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P9_TA(2021)0075

Equal treatment in employment and occupation in light of the UNCRPD

European Parliament resolution of 10 March 2021 on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the UNCRPD (2020/2086(INI))

(2021/C 474/04)

The European Parliament,

— having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union (the Charter),

— having regard to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and its entry into force in the EU on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the UN Convention on the Rights of Persons with Disabilities ([1]),

— having regard to the General Comments of the UNCRPD Committee on the implementation of the UNCRPD, in particular General Comment No 2 (2014) of 22 May 2014 on accessibility, General Comment No 3 (2016) of 26 August 2016 on women and girls with disabilities, General Comment No 5 (2017) of 27 October 2017 on living independently and being included in the community, and General Comment No 6 (2018) of 26 April 2018 on equality and non-discrimination,

— having regard to the Concluding Observations of the UNCRPD Committee of 2 October 2015 on the initial report of the European Union,

— having regard to the Universal Declaration of Human Rights,

— having regard to the 2030 Agenda for Sustainable Development (UN 2030 Agenda) and its Sustainable Development Goals (SDGs),

— having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women,

— having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,

— having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),

— having regard to the European Pillar of Social Rights (EPSR),

— having regard to the Europe 2020 target relating to the fight against poverty and social exclusion,

— having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([2]) (Employment Equality Directive),

— having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([3]),

— having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament's position thereon of 2 April 2009 ([4]),

([1]) OJ L 23, 27.1.2010, p. 35.
([2]) OJ L 303, 2.12.2000, p. 16.
([3]) OJ L 180, 19.7.2000, p. 22.
([4]) OJ C 137 E, 27.5.2010, p. 68.

— having regard to 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 ([5]),

— having regard to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services ([6]),

— having regard to the regulations laying down the rules on the EU funding programmes under the multiannual financial framework, especially the European Social Fund (ESF), the Youth Employment Initiative (YEI), the European Regional Development Fund (ERDF), the European Agricultural Fund for Rural Development (EAFRD), the Erasmus programme, and the Just Transition Fund, which provide EU financial assistance for improving the situation of persons with disabilities,

— having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ([7]), in particular the employer's obligation to ensure the safety and health of workers in every aspect related to work and the fact that they may not impose financial costs on workers in order to fulfil this obligation,

— having regard to the Commission communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe' (COM(2010)0636) (Disability Strategy),

— having regard to the Commission staff working document of 2 February 2017 entitled 'Progress Report on the implementation of the European Disability Strategy 2010-2020' (SWD(2017)0029),

— having regard to the Commission recommendation of 22 June 2018 on standards for equality bodies ([8]),

— having regard to the Commission pilot project of 2013 on an EU disability card,

— having regard to its resolution of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis ([9]),

— having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020 ([10]),

— having regard to its resolution of 29 November 2018 on the situation of women with disabilities ([11]),

— having regard to its resolution of 30 November 2017 on the implementation of the European Disability Strategy ([12]),

— having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the CRPD Committee ([13]),

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([5]) OJ L 327, 2.12.2016, p. 1.
([6]) OJ L 151, 7.6.2019, p. 70.
([7]) OJ L 183, 29.6.1989, p. 1.
([8]) OJ L 167, 4.7.2018, p. 28.
([9]) Texts adopted, P9_TA(2020)0183.
([10]) Texts adopted, P9_TA(2020)0156.
([11]) OJ C 363, 28.10.2020, p. 164.
([12]) OJ C 356, 4.10.2018, p. 110.
([13]) OJ C 101, 16.3.2018, p. 138.

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— having regard to its resolution of 20 May 2015 on the List of Issues adopted by the United Nations Committee on the Rights of Persons with Disabilities in relation to the initial report of the European Union ([14]),

— having regard to its resolution of 25 October 2011 on mobility and inclusion of persons with disabilities and the European Disability Strategy 2010-2020 ([15]),

— having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market ([16]),

— having regard to its resolutions of 17 June 1988 on sign languages for deaf people ([17]), of 18 November 1998 on sign languages ([18]), and of 23 November 2016 on sign languages and professional sign language interpreters ([19]),

— having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ([20]),

— having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017 ([21]),

— having regard to its resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([22]),

— having regard to the relevant studies of its Policy Department A, especially the study on 'Discrimination and Access to Employment for Female Workers with Disabilities' of 2017, and the study on 'Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Cost and Returns of Investments' of 2015,

