

Brussels, 15 November 2024
(OR. en)

15547/24

SOC 825
ANTIDISCRIM 155
EMPL 562
FREMP 419

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	14898/24
Subject:	Draft Council Conclusions on fostering social inclusion of persons with disabilities through employment, reasonable accommodation and rehabilitation <ul style="list-style-type: none">• <i>Approval</i>

1. The Presidency has prepared a set of draft Council Conclusions on “Fostering social inclusion of persons with disabilities through employment, reasonable accommodation and rehabilitation”.
2. The Conclusions were examined by the Working Party on Social Questions on 6 September and 1 October 2024. In the context of the examination of the draft text, an agreement in principle has been reached on doc. 14898/24.
3. The draft text as set out in the Annex to this note contains minor, linguistic changes compared to doc. 14898/24, which are marked as follows: additions are set out in **bold**, and deletions are marked by [...].
4. The Permanent Representatives Committee is invited to forward the draft Conclusions in the Annex to this note to the EPSCO Council for approval at its session on 2 December 2024.

Draft Council Conclusions

**on fostering social inclusion of persons with disabilities
through employment, reasonable accommodation and rehabilitation**

ACKNOWLEDGING THAT

1. Human dignity, equality and respect for human rights are fundamental values of the European Union, as set out in the Treaty on European Union and the Charter of Fundamental Rights of the European Union. The Union is committed to combating social exclusion and discrimination and also to supporting the inclusion of persons with disabilities.
2. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has been concluded by the Union and ratified by all Member States. The Parties to the Convention have committed to taking all effective and necessary steps to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by persons with disabilities, including the promotion of equality and the prohibition of discrimination. This includes ensuring both accessibility and reasonable accommodation in all areas of life, including, for example, education and training, employment, social and support services and health care. The Parties have also committed to establishing comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, as well as services and programmes promoting the equal right to independent and community living. The Parties have also **undertaken** to closely consult with and actively involve persons with disabilities in the development and implementation processes of legislation and policies relating to them, through their representative organisations.

3. The European Pillar of Social Rights can serve as a guide towards a Europe that is fair, inclusive and full of opportunity. All principles of the Pillar are relevant to persons with disabilities, in particular Principle 17 of the Pillar, which underlines the importance of their social inclusion.
4. The Strategy for the Rights of Persons with Disabilities 2021-2030 ('EU Disability Strategy') identifies areas of work that are of particular importance for accessing their rights on **an** equal basis with others as well as for combating inequalities. The EU Disability Strategy aims to improve the lives of persons with disabilities through coordinated actions at EU and national level. It underlines the importance of ensuring a decent quality of life and independent living, for which high-quality social, health and employment services, barrier-free and inclusive housing, life-long learning and adequate social protection are essential, as well as the importance of accessibility, as enablers of rights, autonomy and equality. It states that Member States and all EU institutions and agencies should take the needs of persons with disabilities into consideration when designing, implementing and monitoring policies, legislation and funding programmes, through targeted action and mainstreaming. It also promotes an intersectional perspective.
- 4a. [...] **The EU Disability Strategy recognises** that fostering access to high-quality, sustainable jobs is key to the social inclusion of persons with disabilities, [...] **and** calls on Member States to set, by 2024, a target for increasing the employment rate of persons with disabilities and reduce the gap between the employment rates of persons with and without disabilities. Addressing these challenges would support progress towards the 2030 headline and national employment rate targets.

5. As one of the seven flagship initiatives of the EU Disability Strategy, the Commission put forward the Disability Employment Package – a set of guidelines and practices containing practical steps and examples **relating to** the recruitment, hiring and retention in employment of persons with disabilities. The ‘Reasonable accommodation at work – guidelines and good practices’ (hereinafter: Guidelines) provide information, practical examples and references to help employers meet the requirement of reasonable accommodation; **in addition, they** set out the roles and responsibilities of **the** different actors, as well as the different stages **at which** such accommodation should be provided.
6. The obligation to provide reasonable accommodation to persons with disabilities is set out in Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation.
- 6a The Council Recommendation on developing framework conditions for the social economy recognises that social economy entities can create and retain high-quality jobs, thus contributing to the social and labour market inclusion of disadvantaged and underrepresented groups, including persons with disabilities, and to ensuring equal opportunities for all.

