

**Opinion of the European Economic and Social Committee on 'People with disabilities: employment and accessibility by stages for people with disabilities in the EU. Post-2010 Lisbon Strategy' (exploratory opinion)**

(2010/C 354/02)

Rapporteur: **Mr CABRA DE LUNA**

In a letter dated 23 July 2009, and in accordance with Article 262 of the Treaty establishing the European Community, Mr Diego López Garrido, State Secretary for the European Union of the Ministry for Foreign Affairs and Cooperation, asked the European Economic and Social Committee, on behalf of the future Spanish Presidency, to draw up an exploratory opinion on

*People with disabilities: employment and accessibility by stages for people with disabilities in the EU. Post-2010 Lisbon Strategy.*

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 23 February 2010.

At its 461st plenary session, held on 17 and 18 March (meeting of 17 March), the European Economic and Social Committee adopted the following opinion by 152 votes to none with three abstentions.

## 1. Conclusions and recommendations

### *EU 2020 strategy*

1.1 The European Economic and Social Committee (EESC) calls for a specific section on disability to be included when the EU 2020 strategy, the Employment Guidelines and the Social Agenda are adopted, to ensure that this aspect is mainstreamed and better coordinated across all Community policies.

1.2 The EESC recalls that including criteria to strengthen disability policies in the future post Lisbon Strategy would produce an economic spin-off for society as a whole, as well as progress in social inclusion and non-discrimination.

1.3 The EESC believes that a European Disability Pact needs to be adopted, laying the foundations for a new European policy on disability, in keeping with the Commission's future strategy for people with disabilities under the Treaty of Lisbon and the Convention on the Rights of Persons with Disabilities (UNCRPD) and its protocol. The European Union and the Member States should conclude the Convention as soon as possible.

1.4 The EESC calls for policies that foster innovation, are based on statistical data and give visibility to people with disabilities in all relevant European and national statistics.

### *Employment and people with disabilities*

1.5 The EESC supports a market that is inclusive for all, and points out that employment policies for people with disabilities must focus on the entire life process relating to employment ('lifestreaming'), and in particular on education, recruitment, staying in employment, and re-employment. Policies aimed at young people with disabilities, together with policies for those disabled as a result of accident or illness, must be a priority in

the future EU 2020 strategy and the Commission's new strategy for people with disabilities.

1.6 The EESC calls on the Commission to present a report within a year on the implementation of the provisions of Directive 2000/78/EC concerning disability and employment.

1.7 The EESC recalls that recruitment in the ordinary work environment entails the deployment of sufficient social services and of incentives and motivation, while recognising the role of companies that employ a majority of people with disabilities and, more widely, of social economy undertakings and SMEs, which also require the support of sufficient social services and incentives, stressing the importance of the social partners in this area.

1.8 The EESC calls for awareness-raising policies to combat persistent stereotypes regarding workers with disabilities, and highlights the role of the media in ensuring acceptance of diversity.

### *Accessibility*

1.9 The EESC affirms that accessibility is good for society as a whole, not only for people with disabilities, and brings businesses more customers.

1.10 Regarding accessibility, the EESC recommends progressive implementation by means of common short-, medium- and long-term objectives (including clear and final deadlines for new products, services and infrastructures and also for those already in existence).

1.11 The Committee supports the establishment of a European Capital of Universal Accessibility.

1.12 The EESC warns that there is a pressing need for eAccessibility legislation to be presented; restates its commitment to the principle of 'design for all' and the development of accessibility standards; calls for an intensive action plan on this question to be presented before 2011; and backs the development of a 'European disability card' that would facilitate mutual recognition of rights and cross-border travel for people with disabilities.

#### *Gender and disability*

1.13 Gender needs to be mainstreamed into the design, implementation, follow-up and evaluation of disability policies, in order to counter the invisibility and multiple discrimination affecting women and girls with disabilities.

#### *Social dialogue and disability*

1.14 The EESC recognises the importance of the social partners in ensuring that people with disabilities work on an equal conditions with others, with just and favourable conditions of work conditions.

1.15 The social partners should include the disability dimension in all intersectoral, sectoral and company-level actions and negotiations, especially regarding employment, accessibility and social protection issues.

#### *Participation and civil dialogue*

1.16 The EESC expresses its complete support for the principle of 'Nothing about disabled people, without disabled people' and for this principle to be applied within the EU 2020 strategy and programmes for people with disabilities that receive public funding.

1.17 The EU and the Member States must promote the development of civil society and guarantee its funding, ensuring that it is independent and capable of playing a part in preparing policies and/or delivering social services.