— having regard to the relevant studies of the European Parliamentary Research Service, in particular the European Implementation Assessments of 2016 entitled 'EU Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)' and 'The obligations of the EU public administration under the UN Convention on the Rights of Persons with Disabilities',

— having regard to the growing body of case law of the Court of Justice of the European Union concerning the interpretation of Directive 2000/78/EC,

— having regard to the Annual Report 2018 and 2019 of the European Ombudsman,

— having regard to the European Ombudsman's strategic inquiries into how the Commission ensures that persons with disabilities can access its websites (OI/6/2017/EA), how the Commission treats persons with disabilities under the Joint Sickness Insurance Scheme for EU staff (OI/4/2016/EA), and its decision in the joint inquiry in cases 1337/2017/EA and 1338/2017/EA on accessibility for visually impaired candidates of selection procedures organised by the European Personnel Selection Office to recruit EU civil servants,

— having regard to the European Ombudsman's own-initiative inquiry concerning respect of fundamental rights in the implementation of the EU cohesion policy (OI/8/2014/AN),

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([14]) OJ C 353, 27.9.2016, p. 41.
([15]) OJ C 131 E, 8.5.2013, p. 9.
([16]) OJ C 212 E, 5.8.2010, p. 23.
([17]) OJ C 187, 18.7.1988, p. 236.
([18]) OJ C 379, 7.12.1998, p. 66.
([19]) OJ C 224, 27.6.2018, p. 68.
([20]) Texts adopted, P9_TA(2020)0054.
([21]) OJ C 411, 27.11.2020, p. 94.
([22]) OJ C 204, 13.6.2018, p. 179.

— having regard to the opinion of the European Economic and Social Committee on 'Shaping the EU agenda for disability rights 2020-2030',

— having regard to the thematic reports of the European Union Agency for Fundamental Rights, including their Coronavirus pandemic bulletins,

— having regard to the Compendium of Practices on Equality Data and to the Guidelines on improving the collection and use of equality data (Equality data guidelines) prepared by the Subgroup on Equality Data of the EU High Level Group on Non-discrimination, Equality and Diversity,

— having regard to the Gender Equality Index of the European Institute for Gender Equality,

— having regard to the UN Guiding Principles on Business and Human Rights,

— having regard to the reports and recommendations of representative organisations of persons with disabilities, especially Autism Europe, the Bundesarbeitsgemeinschaft Inklusionsfirmen, the European Blind Union, the European Disability Forum, the European Network on Independent Living, the European Union of the Deaf, Inclusion Europe, the International Federation for Spina Bifida and Hydrocephalus and Mental Health Europe, as well as the reports and recommendations of Equinet and academics working on the rights of persons with disabilities,

— having regard to Rule 54 of its Rules of Procedure, as well as point (e) of Article 1(1) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the opinions of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Women's Rights and Gender Equality and the Committee on Petitions,

— having regard to the report of the Committee on Employment and Social Affairs (A9-0014/2021),

A. whereas persons with disabilities ([23]) (PwD) have the right to full participation in the labour market and society but their fundamental rights are often withheld in the EU; whereas they are overwhelmingly excluded from the open labour market and denied their right to engage in work on an equal basis with others or face major difficulties in achieving equal access to and equal conditions of participating in the labour market;

B. whereas PwD continue to face multiple and intersectional discrimination and disadvantage based on their disability and their gender, race, ethnicity, age, religion or belief, sexual orientation, migration status or socioeconomic background, including their education level; whereas discrimination is present across the different phases of the work cycle, beginning with recruitment, which can lead to the social exclusion of PwD; whereas discrimination and the lack of workplace diversity cause significant human and economic costs;

C. whereas the Charter prohibits discrimination on any ground, including that of disability, and recognises the rights of PwD ([24]);

D. whereas the EU became a party to the UNCRPD in December 2010, with the Convention coming into force for the EU in January 2011; whereas the UNCRPD is binding upon the EU, its institutions and its Member States, which have a direct obligation to fully implement it, including its Article 27 on work and employment; whereas since its adoption, some, but not sufficient, progress has been made in achieving the goals of the UNCRPD;

([23]) We apply the concept of 'persons with disabilities' as provided in Article 1 of the UNCRPD: 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.'

([24]) Articles 21 and 26 of the Charter.

