

EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to the Department for Communities Consultation on the Employment Support Scheme Cessation of Funding Equality Impact Assessment

Executive Summary

- i. This response is set out in two parts, as follows:
 - Part 1: Section 75 advice (Page 3 to 5);
 - Part 2 - Public Policy Comments (Pages 6 to 15).¹
- ii. The Commission welcomes the opportunity to respond to the Department for Communities ('the Department') consultation on their Equality Impact Assessment (EQIA) of potential equality implications arising from a proposal to cease funding for the Employment Support Scheme (ESS).
- iii. The EQIA presents insufficient, relevant data against which to assess the equality impacts; the proposed mitigations are unclear as to how they address the adverse impacts of the proposed policy; and there is no consideration of alternative policies at all.
- iv. The Department does not appear to have consulted with people and employers impacted by this policy proposal. The EQIA provides no monitoring arrangements.

¹ If you would like to discuss any aspect of this advice further, please contact the following Officers:
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- v. The Commission recommends that the Department takes further action to identify the potential impact of funding cessation. This should include consultation with participating employers to identify how many of the 249 disabled people may lose their jobs as a direct consequence of the proposed funding cessation.
- vi. The Commission also recommends that the Department seeks to identify if there are any mitigation measures or alternative options that may address potential adverse impacts for participants arising from the proposed cessation of the scheme.
- vii. The Commission note that a significant and ageing population of participants remain supported by the scheme almost twenty years after it was closed to new entrants.
- viii. The Employability Support Programme has been operational for a long period and had a transformational impact on the lives of many people, including those supported but also their families and more broadly in society. It would add considerably to our understanding of disability support programmes if there was a thorough review of its impacts before cessation of funding.
- ix. This is a unique opportunity for a longitudinal examination of the programme and, in documenting the life-changing opportunities, to inspire with real life stories of how peoples' lives were transformed through access to work. The Department has a strong commitment to supporting people with disabilities. It would be beneficial to see the programmes achievements celebrated.

1 Section 75 Advice Summary

- 1.1 The EQIA presents insufficient, relevant data against which to assess the equality impacts; the proposed mitigations are unclear as to how they address the adverse impacts of the proposed policy; and there is no consideration of alternative policies at all.
- 1.2 The Department does not appear to have not consulted with people and employers impacted by this policy proposal. The EQIA provides no monitoring arrangements.
- 1.3 Other anti-discrimination and employment law issues may arise although no consideration of these is included in the consultation.

Policy Scoping

- 1.4 The EQIA states 'The purpose of this document is to record the findings of the Draft EQIA and invite comments.' The purpose of an EQIA as noted above is to assess the potential equality and good relations impacts of a proposed policy and consider mitigation and alternative formats that will address adverse impacts and seek opportunities to promote equality of opportunity and good relations.

Section 75 data /evidence / assessment of impacts

- 1.5 Data from scheme participants should be utilised and be broken down by different categories of disability i.e. to assess whether people with certain type of disability are more likely to be impacted.
- 1.6 Consideration of data relating to employers also should be taken into account, e.g. the likelihood of contracts of employment ending and the redundancy implications arising from this.

- 1.7 There is no data on the likelihood of people in this group accessing alternative employment. The EQIA states ‘In the year 2024/25, the employer of 19 participants no longer availed of the funding through the Employment Support Scheme. Some of these 19 availed of support from an alternative funded programme by the Department’. This appears to provide a data gathering opportunity, although there has been no assessment of this.
- 1.8 The Department states in the EQIA that that ‘any redundancy is not a direct impact of a cessation of funding. Any redundancies will be a decision for the employer of the Employment Support Scheme participant.’ This policy decision will have a direct adverse impact on the employability of a large group of disabled people. If scheme participants are made redundant, this will likely have negative life changing consequences for the 249 disabled people and their families.