7. The Council has also stressed, in its Council conclusions on the Strategy for the Rights of Persons with Disabilities 2021-2030, and **in its** Council conclusions on the inclusion of persons with disabilities in the labour market, adopted in 2021 and 2022 respectively, that persons with disabilities still face several obstacles to accessing the labour market, some of which stem from misconceptions regarding the cost of workplace adjustment and the provision of reasonable accommodation. It also underlined the importance of access to comprehensive rehabilitation services in order to support labour market participation. Consequently, the Council emphasised the vital importance of ensuring reasonable accommodation and **of** supporting employers in providing **such accommodation**, and called on Member States to promote the employment of persons with disabilities in the open labour market using all available tools, including by facilitating the transition from unemployment or inactivity to the open labour market through comprehensive rehabilitation and equal enjoyment of workers' rights, including for those in sheltered employment. To **that** end, the conclusions also highlighted the need to recognise and promote the role of employers in sheltered employment, as well as social enterprises, in supporting progressive inclusion and **the** transition to the open labour market.
8. The European Parliament has also highlighted the many challenges **in** ensuring that persons with disabilities enjoy full and equal rights, including in the area of employment and social and economic inclusion. The Parliament stressed that reasonable accommodation is a right of persons with disabilities, and considered that awareness-raising on **that** issue should be promoted.

9. In its opinion, the European Economic and Social Committee (hereinafter: EESC) acknowledges the significant challenges faced by persons with disabilities, especially women, particularly **as regards** employment and social inclusion. It also states that, even though alternative forms of employment are widely used in Member States, transition rates from such forms of employment to the open labour market tend to be very low. Therefore, the EESC encourages the transition to the open labour market through empowerment, training and education, entrepreneurship and support **in** the workplace. It also encourages the establishment of a joint fund for reasonable accommodation financed by employers, and recommends compliance with relevant international conventions as a condition for incentives relating to State aid. It also states that technology and artificial intelligence are useful **for** increasing the employment of persons with disabilities. The opinion highlights **the fact** that [...] implementation of the Guidelines is essential **for** creating inclusive workplaces and raising awareness of relevant subsidies.
10. According to the European Union Statistics on Income and Living Conditions 2023 (EU-SILC) survey, a large proportion of people aged 16 **or over** and those of working age (20-64) declared themselves to have a mild or severe disability (26.8%¹ and 19.4%² respectively).³

¹ 24.3% for men and 29.2% for women.

² 18.1% for men and 20.8% for women.

³ https://ec.europa.eu/eurostat/databrowser/view/hlth_silc_20/default/table?lang=en; measured by self-declaration of some or severe activity limitation; the survey **looks** only [...] at people living in private households, and [...] does not collect information on institutions.

11. In 2023, 51.7%⁴ of persons in the EU aged 65 or above declared⁵ that they had a disability⁶. In the 2024 Ageing Report, it was found that the share of the population aged 65 and above is expected to increase from around 20% in 2019 to 30% by 2070, while the proportion of people aged 80 and above is expected to increase to 13%, which is more than double the existing figure. This demographic change may lead to an increase in the prevalence of disability and **hence in** the need for assistance as well as social and support services.
12. In addition, based on the latest available data, only **around** 50.9% of persons aged 20-64 with a disability were in employment in 2021, compared to 74.8% of persons of the same age without a disability⁷. According to the Social Scoreboard, the employment gap of persons with disabilities in the Union was 21.5 pp⁸ in 2023, showing a minimal improvement over the last decade, from 22.7 pp⁹ in 2014. The gap is larger for persons with severe disabilities than for persons with moderate disabilities (36.5 pp compared to 13.3 pp in 2023). Similarly, according to the EU-SILC survey, in 2023, persons with disabilities aged 16 or **over** were more exposed to the risk of poverty or social exclusion (28.8%¹⁰) than persons without a disability (18.0%¹¹).¹² In addition, studies show that **the** earnings of both women and men with disabilities are lower than those **of persons** without disabilities.¹³

⁴ 48.5% for men and 54.2% for women.

⁵ https://ec.europa.eu/eurostat/databrowser/view/hlth_silc_20/default/table?lang=en

⁶ The EU-SILC questionnaire used the terminology of ‘self-perceived long-standing limitations in usual activities due to health problems’.

⁷ The EU-SILC survey used the terminology of the Global Activity Limitation Instrument (GALI).

⁸ 23.2pp for men and 19.1pp for women.

⁹ 24.8pp for men and 20.0pp for women.

¹⁰ 27.5% for men and 29.7% for women.