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E. whereas the EU is, therefore, obliged to act in a manner which is compatible with the UNCRPD and the Court of Justice of the European Union (CJEU) is obliged to interpret EU legislation, including the Employment Equality Directive, in a manner which is compatible with the UNCRPD;

F. whereas the UNCRPD rejects the medical model of disability and endorses the human rights and the socio-contextual model of disability instead; whereas the UNCRPD demands inclusive equality for PwD; whereas the UNCRPD recognises the right of PwD to work on an equal basis with others, to choose their occupation freely, to be accepted and to work in an open, inclusive and accessible work environment;

G. whereas in line with the definition and requirements under the UNCRPD, reasonable accommodation focuses on the specific needs of an individual, while positive actions apply to a whole group of persons subject to potential discrimination; whereas both are necessary to safeguard the achievement of workplace diversity and to ensure that PwD can equally exercise their right to work; whereas there is a lack of clear EU guidelines concerning reasonable accommodation, which is not sufficiently understood by employers and is often unavailable or insufficient; whereas reasonable accommodation of the needs of workers with disabilities has an essential impact on their job quality and career prospects and the sustainability of work;

H. whereas one of the key aspects of the employment of PwD is their participation in community life and the transition from institutional to community-based support; whereas the process of deinstitutionalisation in the Member States needs to be finalised, as PwD have the right to live in the community and to be fully included in it; whereas the progress in deinstitutionalisation is uneven across the Member States and despite the introduction of policies and the allocation of substantial funding in the EU, there are still one million people living in institutions;

I. whereas the Employment Equality Directive ('the Directive'), which entered into force in 2000, is currently the key EU legal instrument to provide protection against discrimination for PwD; whereas safeguarding equality and non-discrimination is a shared competence between the EU and its Member States;

J. whereas the Directive is only in partial alignment with the UNCRPD, as it does not embrace the human rights model of disability, it does not address discrimination based on assumed or future disability, it does not target intersectional discrimination, it does not require Member States to adopt positive action measures, it is limited to the field of employment, occupation and vocational training and does not extend to all areas of life as required by the UNCRPD, it does not tackle freedom of movement for the purpose of employment, it does not require the creation of independent monitoring mechanisms, it does not provide for the systemic involvement of PwD and their representative organisations in the monitoring process, and it lacks the obligation to gather disaggregated data;

K. whereas the Directive does not legally require Member States to designate an equality body to work on discrimination on the ground of disability, which is highly problematic since equality bodies play a central role in the implementation of equal treatment directives on the grounds under their mandate, such as gender, and race and ethnic origin;

L. whereas collection of comparable data on equality is vital for evidence-based policy- and decision-making; whereas there is a lack of official statistics, in particular on PwD living in institutional care settings and on characteristics such as their race/ethnic origin or sexual orientation, which has also been pointed out in the Equality data guidelines; whereas Regulation (EU) 2019/1700 ([25]) will significantly remedy the situation relating to household survey data on employment, data disaggregated by types of disability and data on country of origin (first and second generation), and envisages pilot studies on persons in institutions; whereas gaps will continue to persist and should be remedied;

([25]) Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 (OJ L 261 I, 14.10.2019, p. 1).

M. whereas only 50,6 % of PwD are in employment (48,3 % of women and 53,3 % of men) compared with 74,8 % of persons without disabilities ([26]); whereas PwD living in institutions or considered to be unable to work are excluded from these statistics ([27]); whereas these figures do not reveal the type, quality and conditions of employment, for example whether employment is provided in the open labour market, and if an employee status with the enjoyment of labour rights and the provision of a minimum wage is guaranteed; whereas PwD are a diverse group and are often subject to intersectional discrimination, the cumulative effects of which have a tangible impact on employment;

N. whereas in certain Member States PwD are overwhelmingly employed in sheltered workshops; whereas such sheltered workshops should aim to serve inclusion, rehabilitation and transition to the open labour market as soon as possible; whereas sheltered workshops are often a segregated environment in which workers with disabilities do not have an employee status, labour rights, or a guaranteed minimum wage; whereas this clearly constitutes a violation of the UNCRPD; notes that in some Member States, sheltered workshops are currently used as a transition to the open labour market; whereas European level research into the characteristics and diversity of sheltered workshops, sometimes also termed sheltered employment, could help to identify best practice, improve the debate and ensure compliance with EU legislation and the UNCRPD; whereas inclusive models of supported employment may, if rights-based and recognised as employment, respect the rights of PwD and serve inclusion and transition into the open labour market;

