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ANTIDISCRIM 52  
EDUC 194  
SAN 319  
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GENDER 70  
JAI 759  
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**NOTE**

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From: Presidency  
To: Permanent Representatives Committee/Council  
Subject: Employment of persons with disabilities  
- *Policy debate*

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Delegations will find attached the Presidency steering note on the above subject, with a view to the EPSCO Council meeting on 16 June 2022.

## EPSCO Council meeting, 16 June 2022, Luxembourg

### Policy debate: ‘Labour market access for persons with disabilities’

#### Background note

*It is estimated that one fifth of the EU population (i.e. almost 87 million people) currently have some form of disability. The European Union and all its Member States are parties to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). This important treaty, which entered into force for the EU in January 2011, has led to several successive strategies, including the European Strategy for the Rights of Persons with Disabilities 2021-2030, underpinned by the European Pillar of Social Rights<sup>1</sup>.*

*Despite the progress made in recent decades, persons with disabilities still face numerous obstacles to accessing their rights and their autonomy. The EU is committed to stepping up its action in support of persons with disabilities, as part of the new European Strategy for the Rights of Persons with Disabilities 2021-2030. A ministerial conference on disability, held by the French Presidency of the Council of the European Union in Paris on 9 March 2022, provided an opportunity to exchange views on improving accessibility and access to rights, and the implementation of the European strategy for 2021-2030.*

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<sup>1</sup> Principle 17: People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

A priority of the EU's disability policy is **the integration and development of persons with disabilities in the labour market**. Council Directive 2000/78/EC of 27 November 2000 *establishing a general framework for equal treatment in employment and occupation* introduced the concept of **reasonable accommodation**, which requires employers to adapt the workplace for persons with disabilities. In addition, Article 27 of the CRPD establishes the rights of persons with disabilities in the area of work and employment, including 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.

In 2022, the Commission will present a package of measures intended to improve the labour market prospects of persons with disabilities. This '**Employment Package**' is a flagship initiative of the Strategy for the Rights of Persons with Disabilities 2021-2030 and an overview of the project was presented at the conference on 9 March 2022. It aims to improve their labour market prospects and covers six policy areas, including through cooperation with the European Network of Public Employment Services, social partners and organisations representing persons with disabilities.

The measures will provide guidance and support mutual learning on strengthening capacities of employment and integration services, promoting hiring perspectives through affirmative action and combating stereotypes, ensuring reasonable accommodation, securing health and safety at work and vocational rehabilitation schemes in case of chronic diseases or accidents, exploring quality jobs in sheltered employment, and pathways to the open labour market. The package will support Member States in the implementation of the relevant Employment Guidelines through the European Semester.

At national level, several Member States have introduced **legal obligations and incentives** to boost the employment of persons with disabilities. Among the initiatives targeting employers are mandatory thresholds for the employment of persons with disabilities, annual diversity plans with measurable targets and periodic evaluations, financial support for reasonable accommodation, tax breaks and other financial incentives, in particular for SMEs, and conditions for participation in public procurement. Other initiatives include the creation of customised employment, in particular in the social and solidarity economy, adapted recruitment procedures and tailored support measures for jobseekers with disabilities.

**Despite significant progress, the employment of persons with disabilities in the EU is still far below its potential.** In 2021, only 50.8 % of persons with disabilities were in employment compared to 75 % of those without disabilities. 37.6 % of persons with disabilities were inactive compared to 17.6 % of those without disabilities. 28.4 % of persons with disabilities were at risk of poverty and social exclusion compared with 17.8 % of those without disabilities, and only 29.4 % of persons with disabilities had a secondary school qualification compared with 43.8 % of those without disabilities<sup>2</sup>.

Building a more inclusive labour market will contribute to achieving the European employment targets for 2030 (target of a 78 % employment rate in 2030 laid down in the Pillar of Social Rights Action Plan). Amid persistent labour shortages and employment imbalances, increasing the labour market participation of under-represented groups, such as persons with disabilities, remains an important lever for inclusive and sustainable growth and equality.

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<sup>2</sup> Source: *Eurostat*.

The effectiveness of employment policies for this segment of the population requires consideration to be given to the concept of disability in the United Nations Convention and a balance to be struck between general law and specific measures.

The **current low employment rates** can be explained by several factors, including inequalities in access to education and training, the prevalence of prejudices about their lower productivity, the (real or perceived) cost of reasonable accommodation, insufficient knowledge of the possibilities for reasonable accommodation, poor human resources practices in companies, a lower level of training among persons with disabilities compared with the general population, and difficulties identifying persons with disabilities who have the necessary skills.

Improving the employment rate of persons with disabilities and closing the gap between them and persons without disabilities remains a challenge for all Member States which requires action at several levels, including the development of **accessibility** and **reasonable accommodation** to meet individual needs, the acquisition by persons with disabilities of **skills** in line with market needs, including skills related to the green and digital transitions, **investment** in early-childhood intervention services, inclusive and accessible learning frameworks and lifelong learning programmes, and a link between school and entering the world of work.

In this context, it is proposed to focus the discussion on two points:

## **1. Removing disincentives to hiring persons with disabilities and encouraging their acceptance by their colleagues**

The legal obligations and incentives for employers are more likely to achieve their objectives if they are accompanied by a positive image that values the contribution of diversity in general, and disability in particular, to performance.

- How can we work and coordinate with all stakeholders, including employers, staff members, social partners and employment and integration services, to dispel the preconceived ideas about the alleged ‘prohibitive cost’ of reasonable accommodation, in order to improve awareness of such accommodation and help businesses put it in place?
- How can we work together to put in place targets to close the gap between the employment rate of persons with disabilities and that of persons without disabilities, as set out in the European Strategy for the Rights of Persons with Disabilities 2021-2030?

## **2. Taking effective measures to promote the integration of persons with disabilities into the labour market**

When they are made accessible, new technologies and digitalisation can offer new opportunities to support persons with disabilities towards employment throughout their lives by providing the digital tools that are essential for their autonomy as well as removing barriers to their training and employment.

- What support programmes are in place at national level in this regard?
- How can the transition from sheltered workshops and training to the competitive labour market be facilitated, in particular using new technologies?
- How can the EU support Member States in these areas?