¹¹ 17% for men and 19% for women.

¹² https://ec.europa.eu/eurostat/databrowser/view/hlth_dpe010/default/table?lang=en

¹³ Gender Equality Index 2023 - European Institute for Gender Equality: [European Union | Disability | Money | Intersecting inequalities | 2023 | Gender Equality Index | European Institute for Gender Equality \(europa.eu\)](#)

- 12a. Fewer women with disabilities than men with disabilities are part of the workforce, i.e. either employed or looking for employment¹⁴. In addition, a higher **proportion** of women with disabilities work part-time¹⁵.
13. In recent years there has been no significant increase in the employment of persons with disabilities in the open labour market. The Eurofound analysis published in 2023 highlighted the labour market gaps and employment rates of persons with disabilities.¹⁶ It also found that certain social groups remain underrepresented in the labour market, even though their inclusion would unlock the potential of the EU's workforce and increase social cohesion. Overcoming barriers to employment for those groups could make a major contribution to addressing labour and skills shortages, as highlighted in the Commission's Action Plan on labour and skills shortages in the EU, which identifies the lack of adaptable jobs, inclusive recruitment and **inclusive** training as barriers to **the** labour market participation of persons with disabilities.

UNDERLINING THAT:

- 13a. It is essential to recognise, safeguard and promote the right of persons with disabilities to work on an equal basis with others, in line with the obligations set out in applicable EU legislation and international instruments.
14. Diversity has a positive impact on employee performance and productivity. Organisations with a diverse workforce can offer a variety of solutions to the tasks and challenges they face. Employees from diverse backgrounds contribute with their professional knowledge and experience to adapting to changing markets and customer needs. The practices of the Member States collected in the Guidelines also demonstrate the positive effects of employee diversity.

¹⁴ Opinion: Social integration of persons with disabilities – Promoting the social integration of persons with disabilities and persons with changed working capacity (SOC/807)

¹⁵ EIGE, Gender Equality Index 2023 - <https://eige.europa.eu/gender-equality-index/2023>

¹⁶ Eurofound (2023). Changing labour markets – How to prevent a mismatch between skills and jobs in times of transition – Background paper, Eurofound, Dublin

15. Even though the policy concepts and systems of the Member States vary significantly, as underscored by the EU Disability Strategy for the rights of persons with disabilities, participation in employment is the best means **of ensuring** the economic autonomy and social inclusion of persons with disabilities. While efforts to increase the employment of persons with disabilities should focus on open labour market employment, [...] alternative settings outside the open labour market (e.g. sheltered workshops, sheltered employment) still exist. Those alternative settings vary significantly across Member States, and the transition rate from those settings to the open labour market is very low in most Member States, despite efforts to comply with the UNCRPD.
16. Member States have many tools **at their disposal for supporting** the labour market participation of persons with disabilities. Active labour market policies (e.g. reskilling, upskilling, rehabilitation services **and** traineeships) and other measures (e.g. **the** promotion of personal assistance at work, supported employment, inclusive job awards, quota systems **and** awareness-raising campaigns), as well as support for self-employment, business start-ups and the creation of social enterprises as part of the social economy can positively influence and enhance the participation of persons with disabilities in the labour market and in society and promote equal treatment in labour markets.
17. Accessibility to the built environment (including workplaces), transport (including to places of employment) and information and communication (including technologies and systems), in combination with assistive technologies, is an essential precondition for the equal treatment of persons with disabilities and their participation in the labour market. The principle of accessibility is established under the UNCRPD and recognised in different areas of EU law, such as [...] Directive 2019/882 or [...] Directive 2016/2102. **The implementation of accessibility [...]** and **the** provision of training to enhance professional competences is supported by the **Commission's** 'AccessibleEU' flagship initiative [...].
- 17a. The fight against discrimination at the workplace also fosters the labour market participation of persons with disabilities.