Consultation

- 1.9 The Commission notes that information has been provided, during the consultation period, on the Departments website in an Easy Read format as well as BSL and ISL videos. It is unclear whether all the alternative formats were available from the start of the consultation period. If not, in line with the Department’s equality scheme commitments, the Department should ensure that anyone requiring the use of these formats has equal time to respond to the consultation.
- 1.10 The Department has a range of equality scheme consultation arrangements (normally Chapter 3) including face to face engagement with those affected by this policy. It is unclear what engagement the Department undertook directly with those affected including scheme participants, employers and relevant disability groups etc.
- 1.11 It is important that the Department is open minded, during and after the consultation, to consider the equality and good relations impacts raised during consultation and consider alternative policies and mitigations to address the adverse impacts of this proposed policy.

Mitigation / consideration of alternative policies

- 1.12 The Department states the mitigation provides 'personalised support'. There is no commitment in the proposal to put the personalised support in place before cessation of funding. Mitigation could include work to transition participants in the employment support programme to the 'personalised support' or otherwise to assist them with remaining in their current or suitable alternative employment.
- 1.13 The EQIA (Easyread version) states as noted above 'We cannot be sure what will happen if the funding stops. It will be up to their bosses to decide what to do'. The decision-maker is required to have '[asked] the right question and take reasonable steps to acquaint themselves with the relevant information to enable them to answer it correctly'. It is most commonly described as a duty to make sufficient or due inquiry. The Department should consider the extent to which this requirement has been met.
- 1.14 There is no consideration of Alternative policies including no consideration of maintaining the scheme (which has been closed to new participants for some time) for those currently still availing of it, or of phasing it out on a gradual basis to allow participants time to transition into other employment with support from the other programmes listed.

Section 75 monitoring

- 1.15 There are no Section 75 monitoring arrangements for this proposed policy. The Department's equality scheme requires arrangements to monitor the impacts of the policy, disaggregated by S75 category, once adopted and record these arrangements in the screening/EQIA document.
- 1.16 Further advice relating to establishing appropriate Section 75 monitoring arrangements is available here: [Section 75 Monitoring Guidance for Public Authorities \(pdf\)](#) - [Addendum to the S75 Monitoring Guide \(pdf\)](#).

2 Public Policy Recommendations

- 2.1 The Commission welcomes the opportunity to respond to the Department for Communities ('the Department') consultation on their Equality Impact Assessment (EQIA) of potential equality implications arising from a proposal to cease funding for the Employment Support Scheme (ESS).
- 2.2 The Department sets out that '*The Employment Support Scheme has been delivered in Northern Ireland since 1981, providing a wage subsidy and support to people who, although capable of meaningful employment, experience several barriers to employment due to the severity of their disability.*'
- 2.3 The Commission understands that this proposal is being considered due to the constrained financial position that the Department finds itself in.
- 2.1 This response seeks to highlight the potential for adverse impacts arising from the cessation of ESS funding. The Commission recommends that the Department takes further action to identify the scale of potential adverse impacts for disabled people supported by the scheme and consider related mitigation measures or alternative options.

Scheme Deficiencies and Closure

- 2.2 The Commission note that ESS was closed to new entrants in 2006 and replaced by Workable (NI).² This action arose due to deficiencies identified and a view that the scheme was outdated and no longer adequately supports disabled people in work.³
- 2.3 The Commission note that while ESS is more weighted on a wage contribution rather than support, Workable (NI) offers a more tailored and long-term support approach with an emphasis on progression to open unsupported employment.

² Workable (NI) offers different types of support for individuals including job coaching and mentoring, focuses on providing tailored support for both individuals and employers, agrees individually tailored development plans and provides long term help and support with the emphasis on progression to open unsupported employment. Workable (NI) does not offer a wage subsidy.

³ The Workable (NI) Scheme does not provide a wage subsidy and instead focuses on providing tailored and long-term support and help to remove access barriers with an emphasis on progression to open unsupported employment.