## **2. Introduction**

2.1 The EESC welcomes the request from the Spanish Presidency to draw up the opinion on *People with disabilities: employment and accessibility by stages for people with disabilities. Post-2010 Lisbon Strategy*.

2.2 In its opinions, the EESC has built up a permanent, cross-cutting body of knowledge, starting with its first own-

initiative opinion specifically on the *Integration of disabled people in society* adopted in July 2002 <sup>(1)</sup>, which has helped support equal treatment and non-discrimination for people with disabilities (PWD) and their families <sup>(2)</sup>.

2.3 People with disabilities represent more than 16 % of the population (at least 80 million) <sup>(3)</sup>, and this percentage is rising with an ageing population.

2.4 The EESC recognises that the progress made in both legislation <sup>(4)</sup> and the implementation of European policies <sup>(5)</sup> which, together with the 2002 Madrid Declaration <sup>(6)</sup>, has helped to make the EU more inclusive of PWD. However, there is room for improvement, since the progress made has been of a sectoral nature, is fragmented and has suffered from a lack of a unified, structured Community strategy: as confirmed in the Mid-term Evaluation of the European Action Plan 2003-2010 <sup>(7)</sup> published in June 2009, the European Commission's own services dealing with European policies for PWD also need to be strengthened.

2.5 The EESC points to the recent Eurobarometer results <sup>(8)</sup>, displaying a strong increase in perceived discrimination on the grounds of disability (8 % in the last year, i.e. 53 % in 2009 compared to 45 % in 2008), with more than 33 % of PWD feeling they had been discriminated against in 2009.

2.6 The EESC recognises that progress on disability policies owes much to the campaigning work and pressure of the European disability movement and its representative bodies, gathered together in the European Disability Forum (EDF), as well as to the support of the social partners.

2.7 The EESC would remind the Council presidency trio of the importance of taking account of the present opinion in carrying out their presidencies.

<sup>(1)</sup> EESC opinion, OJ C 241, 7.10.2002, p. 89

<sup>(2)</sup> EESC opinions: OJ C 182, 4.8.2009, p. 19 – OJ C 10, 15.1.2008, p. 80 – OJ C 93, 27.4.2007, p. 32 – OJ C 256, 27.10.2007, p. 102 – OJ C 185, 8.8.2006, p. 46 – OJ C 88, 11.4.2006, p. 22 – OJ C 110, 9.5.2006, p. 26 – OJ C 24, 31.1.2006, p. 15 – OJ C 110, 30.4.2004, p. 26 – OJ C 133, 6.6.2003, p. 50 – OJ C 36, 8.2.2002, p. 72.

<sup>(3)</sup> [http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu\\_silc](http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu_silc)

<sup>(4)</sup> Council Directive 2000/78/EC of 27 November 2000 - Council Regulation (EC) No 1083/2006 of 11 July 2006; Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 [Official Journal L 204 of 26.7.2006] and the Telecommunications package COM(2007) 697 final – COD 2007/0247.

<sup>(5)</sup> Communication from the Commission on the Social Agenda COM(2005) 33 final and Communication from the Commission on *Equal opportunities for people with disabilities: A European Action Plan*, COM(2003) 650 final.

<sup>(6)</sup> <http://antiguo.cermi.es/graficos/declaracion-madrid.asp>.

<sup>(7)</sup> <http://ec.europa.eu/social/BlobServlet?docId=3784&langId=en>

<sup>(8)</sup> Eurobarometer: Discrimination in the EU in 2009 (based on fieldwork between 29 May and 14 June 2009)

### 3. A new Community disability policy in the future EU 2020 strategy

3.1 The EESC agrees with the Commission that 'new policies must demonstrably contribute to social cohesion, tackling unemployment and fostering social inclusion ... [t]his requires rethinking education systems and labour markets, enhancing mobility and boosting Europe's dynamism to unleash our innovative and creative potential' <sup>(9)</sup>.

3.2 The EESC believes that in the context of the EU 2020 strategy, there is a need to adopt a **European Disability Pact**, as has already been done regarding gender and youth.

3.3 The Pact must be a common agreement, endorsed by the Council of Ministers, between Member State governments, the Commission and the European Disability Forum, with the involvement of the EP, Economic and Social Committee and, where appropriate, the social partners and representatives of organised civil society. The Pact should be managed by a European Disability Committee, chaired by a representative of the Member States and with an executive secretariat provided by the Commission. The Pact would cover the need for common objectives for the Member States, performance scoreboards and an obligatory report to the Spring European Council <sup>(10)</sup>. In this way, a variant of the OMC would be applied to disability.