O. whereas the rate of unemployment of PwD (17,1 %) is almost twice that of the general population (10,2 %) ([28]), and the unemployment of PwD lasts longer than that of the persons without disabilities, regardless of qualifications;

P. whereas the rate of unemployment is highest among young PwD (those aged between 16 and 24), at 24,9 % compared to 16,6 % in the general population; whereas this difference is inextricably linked to education opportunities;

Q. whereas women with disabilities, who constitute 16 % of the total population of women and 60 % of the overall population of PwD in the EU, continue to face multiple and intersectional discrimination in all areas of life; whereas the economic inactivity rate among women with disabilities is over two thirds higher than that of the total population of women of working age (16-64 years); whereas only 20,7 % of women with disabilities are in full time employment, compared to 28,6 % of men with disabilities;

R. whereas women mostly have the responsibility for taking care of the household, and account for the large majority of caregivers for persons with disabilities; whereas single mothers who look after children with disabilities are at serious risk of falling victim to poverty and social exclusion; whereas age discrimination affects all age groups, together with possible stereotypes and barriers; whereas elderly women with disabilities are often the sole carers for family members with disabilities; whereas this has a direct effect on their vulnerability to poverty and social exclusion, as well as on their access to jobs and their professional development, and may negatively affect their employment conditions;

S. whereas there are more than 30 million blind and partially-sighted persons in wider Europe; whereas the average unemployment rate among them is 75 % — and even higher among women — leading to their social exclusion and poverty ([29]); whereas there are approximately one million deaf sign language users in the EU and 51 million hard-of-hearing people, many of whom are also sign language users whose unemployment is underreported and inadequately researched; whereas there are approximately seven million people with intellectual disabilities in the EU

([26]) EU statistics on income and living conditions (EU-SILC) 2017.
([27]) *Ibid*.
([28]) EU SILC 2017.
([29]) ONCE and the European Blind Union, 'Report on the situation of blind and partially sighted persons regarding employment in Europe after 10 years of the United Nations Convention on the Rights of Persons with Disabilities: Challenges and Opportunities', October 2019.

whose employment level is considerably lower than the average ([30]); whereas estimates indicate that across Europe, only around 10 % of persons on the autism spectrum are employed, mostly in part-time and low-paid jobs, in under-qualified positions or in sheltered settings ([31]);

T. whereas among PwD, 29,5 % of women and 27,5 % of men are at risk of poverty and social exclusion in the EU compared to 22,4 % of the population as a whole; whereas PwD are more likely to face in-work poverty than those without disabilities (11 % as opposed to 9,1 %) due to the extra costs of their disability, such as healthcare, logistical and human support, their loss of disability entitlements once in work and the fact that they earn less than their colleagues in an equivalent role and are less likely to get a promotion ([32]); whereas the risk of poverty is emphasised for those declaring more severe levels of disability;

U. whereas a disproportionate number of PwD are homeless and PwD run an increased risk of becoming homeless; whereas homeless people may develop a disability, such as amputated limbs, due to the risks arising from their living conditions;

V. whereas, due to the cumulative effects of intersectional discrimination, Roma PwD are assumed to face more barriers, experience higher levels of unemployment, more severe poverty and less access to education and services than their peers without disabilities ([33]);

W. whereas LGBTI PwD face added obstacles to employment, with 16 % reporting having been denied jobs or promotions because of their identity, compared with 10 % of LGBTI staff in general; whereas one in four LGBTI PwD have been subjected to derogatory remarks, bullying and abuse and were outed without consent ([34]);

X. whereas a recent EU-wide survey of PwD shows that 96 % find that access to the open labour market is inadequate or that it requires improvement, while only 10 % find that the existing legislation is adequate to protect PwD against discrimination in the open labour market, and 18 % were not aware of the existence of legislation in their country which would protect them against discrimination ([35]);

Y. whereas this data demonstrates that the EU Disability Strategy 2010-2020 did not place enough emphasis on employment of PwD and the intersectional discrimination they face;

Z. whereas harassment in the workplace, including sexual harassment and retaliation for speaking up, hinders access to work and employment, job retention and equal career paths, in particular for women with disabilities;

AA. whereas disadvantage, exclusion and discrimination against PwD in the labour market are not a standalone challenge but are interrelated with the lack of inclusive education, including in early childhood; lifelong learning, including vocational training; the barriers, segregation and discrimination present in the fields of housing and health; and the lack of accessibility of transport and other services and products; whereas a complex approach and comprehensive measures are therefore needed to remedy the situation;