18. The Guidelines specify that, **as** a precondition for participation and accessing rights, accessibility is of **an** anticipatory nature, whereas reasonable accommodation is something that comes after, as a way of overcoming remaining barriers and in response to individual requirements.
19. Ensuring reasonable accommodation in all areas of life is a requirement of the UNCRPD and an important means of ensuring equal opportunities and promoting employment in the open labour market. In accordance with the UNCRPD, the denial of reasonable accommodation constitutes discrimination. Nevertheless, reasonable accommodation must not impose a disproportionate burden on the employer. In accordance with EU law¹⁷, reasonable accommodation is a means **of** supporting the labour market participation of persons with disabilities on an equal footing with others. It involves taking appropriate measures, where **necessary** in a particular case, to enable a person with disabilities to have access to, participate in or advance in employment, or to undergo training.
- 19a. Any obligation to provide for reasonable accommodation arises only after a request for such accommodation has been made or **when** the need becomes apparent.¹⁸ This obligation can be implemented through several provisions, as [...] highlighted by the Commission in the Guidelines. Although some progress has been made in recent years, there are still significant challenges **facing** its implementation **in** the workplace, including in the application or recruitment processes, working practices or changes to the working environment. **It is** therefore [...] important to raise awareness **among** employers regarding **the** [...] financial support and allowances **available** in the Member States.

¹⁷ Article 5, Council Directive 2000/78/EC.

¹⁸ Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018), para. 24(b).

20. Persons with disabilities still face significant barriers in accessing services such as education, training, labour counselling and orientation, rehabilitation, social protection as well as independent and community living services and programmes, among other things due to the insufficient accessibility of mainstream services and support, as well as the insufficient availability of assistive technologies. Comprehensive rehabilitation is an important element of labour market and social inclusion. In the rehabilitation process, vocational rehabilitation facilities help persons with additional support needs to overcome barriers, primarily to accessing, maintaining or returning to employment. This helps individuals who are returning to work, as well as those persons with disabilities who have not yet entered the labour market.
21. A person-centred and holistic approach is needed in the process of rehabilitation of persons with disabilities. This **process** should start as soon as possible, with a rapid and detailed assessment of the person's specific needs, in a multidisciplinary team involving the person concerned, and should be provided for as long as necessary.

THE COUNCIL OF THE EUROPEAN UNION INVITES THE MEMBER STATES, IN ACCORDANCE WITH THEIR NATIONAL COMPETENCES, AND TAKING INTO ACCOUNT NATIONAL CIRCUMSTANCES AND THE ROLE AND AUTONOMY OF THE SOCIAL PARTNERS, TO:

22. Adopt measures, including **the setting of** qualitative or quantitative national targets, for increasing the employment rate of persons with disabilities in order to reduce the gap between the employment rates of persons with and without disabilities, and to contribute to the objective of the Commission's related call in the EU Disability Strategy.
- 22a. Promote the mainstreaming of disability and a non-discriminatory approach in the relevant policy areas, in order to take into account the specific needs of persons with disabilities and realise their potential in **both** the economy and society **as a whole**.
23. Strengthen, where necessary, the provision of high-quality inclusive, accessible and affordable mainstream social and support services and ensure that those services respond to human-rights-based quality requirements.

- 23a. Promote and provide access to processes supporting the transition between education and training **and** the open labour market, and also between the sheltered employment and open labour market participation of persons with disabilities, with special regard to lifelong guidance and, when feasible, personalised continuous support. In **that** regard, promote the involvement of key actors, for instance social partners or public employment services. Ensure that recruitment processes are accessible and inclusive, and that performance evaluations are fair, unbiased, and based on the individual's capabilities and achievements.
24. Strengthen, where necessary, the national frameworks on reasonable accommodation and, where needed, align them with the UNCRPD.
25. Promote the implementation of all the guidelines under the Disability Employment Package; support employers in identifying and assessing barriers to reasonable accommodation, as well as possible appropriate measures for effectively removing them.
- 25a. Promote education and awareness-raising measures as well as diversity programmes, especially among small and medium-sized enterprises, and inform them about the available funding and support programmes.
26. Promote the employment of persons with disabilities in an inclusive open labour market by fostering equal treatment and supporting the possibility **of** and opportunities for taking advantage of flexible working arrangements (such as flexible working hours, part-time employment, teleworking**ing**, project-based employment or even job-sharing) that provide personalised working conditions and flexibility, with the involvement of social partners while respecting their autonomy.

27. Examine the possibilities for developing and improving comprehensive rehabilitation services for persons with disabilities by considering the following aspects:
- a. these services support the participation in [...] society – and in particular the employment – of persons with disabilities while taking individual needs into account;
 - b. cooperation **among** relevant policy fields, such as health, social, education, training and vocational training and employment in order to transparently build upon **each** other and support the inclusion of persons with disabilities, **with due regard to** their specific individual needs;
 - c. provide accessible and affordable quality services to all persons with disabilities as well as assistive technologies, where needed;
 - d. identify and promote new capacities;
 - e. promote the active and effective involvement of stakeholders, including persons with disabilities and their representative organisations, in designing and developing comprehensive rehabilitation services.
- 27a. Strengthen the role of the social economy and, specifically, social enterprises, which contribute to the inclusion of persons with disabilities in the labour market, in line with the Council Recommendation on the development of framework conditions for the social economy.