3.4 The Pact should cover equal access in education, equal treatment and access in employment, legislation on minimum income and social protection, freedom of movement, independent living and personal autonomy, equal access to goods and services for PWD, agreement on an accessibility programme for the new technologies, transport and built environment, health and care for all forms of dependency, and tax policies that promote inclusion of PWD and cover the extra costs incurred in most of their every-day activities <sup>(11)</sup>.

3.5 The Pact must take a cross-cutting approach to the needs of women and girls with disabilities, young people with disabilities, ageing and disability, persons who need a high level of support to retain their personal independence, and PWD living in the countryside. The same applies to the promotion of research, development and innovation relating to people with disabilities.

3.6 The Pact must present an agreement to be implemented in the framework of the Lisbon Treaty, the Charter of Fundamental Rights and the UNCRPD, resting on three pillars:

<sup>(9)</sup> COM(2009) 647 final.

<sup>(10)</sup> Council Resolution (2008/C75/01)

<sup>(11)</sup> EESC opinion, OJ C 93, 27.4.2007 (<http://w3.bcn.es/fixters/baccessible/greugecomparatiueconmic.683.pdf>).

[http://www.feaps.org/actualidad/23\\_04\\_09/ultima\\_hora/sobreesfuerzo\\_15\\_04\\_09.pdf](http://www.feaps.org/actualidad/23_04_09/ultima_hora/sobreesfuerzo_15_04_09.pdf)

3.6.1 (i) A historic moment of Community policy review - Putting people with disabilities and their families at the centre of Community policies

3.6.1.1 The EESC calls for the coordination and limited effect of the current Lisbon Strategy and the Renewed Social Agenda <sup>(12)</sup> to be improved in the adoption of the EU 2020 strategy and the Social Agenda, which must consequently include a specific section on PWD and their families, and must cover *inter alia* employment, education, social inclusion and protection and accessibility, ensuring that disability is reflected in the strategy's three key priorities <sup>(13)</sup>.

3.6.1.2 The EESC recalls that including disability policies among EU competences in the EU 2020 strategy would produce an economic spin-off for society as a whole, as well as progress in social inclusion and non-discrimination, as clearly demonstrated in recent cost-benefit analyses <sup>(14)</sup>.

3.6.1.3 The European Disability Pact must be in keeping with the Commission's future strategy for PWD <sup>(15)</sup>, which is to replace the current 2003-2010 Action Plan for People with Disabilities.

3.6.1.4 The European Employment Strategy (EES), the Open Method of Coordination (OMC) in social inclusion, social protection, pensions, education, youth and other areas must continue to include and must improve, in their guidelines and common objectives for the Member States, disability so that it is reflected in their national plans, increasing their capacity for analysis and setting out the results in regular reports.

3.6.1.5 European policies should support the eradication of all extreme breaches of the fundamental rights, especially regarding the placement of PWD in large closed institutions, segregated education, deprivation of legal capacity and violence towards PWD, taking account of the additional disadvantage suffered by women and girls with disabilities, together with people requiring a high level of support <sup>(16)</sup>.

3.6.1.6 We need policies that foster innovation and are based on statistical evidence. The Pact should seek to make PWD more visible in all relevant statistical tools <sup>(17)</sup>. It must have harmonised, up-to-date and reliable statistical sources, indicators and tools. This could be done, for example, by creating a permanent disability module within the European Labour Force Survey, together with a module on the social participation of PWD, and including questions on disability in the relevant general modules.

<sup>(12)</sup> COM(2009) 58 final

<sup>(13)</sup> COM(2009) 647 final

<sup>(14)</sup> 'Evaluation of employment policies for persons with disabilities and formulation and economic cost of new proposals for labour integration' by Gregorio RODRÍGUEZ CAMPO, Carlos GARCÍA SERRANO and Luis TOHARIA, Colección Telefónica Accessible no. 9, Ediciones Cinca, April 2009 - ISBN: 978-84-96889-48-4. Madrid, Spain.

<sup>(15)</sup> Council Resolution (2008/ C 75/01)

<sup>(16)</sup> <http://cms.horus.be/files/99909/MediaArchive/EDF%20declaration%20on%20girls%20and%20women%20with%20disabilities.doc>.

<sup>(17)</sup> EESC opinion, OJ C 10, 15.1.2008, p. 80

3.6.1.7 The EESC calls for the *EU Guidelines: Human Rights and International Humanitarian Law*, to be adopted by the EU Council, to include a guideline on the rights of PWD, based on the UNCRPD.