AB. whereas measures to promote mental well-being and prevent mental ill-health and psychosocial disabilities in the workplace are crucial;

AC. whereas the accessibility of workplaces, transport and support services, in particular personal assistance, and society at large is essential for PwD to effectively enjoy their right to independent living and their right to work; whereas the

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([30]) Inclusion Europe.
([31]) Autism Europe, 'Autism and Work — Together we can', 2014.
([32]) Equality and Human Rights Commission, research report 107 — Pay Gaps Research, 'The Disability Pay Gap', August 2017.
([33]) European Centre for Minority Issues, study #8, 'Not Even in the Margins: Where are Roma with Disabilities?', February 2016.
([34]) Stonewall, 'LGBT in Britain — Work Report', 2018.
([35]) The survey was carried out by the European Network on Independent Living (ENIL).

Member States should also support the creation of a barrier-free built environment; whereas once transposed, Directive (EU) 2019/882 on the accessibility requirements for products and services will provide a significant improvement for a barrier-free society, and whereas its transposition therefore needs to be timely and closely monitored;

AD. whereas removing benefits as soon as PwD commence paid work is a high-risk, high-stress policy, a major obstacle to access to work, and socially unjust because it does not factor in the higher costs of living with a disability;

AE. whereas the different definitions of disability, the diversity of disability assessment and the various and often unclear classification methods applied across Member States, as well as the lack of mutual recognition of disability status, hinder freedom of movement within the EU for PwD;

AF. whereas awareness raising is essential to enable employers and workers to act and react adequately, on the basis of knowledge of their obligations and rights in the area of non-discrimination;

AG. whereas new technologies, notably AI systems, have the potential to develop efficient, accessible and non-discriminatory hiring processes, but non-inclusive technological developments could represent a risk of adding new barriers and forms of discrimination; whereas Article 9 of the UNCRPD requires accessible information as well as access to communication technologies and systems on an equal basis with others;

1. Calls on the EU institutions and the Member States to reaffirm their commitment to realising inclusive equality for PwD and to fully implement the UNCRPD, including its Article 27 on work and employment; to this end, calls on them to step up their efforts and strive to create an inclusive, accessible and non-discriminatory labour market with a holistic life cycle policy approach for PwD and for all, in compliance with the EU Treaties and the rights laid out in the EPSR as well as the international values enshrined in the UN 2030 Agenda and the SDGs; calls for the EU and the Member States to ratify the Optional Protocol to the UNCRPD;

2. Believes that a revision of the Employment Equality Directive must take place as soon as possible with a view to fully harmonising it with the provisions of the UNCRPD and implementing a participatory process aimed at ensuring the direct and full involvement of representative organisations of persons with disabilities;

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3. Calls on the Commission and the Member States to adopt universal design standards and guidelines on the accessibility of environments, programmes, services and products, including workplaces, their equipment and facilities, in order to make them usable by all;

4. Calls on the Member States to ensure the provision of reasonable accommodation for PwD in the workplace, without any cost being borne by workers; calls on the Commission to prepare clear EU guidelines on reasonable accommodation detailing what forms it might take in line with an individual's needs so that Article 5 of the Directive can be transposed effectively into national law; calls on the Commission to launch infringement procedures and to encourage Member States to ensure that a sanction system is in place in case of non-provision of reasonable accommodation, as it constitutes a form of discrimination; considers that Parliament might use the option of calling on the Commission to launch such infringements procedures; calls on the Member States to prepare support and guidance materials and provide relevant training in accessible formats for employers, duty bearers, workers and PwD in order to develop the necessary knowledge, skills and awareness about the practical implementation of reasonable accommodation, thereby also dispelling myths about its prohibitive costs;

5. Strongly deplores the uneven and poor enforcement of Council Directive 2000/78/EC in some Member States, which are failing to effectively and uniformly monitor and sanction persistent violations of EU law;

6. States that the right of all persons to equality before the law and protection against discrimination constitutes a universal right recognised by the Universal Declaration of Human Rights, the UN Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, of which all Member States are signatories; recalls that Convention No 111 of the International Labour Organization (ILO) prohibits discrimination in the field of employment and occupation;