INVITES THE MEMBER STATES AND THE EUROPEAN COMMISSION, IN ACCORDANCE WITH THEIR RESPECTIVE COMPETENCES, TO

28. Improve, as needed, data collection on **the** living and working conditions of persons with disabilities, **and of** disaggregated data as requested in the UNCRPD, including information on rehabilitation and employment in the open labour market, and also on alternative settings.

29. Continue to exchange experiences and best practices with relevant civil society organisations through the European Disability Platform, **as regards** supporting the effective promotion of employment of persons with disabilities, the implementation of reasonable accommodation, compliance with accessibility legislation and the comprehensive rehabilitation of persons with disabilities.

INVITES THE EUROPEAN COMMISSION TO

30. Prepare a report in 2024 assessing the progress of implementation of the Strategy for the Rights of Persons with Disabilities as a continuation of the cooperation and close consultation with Member States through the European Disability Platform, and, if deemed necessary based on its findings, update **the Strategy**.

31. In the context of the further implementation of the Strategy:

- a. examine, in addition to employment, how to promote the effective implementation of reasonable accommodation in other areas of life;
- b. examine how to boost the removal of existing barriers to access, and improve **the accessibility of** the workplace, transport and information and communication technologies;
- c. consider [...] **launching actions aiming to help** [...] employers [...] better understand and accommodate the needs of persons with disabilities in order to ensure their participation and inclusion.

32. Monitor the employment status of persons with disabilities and facilitate mutual learning **with regard to** challenges, experiences and good practices in the Member States, including in the context of the European Semester. In addition, examine ways to better promote the open labour market employment of persons with disabilities through an intersectional approach, in particular for women with disabilities.

INVITES THE EMPLOYMENT COMMITTEE AND THE SOCIAL PROTECTION COMMITTEE TO

33. Promote the collection of comparable data on the living and working conditions of persons with disabilities while further developing EU indicators.
 34. Promote peer learning and identify good practices in Member States as regards disability, including in the field of employment, reasonable accommodation and the development and evaluation of comprehensive rehabilitation services as well as independent and community living services and programmes.
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References

1. EU interinstitutional

European Pillar of Social Rights

https://commission.europa.eu/publications/european-pillar-social-rights-booklet_en

2. EU Legislation

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, p. 16–22.

Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, OJ L 327, 02/12/2016, p. 1–15

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.

3. Council of the European Union

Council Conclusions on the Strategy for the Rights of Persons with Disabilities 2021-2030 (9749/1/21 REV1)

Council Conclusions on the inclusion of persons with disabilities in the labour market (15134/22)

Council Conclusions on European Court of Auditors Special Report No. 20/2023 – ‘Supporting people with disabilities’ (16613/23)

Council Recommendation of 27 November 2023 on developing social economy framework conditions (C/2023/1344)

4. European Parliament

European Parliament resolution of 13 December 2022 towards equal rights for persons with disabilities (2022/2026(INI))

5. European Commission

European Commission, Communication on ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’, COM (2021) 101 final

Disability Employment Package to improve labour market outcomes for persons with disabilities

<https://ec.europa.eu/social/main.jsp?catId=1597&langId=en>

Reasonable accommodation at work - Guidelines and good practices

<https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8612&furtherPubs=yes>

Guidelines for effective vocational rehabilitation schemes covering frequent diseases and types of accident

<https://ec.europa.eu/social/main.jsp?catId=1597&langId=en>

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Labour and skills shortages in the EU: an action plan (COM(2024) 131 final)

6. European Economic and Social Committee

Opinion: Social integration of persons with disabilities – Promoting the social integration of persons with disabilities and persons with changed working capacity (SOC/807)

7. United Nations

United Nations Convention on the Rights of Persons with Disabilities

UN CRPD Committee’s General comment No. 8 (2022) on the right of persons with disabilities to work and employment

UN CRPD Committee General Comment No. 2 (2014) on Accessibility

8. Eurostat

Disability statistics introduced – Eurostat Statistics Explained:

https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics_introduced#Disability_models