### 3.6.2 (ii) Giving disability a proper European legal framework

3.6.2.1 The EESC considers that the entry into force of the Lisbon Treaty establishes new legal bases. It also highlights the value of Articles 10, 11 and 19, together with Articles 21 and 26 of the Charter of Fundamental Rights, which have treaty status.

3.6.2.2 The UNCRPD creates new obligations for the EU. The EESC therefore urges:

3.6.2.2.1 that the EU finalise its accession to the UNCRPD and its protocol, pursuant to the Council Decision<sup>(18)</sup>. It recalls the Convention's legal status as an international treaty, and calls on the Member States to undertake to ratify the UNCRPD rapidly;

3.6.2.2.2 that all Community legislation affecting the internal market, transport, taxation, competition, health, consumption, digital and electronic media, employment, education and non-discrimination be analysed on the basis of the UNCRPD;

3.6.2.2.3 that a coordination mechanism<sup>(19)</sup> within the Commission, involving the relevant Commissioners, be created, together with an independent body, as required by the UNCRPD<sup>(20)</sup>.

3.6.2.3 The EESC welcomes the presentation of this proposal for a Directive for non-discrimination beyond employment<sup>(21)</sup>, but warns that it is not sufficiently in line with the UNCRPD. The directive, still under discussion at the Council, needs to ensure that the concept of discrimination gives preferential treatment of PWD in specific circumstances, its scope in terms of social protection, health and education, indicating that segregated education is discriminatory; accessibility for PWD must be applied across the board; reasonable adjustments must be applicable in all spheres and public incentives should be available for their implementation; accessibility must also extend to all goods and services offered to the public and, lastly; where implementation is concerned, greater specificity must be given to the EU's commitments in this area, to be applied with immediate effect to new buildings and with realistic engagements regarding existing buildings.

<sup>(18)</sup> Council Decision 15540/09 of 24 November 2009

<sup>(19)</sup> [http://cms.horus.be/files/99909/MediaArchive/library/EDF\\_contribution\\_OHCHR\\_contribution\\_national\\_frameworks\\_for\\_implementation\\_CRPD\(final\).doc](http://cms.horus.be/files/99909/MediaArchive/library/EDF_contribution_OHCHR_contribution_national_frameworks_for_implementation_CRPD(final).doc).

<sup>(20)</sup> <http://www.efc.be/Networking/InterestGroupsAndFora/Disability/Pages/TheEuropeanConsortiumofFoundationsonHumanRightsandDisability.aspx>.

<sup>(21)</sup> Proposal for a Council Directive (COM(2008) 426 final, 2 July 2008.

### 3.6.3 (iii) Adequate funding for the European Disability Pact

3.6.3.1 The Committee recalls that the provisions of the General Regulation on the Structural Funds regarding non-discrimination and accessibility for PWD as criteria for selecting and implementing projects that are co-financed by the EU<sup>(22)</sup> must be maintained and strengthened in the future Cohesion Policy which should also ensure action for and by PWD as a whole in all the Member States, with adequate financial facilities. These principles should be extended to the European budget and other European programmes concerning research, competitiveness, training, employment, social affairs and development cooperation, including, *inter alia*, the new programmes from 2014 onward.

3.6.3.2 The EESC acknowledges that the involvement of civil society in the direct management of the ESF (in training and employment) and the ERDF has produced very encouraging results, and calls for this model to be introduced into Structural Funds operational programmes from 2013 onwards.

3.6.3.3 The EESC considers that continuing to provide financial support, through the PROGRESS programme supporting European organisations of PWD, including the EDF, as well as bodies working for social integration, strengthens democracy in the EU and a structured civil society.

## 4. The EU and employment for people with disabilities

4.1 The employment of PWD must be an integral part of the EES. The employment situation of workers in Europe is complicated, but that of disabled workers is even more difficult, and so a market that is inclusive of all must be strengthened.

4.2 The EESC is concerned by the state of unemployment among PWD, since even before the crisis, 78 % of people with serious disabilities did not have access to the jobs market, with a rate of inactivity that was double that of the rest of the population, and with an employment rate that was stuck at a level 20 % below the average for people without disabilities<sup>(23)</sup>.

4.3 The crisis (which has driven unemployment up to 10 %<sup>(24)</sup>) is making the situation of people with disabilities on the labour market more difficult in two ways: entry into the market will be more difficult<sup>(25)</sup> and, secondly, governments will tend to adjust their public deficits by cutting all types of assistance and pensions. The EESC warns that PWD must not be the main victims of the crisis, and opposes any cuts in assistance to them<sup>(26)</sup>.