7. Urges the Member States to use or examine the introduction of compulsory workplace diversity quotas in order to foster an inclusive workplace with effective and proportionate sanctions for non-compliance; suggests that fines should be re-invested for inclusion; stresses that such measures must be proportionate, taking account of small organisations; urges the Member States to support public and private undertakings in implementing annual diversity plans with measurable targets and periodic evaluation, and to support employers in recruiting PwD through measures such as the establishment of a voluntary list or single window of applicants with disabilities from which to recruit candidates; calls on the Member States to accompany the introduction of quotas with training for employers on the content and scope of applicable rules; calls on the Member States to task public employment services with preparing a voluntary list of job-seekers with disabilities to help employers meet the requirement of diversity quotas;

8. Calls for the EU institutions to lead by example by setting a diversity quota, and a specific diversity quota concerning the recruitment of PwD, developing internal guidelines on reasonable accommodation, ensuring fairness and full accessibility in the recruitment process and in the workplace, and employing persons with all types of disabilities at all levels and actively seeking PwD to fill positions; calls on the Member States to do the same in their public administrations;

9. Calls on the Member States to adopt sustainable inclusive employment policies, such as adapted recruitment procedures, job carving, customised, flexible and supported employment, job sharing, individual placement and support, and inclusive enterprises, taking into account the specific characteristics of persons with different types of disabilities and thereby facilitating their access to the labour market; calls on the Member States:

— to use fiscal incentives and other financial support measures for companies, including SMEs, that recruit PwD or provide vocational training and apprenticeships for them;

— to support inclusive companies that provide employment for PwD in the open labour market through public procurement;

— to promote tailored labour intermediation models;

— to promote corporate social responsibility concerning the employment of PwD and support Social Economy organisations which reinvest their profits in social goals;

— and to inform employers about these policies and incentives;

calls on the Member States to support companies that offer targeted positive action measures to tackle multiple disadvantage; calls on the Member States to exchange best practices in order to identify and apply a targeted mix of measures to support equal employment of PwD;

10. Calls on the Commission and the Member States to urgently put in place measures to assess the key trends for the future of work from a disability perspective with the active involvement of PwD, in order to identify and launch specific actions to make the labour market more inclusive considering the diversity of PwD; stresses in that context the importance of inclusive and accessible initiatives with appropriate funding aimed at lifelong learning, including vocational education and training (VET) and skills development for PwD from an early age, with a particular focus on digital and green skills in line with the fast-changing realities and demands of the current and future labour market; underlines, furthermore, the importance of providing appropriate support to PwD throughout their lives, making better use of innovative technologies to level the playing field and remove barriers to education and employment, and to help PwD gain access to digital tools and software that are indispensable for their independent living;

11. Calls on the Member States to increase the capacity of public employment services to create a network of inclusive companies, to recruit, at every level, specialised employment auxiliaries such as job coaches, providing individualised needs assessment, training and support to PwD who are looking for a job, and job delivery assistants for as long as needed to help PwD perform their work in the open labour market;

12. Calls on the Member States to promote human-rights based approaches in education with a view to establishing inclusive and non-discriminatory education systems, as well as to support the development and provision of training on universal design, reasonable accommodation and workplace diversity for university students at the relevant faculties with the involvement of PwD, and to facilitate the training of job coaches, job delivery assistants, disability and diversity advisers with a focus on the specificities of different disabilities;

13. Calls on the Member States to continuously assess, jointly with representatives of PwD, the characteristics, diversity and effectiveness of existing sheltered workshops in providing PwD with skills to gain employment in the open labour market, to ensure that they are covered and protected by legal frameworks covering social security, working conditions, minimum wages and non-discrimination, while phasing out provisions that violate the UNCRPD, especially its Article 27; calls on the Commission to monitor this process; recalls that sheltered workshops should be limited to an option for a temporary period for PwD in their working life cycle; calls on the Member States, in that respect, to develop and promote inclusive employment models on the open labour market and outside sheltered workshops in full compliance with the UNCRPD; further insists that workers with disabilities in sheltered workshops should at least be ensured the rights and status equivalent to the labour rights of people working in the open labour market; calls on the Member States, in this regard, to speed up deinstitutionalisation, provide effective, regional and decentralised systems of care, including social activation services, at all levels of the society, and ensure the smoother involvement of persons with disabilities in the open labour market and in society as a whole;

14. Deplores the fact that discrimination based on religion or belief, disability, age or sexual orientation may undermine the achievement of the objectives of the TEU;

15. Welcomes Commission initiatives such as the Access City Award, and advocates initiatives at national, regional and local level;