- 2.4 This tailored approach appears to be consistent with State Party obligations under the UN Convention of Rights of People with Disabilities, including to protect the right to the opportunity to gain a living by work in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. **See appendix 2 for further details.**

Department Assessment of Impact

- 2.5 In assessing the impact of the option to cease ESS funding against obligations under Section 75 of the 1998 Act, the Department concludes that there could be an adverse impact for people with disabilities with minimal impacts on other categories (age and sex).
- 2.6 Funding cessation may adversely impact 249 disabled people aged 36 and over (66% of whom are aged between 46 and 66+)⁴. As funding under the scheme is a contribution to the wage of participants, the Department is currently unable to fully assess the potential impact as it will be up to the employers to consider the impact of this funding, if it ceases.
- 2.7 **The Commission recommend that the Department take urgent steps to consult with participating employers to identify how many of the 249 positions may be terminated as a direct consequence of the proposed funding cessation.**

Mitigations & Alternative Options Identified

- 2.8 The Department notes that they will maintain a commitment to employment support for people with disabilities through existing specialist and pan-disability approaches, however they do not appear to have identified any specific mitigations or alternative options to address the potential significant adverse impacts for ESS participants.
- 2.9 The Commission note that ESS was closed to new entrants in 2006. Our understanding is that a significant number of participants have subsequently been moved onto alternative schemes that can offer a more personal and flexible approach with potential progression to unsupported employment.

⁴ Participant age: 0% aged 26-35, 34% aged 36-45, 47% aged 46-55, 16% aged 56-65, 3% aged 66+.

- 2.10 Despite this action, a significant and ageing population of participants remain supported by ESS almost twenty years after it was closed to new entrants. This suggests that the existing alternative schemes (noted at 2.8) may not adequately meet their support needs.
- 2.11 The Department note that over 2024/25, the employer of 19 participants no longer availed of the funding through ESS and that some of these participants availed of support from an alternative programme funded by the Department.
- 2.12 **The Commission recommends that the Department seek to identify outcomes for these 19 participants, including how many availed of support from an alternative programme and if this support adequately mitigated against any adverse impacts arising from cessation of ESS funding.**
- 2.13 **The Commission recommends that the Department seeks to identify if there are any mitigation measures or alternative options that may address potential adverse impacts for participants arising from the proposed cessation of the scheme.**

Disability Employment Trends

- 2.14 NI currently has the lowest employment rate for disabled people in the UK and the highest disability employment gap.⁵ Latest NISRA data indicates that the NI Disability Employment Gap rose by 3.7% from 47.6% in 2020 to 47.6% in 2021. The employment rate for people with disabilities was 38.3%.⁶
- 2.15 The percentage of people in NI who are economically inactive⁷ due to sickness/disability or due to family and home care commitments⁸ is also notably larger than the UK average.

⁵ The disability employment gap is the difference in employment rates between people with disabilities and people without disabilities.

⁶ [Disability employment gap in Northern Ireland 2021](#)

⁷ People who are not involved in the labour market and are not currently seeking employment.

⁸ People who are economically inactive due to sickness or disability account for 39.7% (31.8% UK) of economically inactive and 10.7% (7.1% UK) of the total NI population (16-64). People who are economically inactive due to family / home care account for 15.0% (18.3% UK) of economically inactive and 4.0% (4.1% UK) of the NI population (16-64). See: [Invest NI: Economic Inactivity 2024](#)

- 2.16 Research also indicates that in 2018 the representation of people with disabilities in the Northern Ireland Civil Service (NICS) was approximately 44% less than that seen in the civil service in Great Britain.⁹
- 2.17 The Ulster University Economic Policy Centre (UUEPC) have described progress to reduce the NI disability employment gap over the past two decades as '*glacially slow despite numerous government interventions*'.¹⁰ They also note that NI's disabled population comprises a higher incidence of more limiting conditions and a lower qualifications profile.¹¹
- 2.18 An analysis of barriers to the employability of people with disability in NI highlighted the attitude of employers; workplace accessibility; and a lack of educational opportunities for disabled people.¹²
- 2.19 Disability discrimination remains the most common enquiry to the ECNI (49.5% in 2020/21). Failure to make reasonable adjustments is a common concern.¹³ Independent research (2021) has highlighted gaps in legislative protection between NI and GB as a significant factor contributing to ongoing inequality and discrimination experienced by disabled people in the labour market.¹⁴