<sup>(22)</sup> [http://www.observatoriodeladisapacidad.es/?q=es/informacion/agenda/18112009/presentaci\\_n\\_de\\_innet16\\_european\\_inclusion\\_network\\_lanzamiento\\_del\\_observ](http://www.observatoriodeladisapacidad.es/?q=es/informacion/agenda/18112009/presentaci_n_de_innet16_european_inclusion_network_lanzamiento_del_observ)

<sup>(23)</sup> Statistics in Focus, Theme 3: *Employment of disabled people in Europe* 2002, Eurostat 26/2003.

[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-NK-03-+/EN/KS-NK-03-026-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-NK-03-+/EN/KS-NK-03-026-EN.PDF).

<sup>(24)</sup> Statistical Office of the European Communities (Eurostat) – January 2010.

<sup>(25)</sup> Eurobarometer, *Discrimination in the EU in 2009 and EESC opinion*, OJ C 256 de 27.10.2007, p. 102.

<sup>(26)</sup> <http://www.cermi.es/NR/rdonlyres/6487C9F8-F423-493B-83B8-562CB09201B8/30184/EstudioCERMIcrisisyDiscapacidad.doc>  
www.cermi.es

4.4 There is a danger that the crisis might increase the risk of poverty among PWD and their families. On the other hand, the crisis could provide an opportunity for more inclusive business activity, with incentives, and boost business productivity, thereby improving the economy as a whole.

4.5 The Committee maintains that fostering the employment of PWD must be one of the main aims of the EES, and calls for the Employment Guidelines to include an objective incorporating Conclusion 34 of the European Council of Spring 2006 <sup>(27)</sup> 'A key objective is to increase labour market participation, especially of ... persons with disabilities ... To achieve these objectives, work should be conducted in close cooperation with social partners'. A list of measures to be applied by the Member States through their National Plans should be drawn up.

4.6 The social partners play a crucial role in enabling PWD to enter the labour market by means of collective bargaining and to fit into companies. They also help to implement diversity policies and negotiate diversity plans in agreement with employers, who must be offered incentives to move in this direction: corporate social responsibility policies can be used to this end. The EESC consequently welcomes the successful conclusion by the European social partners of the negotiations for a new autonomous agreement on inclusive labour markets.

4.7 The EESC calls for a report on the implementation of the disability and employment provisions of Directive 2000/78 to be presented within a year <sup>(28)</sup>.

4.8 The EESC reaffirms that PWD are as qualified as any other person to have a full working life, and that their skills should not be underestimated. PWD are entitled to work just like anyone else.

4.9 The EESC draws attention to the fact that, according to Eurofound research, the growing incidence of mental health problems is turning this form of disability into the main cause of early departure from the labour market, accounting for some 40 % <sup>(29)</sup> of early retirements in some countries. A change is needed in the way the general public and the authorities think about the plight of such workers.

4.10 The EESC recalls that in order to recognise these skills, there must be arrangements for certifying the knowledge acquired either by (unregulated) experience or through formal education. The EESC therefore urges the introduction of a 'qualifications passport' <sup>(30)</sup> that would give occupational mobility to PWD within the EU.

4.11 Employment policies for PWD must cover the entire life process relating to employment ('lifestreaming' <sup>(31)</sup>) addressing housing, basic education, training, household indebtedness, financial difficulties, health, an unfavourable environment and the economy, together with recruitment, staying in employment, and re-employment.

4.12 Freedom of movement (a Community principle) has not been fully achieved for PWD, and impacts on their movements to other EU countries to work, also affecting study, retirement and all other activities.

4.13 One of the most prominent barriers to free movement is the impossibility of exporting rights, such as that to personal assistance, which could become a reality with practical measures to coordinate social security systems and Europe-wide awareness-raising and training campaigns.

4.14 The EESC points out that 'active inclusion' must tie in with the labour market and provide an adequate level of income and access to high-quality social services, reflected in improved living conditions, for those not in employment too <sup>(32)</sup>.

4.15 The EESC recalls that recruitment in the ordinary work environment entails employment services, vocational reskilling facilities, and social and health services, as well as maintaining/managing incomes and providing incentives <sup>(33)</sup>.

4.16 The EESC urges that social benefits and tax systems be adjusted so that entering the labour market does not entail a loss of purchasing power for PWD and so that they provide motivation to work in fairly-paid, quality jobs; it also urges that financial incentives be introduced to encourage recruitment by companies, and backs supported employment on the ordinary market, self-employment by PWD, and encouragement for their entrepreneurship by means, *inter alia*, of micro-finance <sup>(34)</sup>, as well as for NGOs providing support services for workers with disabilities and their families.

