers, to develop a best practice recruitment/support model for disabled people focusing on the positive action duties under the Disability Discrimination Act. As part of this model a practical recruitment tool for employers, has been developed to assist them in understanding the barriers and the reasonable adjustment duty as it applies to disabled people in recruitment. The partnership, with key employers and NIUSE, will continue to encourage employers to showcase and publicise examples of good practice.

41. Disability legislation in Northern Ireland is characterised by an ‘asymmetrical’ approach introduced by the Disability Discrimination Act 1995. The asymmetrical approach to disability discrimination law is a fundamental acknowledgement that disabled people are a particularly vulnerable group in society and need additional support in the form of legislation to enable them to live and work on an equal

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<sup>27</sup> United Nations Convention on the Rights of Persons with Disabilities, Preamble, (j). Available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#preamble>

<sup>28</sup> Department of Employment and Learning (October 2015): Consultation on a Strategy for ‘improving the job prospects and working careers of people with disabilities in Northern Ireland’, page 27. Available at: <https://www.delni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>

basis as non-disabled people. It means that disabled people can be treated more favourably than non-disabled people.

### **Theme 4: Research and development**

42. The Commission welcomes the proposed focus on research, development and innovation on disability skills and employment issues to underpin the development of the strategy as well as the proposed cost saving evaluation that will seek to demonstrate the long term financial savings that will be achieved through supporting people with significant disabilities into sustained employment.

### **Theme 5: Strategic partnership and engagement**

43. The Commission also welcomes the proposal by the Department to develop a Disability Stakeholder Forum as a framework to ensure continuous and meaningful engagement between all of the key stakeholders, including people with disabilities. This is accordance with the requirements of Article 4.3 of the UNCRPD which states that:

‘In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities...through their representative organisations’<sup>29</sup>.

44. The Commission notes that the consultation document states that the Forum will include ‘at least one person who has a disability and therefore understands exactly what is required to overcome the barriers that people face’<sup>30</sup>. The Department may wish to give

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<sup>29</sup> Available at: <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>30</sup> Department of Employment and Learning (October 2015): Consultation on a Strategy for ‘improving the job prospects and working careers of people with disabilities in Northern Ireland’, page 44. Available at: <https://www.delni.gov.uk/consultations/employment-strategy-people-disabilities-consultation>

consideration to including more than one person with a disability in order to better reflect the multiple identities of persons with disabilities. Additional representation would also help mitigate the risk of tokenism and contribute further towards the fulfilment of the positive disability duty to encourage the participation of disabled people in public life<sup>31</sup> and Article 29 of the UNCRPD<sup>32</sup>.

## Other issues

### *Legal Reform*

45. Finally, in order to underpin an effective disability employment strategy, the Commission recommends that disability discrimination law is reformed. With regard to employment, we specifically recommend that employers are prohibited from asking questions about a job applicant's health or disability prior to making a job offer (on a conditional or unconditional basis) except in specified circumstances. This includes asking questions as part of the application process and during interview. Questions of this nature can deter disabled people from applying for jobs and their removal from the application process will ensure disabled applicants can be assessed solely on their ability to do the job. Prohibiting such questions (except in permitted circumstances<sup>33</sup>) is also designed to reduce discrimination by some employers against disabled applicants, who reject the disabled person's application once they become aware of the person's disability. These changes will ensure greater protection for disabled applicants against unlawful

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<sup>31</sup> Under Section 49A of the Disability Discrimination Act 1995 (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when carrying out their functions must have due regard to the need to:

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life.

<sup>32</sup> Article 29, 'Participation in political and public life'. Available at:

<http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>33</sup> Employers can still, for example, ask health related questions in order to establish whether the person requires reasonable adjustments during the recruitment process; or whether or not the applicant is able to undertake a function that is intrinsic to the job (with reasonable adjustments in place, as required); or in order to monitor diversity in the workplace.

discrimination when seeking employment and are in line with changes which have been implemented in Great Britain<sup>34</sup>.

### *Accessible transport*

46. Issues and concerns about barriers to work opportunities arising from inadequate transport provision, including the particular transport needs of people with a learning disability in rural areas were raised to the Equal Lives Review<sup>35</sup>. Furthermore the CRPD Evidence Gathering Workshops<sup>36</sup> organised by the Independent Mechanism for Northern Ireland indicated that accessible infrastructure and modes of travel remained a key priority. The Commission has previously highlighted the need for greater investment in travel support schemes for people with learning disabilities to enable independent access to training and employment opportunities<sup>37</sup> as well as to the health services which enable people to remain fit for work. Access to community transport has since been further reduced as a result of budget cuts<sup>38</sup>.

### *Whole of Government approach*

47. The Commission **recommends** that these issues are addressed in the context of a whole of government approach facilitated by an effective overarching Disability Strategy<sup>39</sup>.

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<sup>34</sup> Further details of the Commission's proposals for reform of disability discrimination legislation can be found at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Research-investigations>

<sup>35</sup> Equal Lives Review (September 2005). Op Cit., paragraph 5.10, bullet point 1, page 49.

<sup>36</sup> IMNI (April/March 2012). Op Cit., CRPD Article 27/28 Evidence Gathering Workshops.

<sup>37</sup> Equality Commission for Northern Ireland (2013): 'Evidence from the Equality Commission for Northern Ireland to the Committee for Employment and Learning Inquiry into Post Special Educational Needs Provision in Education, Employment and Training for those with Learning Disabilities', pages 75-76, Available at: <http://www.niassembly.gov.uk/globalassets/Documents/Employment-and-Learning/inquiries/post-sen/written-submissions/The-Equality-Commission.pdf>.

<sup>38</sup> Belfast Telegraph (4 December 2015): 'Disabled and elderly to suffer as community transport budget slashed by a third in £60m DRD cuts'. Available at: <http://www.belfasttelegraph.co.uk/news/northern-ireland/disabled-and-elderly-to-suffer-as-community-transport-budget-slashed-by-a-third-in-60m-drd-cuts-31151437.html>

<sup>39</sup> Independent Mechanism for Northern Ireland (2012): Response to OFMDFM consultation on "A strategy to improve the lives of disabled people 2012 – 2015". Available at: <http://www.equalityni.org/Delivering-Equality/Consultancy-responses/Consultation-Response-Files/2012/UNCRPD-IMNI-response-to-OFMDFM-disability-strategy>

## **Annex 1: The Equality Commission for Northern Ireland**

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
  - keeping the legislation under review;
  - promoting good relations between people of different religious belief and / or political opinion.
4. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (CRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of CRPD in Northern Ireland

## **Annex 2**

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

#### ***Article 27 - Work and employment***

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- g) Employ persons with disabilities in the public sector;

- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

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