UNCRPD Obligations

- 2.0 The UK ratified the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in 2009. This means that, the UK Government and devolved Governments, including the Northern Ireland Executive are obligated to protect and promote the human rights of disabled people set out under the Convention.

⁹ Olsen J, (2018): [Employment in Northern Ireland's Civil Service: Social Barriers and Hyperbole Mean Disabled Need Not Apply](#), p.7.

¹⁰ Ulster University Economics Policy Centre (2022): [Maximising potential: A review of labour market outcomes for people with disabilities in Northern Ireland](#). Page 3.

¹¹ Ibid. Page 4.

¹² McQuaid R., et al (2013): [DELNI Economic Inactivity Strategy: Literature Review Project](#).

¹³ Disability Action (2016): [Hard at Work: Employment and Disability in NI](#).

¹⁴ Toman, N. et al (2022): [Progress towards the Implementation of UNCRPD in Northern Ireland](#), p. 406; Department for Communities (2020): [Disability Strategy Expert Advisory Panel: Report and Recommendations](#), p.83.

2.1 **Article 27** requires State Parties to recognize that persons with disabilities have the right to work and employment.¹⁵ **See appendix 2 for further detail.**

2.2 The Committee on the Rights of Persons with Disabilities, in its [General Comment No.8](#) on the right of persons with disabilities to work and employment emphasises that:

‘The right to work is a fundamental right, essential for realizing other human rights, and forms an inseparable and inherent part of human dignity. The right to work also contributes to the survival of individuals and to that of their family, and, insofar as work is freely chosen or accepted, to their development and recognition within the community’.

‘Meaningful work and employment are essential to a person’s economic security, physical and mental health, personal well-being and sense of identity.’¹⁶

2.3 The Committee highlights the barriers faced by disabled people seeking to gain access to and exercising their right to work and employment in the open labour market, on an equal basis with others:

‘Persons with disabilities face high unemployment rates, lower wages, instability, lower standards in hiring conditions, and lack of accessibility of the work environment, and are also less likely than other persons to be appointed to managerial positions when they are formally employed...Persons with disabilities are more likely to earn lower wages than other persons and are more likely to be in vulnerable employment, including being employed in the informal sector, being self-employed or engaging in part-time employment.

Data and other evidence indicate that these differences particularly affect persons with disabilities on such grounds as age, gender, sex, ethnicity and place of residence.’¹⁷

¹⁵ [Article 27 – Work and employment](#)

¹⁶ The Committee on the Rights of Persons with Disabilities (2022): [General Comment No.8 on the right of persons with disabilities to work and employment](#), paragraph 2, p. 1.

¹⁷ The Committee on the Rights of Persons with Disabilities (2022): [General Comment No.8 on the right of persons with disabilities to work and employment](#), paragraph 4, p. 2.

- 2.4 The UNCRPD Committee has recommended to States parties that, in an effort to increase employment of persons with disabilities, they develop and implement affirmative action measures, such as the allocation of targeted funding to promote the employment of persons with disabilities in the public and private sectors.¹⁸
- 2.5 The Committee also emphasises that job retention programmes for disabled people are part of wider efforts to ensure continual workforce development. States parties need to ensure that persons with disabilities are supported to stay in work.¹⁹
- 2.6 The General Comment underscores that ‘*The obligation to respect requires States parties to refrain from interfering directly or indirectly with the enjoyment of the right to work by, inter alia, refraining from denying or limiting equal access to decent work for all persons with disabilities...*’ (our emphasis)²⁰