4.17 Measures must be introduced to keep those who acquire a disability as a result of accident or illness in their jobs or to find new placements for them, so that they do not have to leave the labour market prematurely. It calls for work places and their surroundings to be adjusted (reasonable accommodation) for PWD, for vocational training and retraining programmes for PWD to be assured to provide for their career development <sup>(35)</sup>. In those countries where quota arrangements are in place, it must be ensured that recruitment targets are met, using appropriate support mechanisms. The social dimension of public procurement can also boost the employment of PWD.

<sup>(27)</sup> Presidency conclusions of the Brussels European Council 23/24 March 2006.

<sup>(28)</sup> Council Directive 2000/78

<sup>(29)</sup> Analysis by the European Foundation for the Improvement of Living and Working Conditions, based on data compiled by German Federal Health Monitoring (2007). [http://www.gbe-bund.de/gbe10/pkg\\_isgbe5.prc\\_isgbe?p\\_uid=gastd&p\\_sprache=E](http://www.gbe-bund.de/gbe10/pkg_isgbe5.prc_isgbe?p_uid=gastd&p_sprache=E).

<sup>(30)</sup> European Centre of Employers and Enterprises providing Public services (CEEP). <http://www.ceep.eu>

<sup>(31)</sup> European Centre of Employers and Enterprises providing Public services (CEEP). <http://www.ceep.eu>.

<sup>(32)</sup> European Foundation for the Improvement of Living and Working conditions.

<sup>(33)</sup> European Foundation for the Improvement of Living and Working conditions.

<sup>(34)</sup> <http://ec.europa.eu/social/main.jsp?langId=es&catId=89&newsId=547>.

<sup>(35)</sup> Guide on *Creating an inclusive society: mainstreaming disability based on the social economy example* [http://www.socialeconomy.eu.org/IMG/pdf/Guide\\_on\\_Disability\\_Mainstreaming\\_and\\_Social\\_Economy.pdf](http://www.socialeconomy.eu.org/IMG/pdf/Guide_on_Disability_Mainstreaming_and_Social_Economy.pdf).

4.18 The EESC is firmly convinced of the advantages of funding employment rather than unemployment benefit, and of the value of encouraging PWD to want to obtain employment, employers to recruit them, and self-employment among PWD.

4.19 The EESC believes in policies, including early education, aiming to help young people with disabilities move from training to their first job, and in policies that apply in cases of acquired disability, ensuring maintenance of employment or new job placements. These groups must be a priority in the future post EU 2020 strategy, and be included in the review of the Commission's strategy for PWD. In this regard, the EESC would recall its opinion SOC/349 in favour of a strategy to be developed not only FOR youth but also WITH youth<sup>(36)</sup>.

4.20 The EESC recognises the role of businesses that employ a majority of PWD and others that are more active in this field as well as, more broadly, social economy enterprises such as cooperatives, mutual societies, associations and foundations that foster social inclusion and the participation of PWD in the labour market with the same labour rights, granting them special arrangements to be decided by the Member States.

4.21 The EESC emphasises support for SMEs so that they can take an inclusive view of work and implement their key role in ensuring the effectiveness of measures for PWD at work.

4.22 The European and Member State institutions and bodies must be aware of the situation and be exemplary in including workers with disabilities in their workforces, by means of a practical action plan to improve on the current rates of employment, which are very low.

4.23 The EESC highlights the importance of the flexicurity concept for PWD, i.e. enhanced flexibility and adjustability of in-company human resources, backed by better-quality working conditions and security in employment. Strategies must ensure a balance between working and private life, life-long training, and steps for moving between the various possible social resources and situations and employment, as part of on-going life for PWD.

4.24 The EESC supports the drive for the creation of new green and social job sectors, and the promotion of accessibility and design for all, which offer job opportunities to PWD.

4.25 The EESC advocates help for those disabled workers who require it, together with the necessary services to enable the members of the families of PWD to continue working.

4.26 Awareness policies counter stereotypes<sup>(37)</sup> about workers with disabilities, and must target the social partners,

middle and senior management and workers, health professionals and public administrations<sup>(38)</sup>.

4.27 The relevant instruments of promotion must be easy to use for companies and workers and must be effectively promoted and used by public bodies.

4.28 The role of the media should be highlighted as a key factor for awareness and dissemination in fostering the principles of tolerance, social inclusion and acceptance of diversity in European society.

