

6 December 2021

Ms Janna Iskakova

Secretariat

United Nations Convention on the Rights of Persons with Disabilities

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights  
(OHCHR)

Palais Wilson - 52, rue des Pâquis

CH-1201 Geneva (Switzerland)

Dear Ms Iskakova

**Call for submissions: Draft General Comment on article 27 on the right of persons with disabilities to work and employment**

The Equality Commission for Northern Ireland is pleased to be able to respond to the call for submissions on the draft General Comment on article 27.

The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated, under Article 33 (2) of the United Nations Convention on the Rights of Persons with Disabilities ([UNCRPD](#)), as the Independent Mechanism for Northern Ireland (IMNI) to promote, protect and monitor the implementation of the Convention here<sup>1</sup>.

Together with the Scottish Human Rights Commission and the Equality and Human Rights Commission we comprise the United Kingdom Independent Mechanism (UKIM).

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<sup>1</sup> Further information about the work of the Independent Mechanism for Northern Ireland is available [here](#)

## **Disabled people and employment inequalities in Northern Ireland**

The Commission's [Statement of Key Employment Inequalities in Northern Ireland](#) (2018) found that there are inequalities for disabled people in relation to participation in employment. There is a persistent employment gap between people with and without disabilities. People with a disability are more likely to be not working and not actively looking for work (economically inactive) than people without disabilities; consequently, they are much less likely to be in employment than people without disabilities.

The Commission acknowledges that when considering the employment gap, the gap in educational attainment needs to be considered and addressed; people with disabilities are more likely to have no or fewer qualifications compared to people without disabilities, which may impact on their ability to gain employment in the first instance.

However, even when level of attainment is accounted for, disabled people are less likely to be working than non-disabled people with equivalent qualifications. People with disabilities, however, face wider barriers such as access to transport, the physical environment and limited support in employment, all of which can impact on their ability to participate in employment.

The Commission has found that among people with disabilities, people with mental health issues and/or a learning disability are less likely to be employed than people with hidden disabilities, progressive or other disabilities or physical and/or sensory disabilities.

Furthermore, people with disabilities are more likely to experience prejudice in employment than those without disabilities. Among people with disabilities, people with mental health issues are most likely to be viewed negatively as a work colleague or boss. This stigma and prejudice may impact on the sustainability of employment for people with disabilities. Disability-related discrimination complaints represent the highest number of enquiries, with respect to employment, to the Equality Commission's Discrimination Advice Team.

Furthermore, the UK Independent Mechanism (UKIM) has highlighted the persistence of a disability pay gap, noting that the size of the pay gap varies depending on the exact nature of the disability. The pay gaps for those with neurological disorders, mental health conditions, learning difficulties or disabilities<sup>2</sup> tend to be large.<sup>3</sup> The pay gaps for those with physical impairments are substantial. UKIM noted that men with physical impairments generally experience pay gaps in the range of 15 to 28 per cent, depending on the nature of the disability<sup>4</sup>.

Research published by the Office for National Statistics (2018) showed that the pay gap was widest for those with a mental impairment, at 18.6%). This was followed by those with a physical impairment at 9.7%, whilst those with other impairments had the narrowest pay gap of 7.4%.<sup>5</sup>

### **UNCRPD Committee General Comment on Employment**

The Commission welcomes the development of a draft General Comment on the Right to Employment elaborating on the rights outlined in Article 27 of the UNCRPD.

### **Equality and non-discrimination**

We note that the General Comment emphasises the obligation on the State Party to achieve de facto equality and ensure non-discrimination on the grounds of disability in relation to the right to work and employment, including the provision of reasonable accommodation.

### **Disability Employment Strategies**

We also welcome the clarification by the Committee, at paragraph 67 of the draft General Comment, and in the context of an imminent consultation by the Northern Ireland Executive on a Disability

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<sup>2</sup> This includes people with a wide range of disabilities, from dyslexia to severe intellectual impairments.

<sup>3</sup> For example: Men with epilepsy experience a pay gap close to 40 per cent (it is around 20 per cent for women); men with depression or anxiety have a pay gap of around three per cent and women have a pay gap of 10 per cent; men with mental illness, or suffering from phobia, panics or other nervous disorders, experience a pay gap of around 40 per cent (the pay gap for women was not statistically significant); men with learning difficulties or disabilities have a pay gap of around 60 per cent (the pay gap for women was not statistically significant).

<sup>4</sup> UKIM (2017): [Disability Rights in the UK](#), paragraph 80, page 53.

<sup>5</sup> Office for National Statistics (2018): [Disability Pay Gaps in the UK](#), Figure 6.

Employment Strategy for Northern Ireland, of the obligation on the State Party to not only adopt a national policy and detailed action plan but also to ensure that this is underpinned by sufficient resources to increase participation in work of persons with disabilities, particularly among women with disabilities.

Furthermore, paragraph 73 of the draft General Comment confirms that the strategy and plan of action should be devised and periodically reviewed with close consultation and active involvement of persons with disabilities and their representative organizations. The Committee advises that the strategy and plan of action should also include indicators and benchmarks, to enable monitoring of progress.

### **Those furthest from the labour market**

However, one additional issue that the Commission **recommends** be included in the General Comment is the need for a Disability Employment Strategy to not only enable those nearest to the labour market to access sustainable employment but also to support disabled people furthest from the labour market, often people with complex disabilities, to access such employment. Without explicit reference to actions to target persons furthest from the labour market, there is a risk that disability strategies will simply seek focus on those who need the least support.

The Commission notes that the draft General Comment highlights the right to supported employment, including to work assistance, job coaching and vocational qualification programmes.

The Commission suggests that the Committee may wish to consider amending the General Comment to further reference supported employment as a particular means of reaching those furthest from the labour market.

If you require any further information, please contact me.

Yours sincerely

Paul Noonan

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