Retrogression

- 2.7 The Committee’s General Comment No. 8 also stresses that: ‘*Retrogressive measures are not permissible in relation to any of the rights covered by the Convention, including the right to work. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives, that they are duly justified, by reference to the totality of the rights provided for in the Convention, in the context of the full use of the State party’s maximum available resources, and that they do not have a disproportionate impact on persons with disabilities.*’²¹

¹⁸ UNCRPD Committee (2022): [General Comment Number 8 on the Right to Work](#), paragraph 41, p. 8.

¹⁹ Ibid. paragraph 48, p. 10.

²⁰ UNCRPD Committee (2022): [General Comment Number 8 on the Right to Work](#), paragraph 57, p.12

²¹ Ibid, paragraph 56, p. 12.

UNCRPD Committee Findings & Recommendations

- 2.8 In 2024, the UNCRPD Committee reported on what action the UK Government and NI Executive have taken, to ensure that people with a disability can enjoy the rights to independent living, employment and an adequate standard of living since their previous 2016 inquiry was carried out.²²
- 2.9 In its report the Committee has expressed concern that ‘*there has been no significant progress for disabled people throughout the UK concerning their right to living independently and being included in the community*’.²³
- 2.10 The report refers to Northern Ireland being hit especially hard by the loss of EU funds. The European Social Fund was replaced by UK Shared Prosperity Fund which does not provide the same standard of support to disabled people accessing employment in Northern Ireland, it offers £20million less in funding and will end in March 2025.²⁴
- 2.11 The Independent Mechanism for Northern Ireland (IMNI)²⁵, as part of the UK Independent Mechanism, have recommended that the Department develop and implement, in partnership with disabled people and their representative organisations, an effective Disability Employment Strategy that aims to reduce the disability employment gap in Northern Ireland.²⁶
- 2.12 IMNI have also recommend that the Department for the Economy ensure provision of long-term funding arrangements for existing and new disability employment projects.²⁷

²² UNCRPD Committee (2024): [Report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland](#)

²³ UNCRPD Committee (2024): [Report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland](#), paragraph 88, p. 13.

²⁴ Ibid, paragraph 54, p. 8.

²⁵ The Equality Commission for Northern Ireland and NI Human Rights Commission form the 'Independent Mechanism for Northern Ireland' (IMNI) which promotes, protects and monitors implementation of UNCRPD here. Together with the Equality and Human Rights Commission (GB) and Scottish Human Rights Commission we form the UK's Independent Mechanism (UKIM).

²⁶ IMNI (2023) [Jurisdictional Submission on the Implementation of UNCRPD Rights in NI](#), p11.

See also UK Independent Mechanism (2017): [Disability Rights in the UK](#), paragraph 59, p18.

²⁷ Ibid.

Article 2 Windsor Framework

- 2.13 Following the UK's exit from the EU, the UK Government has committed under Windsor Framework (WF) Article 2 to ensure that certain equality and human rights in Northern Ireland (NI) will continue to be upheld after Brexit. Since 2021, the Commission, together with the NIHRC, has been given additional powers and responsibilities, as the 'dedicated mechanism', to ensure that the UK Government's commitment under WF Article 2 is met.
- 2.14 The Commission has previously published its independent research²⁸ and policy recommendations²⁹ in relation to the impact of the loss of EU funding on Section 75 equality groups. The Commission has expressed concerns raised with it by equality stakeholders, including disabled people, that the EU replacement funding, the Shared Prosperity Fund (SPF), does not match the level of EU funds previously received by equality organisations.³⁰
- 2.15 More recently, the Commission has commissioned further independent research which provides additional insights on the impact of the loss of EU funding on Section 75 equality groups in Northern Ireland, including people with disabilities. This research specifically examines the transition from EU structural funds to the replacement funding of the UK SPF.
- 2.16 Initial findings from the research report have found that there have been several organisations that have experienced difficulties arising from the transition from EU funds to the SPF, including reduced funding. This, for example, has impacted on the ability of some disability organisations to deliver support services to people with disabilities for employment opportunities. The Commission will share the research report and subsequent policy recommendations with the Department once finalised.