4.29 The EESC supports the development of innovative initiatives, such as the 'qualifications passport' and 'lifestreaming' mentioned above, and would point to further examples:

4.29.1 The job coaching service as a model for providing continuous support and mentoring in the ordinary work environment;

4.29.2 The creation of a prior accreditation of learning system<sup>(39)</sup> reflecting progressive learning;

4.29.3 Support throughout working life in businesses and public administrations;

4.29.4 Use of new technologies with support systems such as video tutorial systems<sup>(40)</sup> and in general provision of support technologies and ensuring that general workplace technologies are accessible;

4.29.5 Development of a Disability Management Model<sup>(41)</sup> under the aegis of general company diversity policies.

## 5. Accessibility for people with disabilities

5.1 The EESC recalls the EU Council Resolution of 17 March 2008 '*accessibility represents no less than a cornerstone of an inclusive society based on non-discrimination*'<sup>(42)</sup>, with a fundamental role for the social partners in this process, as accessibility is a prerequisite for employment.

5.2 The EESC reaffirms its exploratory opinion<sup>(43)</sup> on *Equal opportunities for people with disabilities* which points to the same rights but different needs and different forms of accessibility to goods and services.

5.3 The EESC recommends progressive implementation by means of common short-, medium- and long-term objectives (with clear and final deadlines for new and existing goods, services and infrastructures), that would be binding upon the Member States, harnessing, among other methods, the potential of public procurement.

<sup>(36)</sup> EESC opinion, OJ C 318, 23.12.2009, p. 113.

<sup>(37)</sup> [www.fundaciononce.es](http://www.fundaciononce.es)

<sup>(38)</sup> European Foundation for the Improvement of Living and Working conditions <http://www.eurofound.europa.eu/>.

<sup>(39)</sup> European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>.

<sup>(40)</sup> European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>.

<sup>(41)</sup> European Centre of Employers and Enterprises providing Public services (CEEP) <http://www.ceep.eu>.

<sup>(42)</sup> Council Resolution (2008/C 75/01)

<sup>(43)</sup> EESC opinion, OJ C 93, 27.4.2007, p. 32.

5.4 The EESC recognises that accessibility is crucial if immediately applicable political and civil rights are to be exercised, and this must be reflected in specific accessibility plans, accompanied by standards and penalties which are binding upon all public authorities and with the possibility for disabled citizens to invoke mechanisms to uphold their rights. There should be no more EP elections without a guarantee of accessibility to polling stations and without access to a significant presence of PWD among candidates: the appropriate measures must be taken at national level.

5.5 The EESC hails the efforts of the EU Member States and the Commission to ensure accessibility, the objective of which must be to ensure universal accessibility (public buildings, buildings of public interest; private companies, goods and services, tourism, e-commerce, information, transport, technology and communications).

5.6 The EESC affirms that accessibility is good for society as a whole (ageing, pregnant women, reduced mobility, etc.). Accessible businesses will attract more customers (15 % of consumers). New products generate more markets and are a source of sustainable economic growth.

5.7 The EESC further emphasises that a commitment to accessibility is a commitment to the fundamental rights of European citizenship, as it stated in its opinion on *eAccessibility* <sup>(44)</sup>.

5.8 The EESC would remind the European institutions, and especially the Commission, that the number of their buildings and electronic information technology systems (e.g. web pages, the Commission's section on public consultations) that are accessible remains low. An accessibility plan which displays a real commitment to PWD must therefore be drawn up <sup>(45)</sup>.

5.9 The EESC calls for state aid <sup>(46)</sup> for private companies and services in order to attain the goal of reasonable accommodation as stipulated in Directive 2000/78 <sup>(47)</sup>. The principle of forward-looking accessibility must be implemented in private services.

5.10 The development of accessibility standards to support legislation in public purchasing should continue, taking the successful American legislation as an example. The EESC recalls the importance of dialogue between institutions, industry and civil society in defining such standards <sup>(48)</sup>.

5.11 The EESC supports the declaration of a European Capital of Universal Accessibility, based on a system for granting flags, granting European cities and regions recognition for their efforts concerning accessibility to places, goods and services and fostering the sustainable development of local authorities.

5.12 The EESC expects that further regulations on travel by sea, urban and interurban bus, and taxi, to take adequate account of the differing needs of PWD, adjusting means of transport and their setting, modelled on the present Regulations for air and rail travel.

5.13 The EESC welcomed the Communication from the Commission on *eAccessibility* <sup>(49)</sup>, and called on the EU to incorporate the actions proposed in the *eAccessibility* communication in the European strategic framework on the information society. There is a pressing need for *eAccessibility* legislation to be presented in fields such as the accessibility of websites, inclusive communication, teleservices, mobile telephones, digital technology and ATMs, for example. These objectives appeared as far back as 2003 in the Crete Ministerial Declaration <sup>(50)</sup> and the Riga Declaration. There are now reasonable grounds to doubt that they will be attained within the deadlines set. Consequently, the EESC calls for an intensive action plan to reach these objectives before 2011.

5.14 The EESC restates its commitment to the principle of 'design for all', and believes that it is crucial for this concept to be built into the curricula of both vocational training and university courses, so that all professionals apply this principle.

5.15 The EESC backs the development of a 'European disability card' ensuring the mutual recognition of the rights PWD embarking on cross-border travel, including the same level of access to transport, culture and leisure, following the example of the European Parking Card.

## 6. Gender and disability

6.1 The EESC points out that women account for 60 % of PWD in Europe, and they are not treated equally, as they continue to be discriminated against in recognition of rights and access to goods and services (health, education and prevention of gender violence, amongst others).

6.2 The employment levels of women with disabilities have remained unchanged for a decade, with a high percentage of non-employment and unemployment, lower pay and additional problems in entering the labour market.

6.3 Gender needs to be mainstreamed into the design, implementation, follow-up and evaluation of disability policies. Specific measures and actions need to be geared to guaranteeing access to employment, and to foster the recruitment of women.

<sup>(44)</sup> EESC opinion, OJ C 110, 9.5.2006, p. 26 and the Council Resolution of 6 February 2003 (OJ C 39, 2003, p. 5)

<sup>(45)</sup> COM(2007) 501 final.

<sup>(46)</sup> Articles 41 and 42 of Commission Regulation (EC) No 800/2008 of 6 August 2008.

<sup>(47)</sup> Council Directive 2000/78 of 27 November 2000.

<sup>(48)</sup> [http://ec.europa.eu/information\\_society/activities/einclusion/archive/depoy/pubproc/eso-m376/index\\_en.htm](http://ec.europa.eu/information_society/activities/einclusion/archive/depoy/pubproc/eso-m376/index_en.htm)  
<http://cms.horus.be/files/99909/MediaArchive/M420%20Mandate%20Access%20Built%20Environment.pdf>

<sup>(49)</sup> COM(2005) 425 final, COM (2008) 804 final.

<sup>(50)</sup> Declaration on e-Inclusion: Ministers of Transport and Communication of the European Union. April 2003.

## 7. Social dialogue and disability

7.1 The EESC calls on the social partners to ensure that PWD work on an equal basis with others, with just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, and that they are able to exercise their labour and trade union rights; in particular, it encourages PWD to participate in professional and trade union organisations and urges that subcontracted work be carried out under the same labour conditions<sup>(51)</sup> (Article 27 of the UNCRPD).

7.2 Social dialogue is crucial in defending the rights, equal opportunities and non-discrimination of PWD in employment, social security, safety at work, and other contexts, and in labour relations in general. It is essential to implementing positive employment and accessibility measures, as well as in training, promoting and assisting workers with disabilities.

7.3 The social partners must take the disability dimension on board in all intersectoral, sectoral and company-level actions and negotiations, particularly regarding employment, accessibility and social protection issues, in cooperation with organised civil society and PWD.

7.4 The social partners must be involved in the follow-up and application of the UNCRPD concerning labour relations and social protection.

## 8. Participation and civil dialogue

8.1 The EESC expresses its complete support for the principle of 'Nothing about disabled people, without disabled people'<sup>(52)</sup> and believes in empowerment and self-advocacy policies.

8.2 The EESC considers that civil dialogue with PWD and their families is the best framework for improving EU governance: introducing binding mechanisms and protocols and creating ad hoc participatory and consultative bodies within the EU.

8.3 Organisations representing PWD should be involved in the regular reports evaluating employment and accessibility policies, the implementation of the UNCRPD and Commission programmes and financial instruments, in order to ensure that the civil society point of view is included, by means, for example, of alternative reports.

8.4 The EU and the Member States must promote and ensure funding to develop civil society, to safeguard its independence and ability to take part in framing policies and/or delivering social services.

Brussels, 17 March 2010.

*The President*  
*of the European Economic and Social Committee*  
Mario SEPI

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<sup>(51)</sup> Article 27 of the UNCRPD

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<sup>(52)</sup> The European Disability Forum slogan, EDF General Assembly 2009.