²⁸ O'Connell and Cunningham, [Impact of Brexit on Section 75 Equality Groups in Northern Ireland: EU Funding](#), (ECNI, 2022).

²⁹ Equality Commission for NI, [Impact of Brexit on Section 75 Equality Groups in Northern Ireland: EU Funding Policy Recommendations](#), (ECNI, 2022).

³⁰ Equality Commission for NI, [Impact of Brexit on Section 75 Equality Groups in Northern Ireland: EU Funding Policy Recommendations](#), (ECNI, 2022), para 4.24.

- 2.17 The cessation of the Employment Support Scheme may result in some disabled people losing their jobs, and in turn, mean that they have to seek assistance from such organisations to help them access employment.
- 2.18 We therefore ask the Department to take into consideration this wider context - in particular, that a number of organisations in the voluntary and community sector in NI, including those providing services to disabled people, have already experienced a reduction in their ability to deliver employment support services, through the loss of EU funding and transition to SPF. This therefore may impact on any support services that they may be able to provide to those disabled people affected by the closure of scheme.
- 2.19 We also recommend that that the Department address through future funding arrangements the potential negative impact of the loss of EU funding on programmes, including under the European Social Fund, on equality groups, including the impact on disabled people and organisations in the voluntary and community sector working with disabled people.

Disability and Work Strategy

- 2.20 The Department is advancing development of a new Disability and Work Strategy for Northern Ireland, which will set an ambition for significantly increasing the rate of employment for disabled people. A considerable emphasis within the draft action plan is ensuring that support provision is flexible and personalised to an individual's own employment journey.
- 2.21 In the Department's view, the ESS does not align with this forthcoming strategy, particularly in relation to its support being flexible and personalised.
- 2.22 The Commission understands that the funding cessation proposal is primarily being considered currently due to the constrained financial position that the Department finds itself in. Our understanding is it is being proposed that funding would not be diverted to alternate support schemes, therefore reducing the Department's budget available to support Disability and Work Strategies by approximately £3 million.

Potential Impact of Funding Cessation

- 2.23 A central goal of the ESS is to support disabled individuals in achieving economic independence. The cessation of funding may have a significant adverse impact on the economic independence of the 249 disabled participants that remain supported by the scheme. This will result in a retrogression of the right to employment, as set out in Article 27 of the UNCRPD, for those disabled people directly impacted.
- 2.24 The removal of funding may have a negative impact on the overall employment rate for disabled people in Northern Ireland. Those directly impacted may struggle to find alternate suitable employment and potentially having to rely on benefits or charity-based services.
- 2.25 The knock-on effect of this could lead to higher long-term public costs, arising from increased dependency on social welfare programs, a reduction in tax contributions and an increase in the demand for other state services such as healthcare.
- 2.26 Employment is not only a source of income but also plays a critical role in the psychological wellbeing of individuals. It provides a sense of purpose, social inclusion, and self-worth. Uncertainty around employment support could lead to anxiety, stress, and feelings of exclusion by those impacted.

Longitudinal Outcomes and Legacy

- 2.27 The Employability Support Programme has been operational for many years and had a transformational impact on the lives of many people, including those supported, their families and more broadly in society. It would add considerably to our understanding of disability support programmes if there was a thorough review of its impacts before cessation of funding.
- 2.28 This is a unique opportunity for a longitudinal examination of the programme and, in documenting the life-changing opportunities, to inspire with real life stories of how peoples' lives were transformed through access to work. The Department has a strong commitment to supporting people with disabilities. It would be beneficial to see the programmes achievements celebrated.

Appendix 1

The Equality Commission Northern Ireland

The Equality Commission for Northern Ireland (the Commission) is an independent non-departmental public body established under the Northern Ireland Act 1998. We have a statutory remit to:

- promote equality of opportunity and affirmative action;
- work towards the elimination of unlawful discrimination and harassment;
- keep relevant legislation under review;
- promote good relations between persons of different racial groups and good disability practice;
- oversee the effectiveness of statutory equality and good relations duties on public authorities.

The Commission and the NI Human Rights Commission form the 'Independent Mechanism for Northern Ireland' (IMNI) which is tasked, under Article 33.2 of the [UN Convention on the Rights of Persons with Disabilities](#), with promoting, protecting and monitoring implementation of the Convention in Northern Ireland. Together with the Equality and Human Rights Commission (GB) and Scottish Human Rights Commission we form the United Kingdom's Independent Mechanism (UKIM).³¹

This response draws on our work across a range of policy areas including that derived from our role as part of the 'Independent Mechanism' in Northern Ireland as well as our work to promote equality and ensure the effectiveness of the Section 75 duties.³²

³¹ For further information on the Convention see: <https://www.equalityni.org/uncrpd/>

³² Our powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. We also have responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties.

Appendix 2

UNCRPD Obligations

Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires State Parties to recognize that persons with disabilities have the right to work and employment.³³

States Parties should 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 in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

The right to work is a fundamental right, essential for realizing other human rights, and forms an inseparable and inherent part of human dignity. The right to work also contributes to the survival of individuals and to that of their family, and, to their development and recognition within the community.

Meaningful work and employment are essential to a person's economic security, physical and mental health, personal well-being and sense of identity.

Article 4 (2) of the Convention requires that, with regard to economic, social and cultural rights, States parties take measures to the maximum of their available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of those rights. The principal general obligation of States parties is therefore to ensure the progressive realization of the right to work.³⁴

Disabled people cannot effectively enjoy their right to work and employment on an equal basis with others in the absence of accessibility (**Article 9**³⁵) and personal mobility (**Article 20**³⁶) throughout the employment cycle, whether in the workplace, in trade union activities or through accessible transport and support services to get to their workplace. All information related to work and employment must be accessible.

³³ [Article 27 – Work and employment](#)

³⁴ [Article 4 - General obligations](#)

³⁵ [Article 9 - Accessibility](#)

³⁶ [Article 20 - Personal mobility](#)

Free choice of work and employment on an equal basis with others is fundamental to living independently and being included in the community (**Article 19**³⁷). It provides economic independence, choice, social connections, friendships and identity. For many people with disabilities, programmes and financial support for the provision of personal assistance is critical to ensuring their right to work.

The UNCRPD Committee issued **General Comment Number Eight** specifically addressing the right to employment. It notes the following:

- The UNCRPD Committee has recommended to States parties that, in an effort to increase employment of persons with disabilities, they develop and implement affirmative action measures, such as the allocation of targeted funding to promote the employment of persons with disabilities in the public and private sectors.³⁸
- Job retention programmes for persons with disabilities are part of wider efforts to ensure continual workforce development. States parties need to ensure that persons with disabilities are supported to stay in work.³⁹

The UNCRPD Committee in its concluding observations (2017) on the initial report of the UK, highlighted 'The insufficient measures of affirmative actions and provision of reasonable accommodation improving the possibility of employment for persons with disabilities on the open labour market', recommending that the State Party 'Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities' (our emphasis) and 'Ensure that reasonable accommodation is provided to all persons with disabilities (our emphasis) who require it in the workplace.'⁴⁰

³⁷ [Article 19 - Living independently and being included in the community](#)

³⁸ Paragraph 41, [General Comment Number 8 on the Right to Work](#)

³⁹ Para 48, Ibid

⁴⁰ UN Committee on the Rights of Persons with Disabilities: [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#), paragraphs 56-57, pp.12-13.