16. Regrets that persons with intellectual or psychosocial disabilities experience multiple legal, institutional, communicational and social barriers to exercising their rights, which prevents them from voting, standing for election to public office, exercising civic participation or simply having a say in their own lives; encourages the Member States to take immediate measures to reform their legal frameworks in order to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in line with Article 12 of the UNCRPD, and recalls that the political rights of persons with disabilities and the opportunity to enjoy them on an equal basis with others must be guaranteed, in compliance with Article 29 of the UNCRPD;

17. Calls on the Commission and the Member States to guarantee that EU funds are not spent on segregated employment schemes for PwD with no prospect of finding non-sheltered employment;

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18. Urges the Commission and the Member States to intensify their work with PwD, their representative organisations and equality bodies with the objective of preparing and launching comprehensive awareness-raising campaigns and targeted training in accessible formats and sign languages, aimed at employers, duty-bearers in all fields and society more broadly about the capabilities and contributions of PwD, and about the benefits of diversity, equality and non-discrimination, in order to eradicate the existing stigma and prejudice against PwD, to fight bullying, harassment and exploitation, and to achieve inclusive equality for all;

19. Highlights the importance of access to information for victims of discrimination; considers it necessary that Member States take the appropriate steps to ensure that reasonable and accessible legal advice and assistance can be obtained and are provided to victims at all stages of the legal process, including confidential and in-person counselling and emotional, personal and moral support, by equality bodies or appropriate intermediaries; calls on the Member States, furthermore, to combat harassment and violence in the workplace which violate a person's dignity and/or create an offensive environment at work;

20. Calls on the Member States to take active measures to safeguard non-discrimination for all, including PwD, to ensure, in line with the UNCRPD, the accessibility of workplaces, transport and of the built environment, and to provide reasonable accommodation for PwD at all stages of work, from recruitment through career advancement, for safe and healthy working conditions and employment rehabilitation; calls for the EU institutions to take the same measures; calls on the Member States to ensure that PwD can exercise their labour and trade union rights on equal terms, and that they are protected from violence, mobbing, cyber-bullying and harassment, including sexual harassment, in particular that inflicted on women with disabilities; to this end, urges the Member States to ratify the Istanbul Convention, which is supposed to have a transversal impact on all EU legislation with a specific focus on women with disabilities who face multiple discrimination and are more vulnerable to harassment in the workplace; calls for the EU institutions to take the same measures;

21. Stresses, furthermore, the need for a Disability Rights Guarantee with specific measures that address the needs of women with disabilities;

22. Calls on the Commission and the Member States to guarantee that inclusion policies pursued at sectoral and company level are established in consultation with workers' representatives;

23. Calls on the Commission and the Member States to grant support to workers with disabilities resulting from an accident, continuing their employment or offering the person concerned an equivalent job that reflects their new skills, without loss of the rights and working conditions they enjoyed before the injury;

24. Calls on the Commission and the Member States to take a preventive and inclusive approach to occupational safety and health when supporting the recruitment and return to work of persons with disabilities; notes that this could be achieved via integrated pathways combining occupational safety and health (OSH) prevention with various forms of employability measures such as individualised support, counselling, guidance, and access to general and vocational education and training;

25. Calls on the Commission and the Member States to address the existing gender, disability and ethnic pay gap, and in so doing to combat direct and indirect wage discrimination and the risk of in-work poverty for workers facing barriers at work and who are subject to multiple discrimination, especially LGBTI persons, women, Roma and refugees; awaits the Commission's presentation of the announced legislation on pay transparency in the workplace in quarter one of 2021 to fight the pay gap faced by disadvantaged social groups, in particular PwD;

26. Stresses that protection of trans people against employment discrimination must be effective and calls on the Member States to combat this discrimination, especially in the area of employment;

27. Calls on the Member States not to deprive PwD of their disability entitlements covering their disability-related extra costs when entering the labour market or when surpassing a certain income threshold, as this practice contributes to in-work and old-age poverty because these entitlements serve to support PwD in overcoming barriers and they can help guarantee their dignity and equality;

28. Calls on the Member States to allow sufficient flexibility in the provision of social support and benefits to ensure their adjustability to the individual needs and career paths of PwD;

29. Calls on the Commission to assess whether the Member States have detailed provisions in place to ensure that people can exercise their right to maternity leave, paternity leave, parental leave and care leave, as well as arrangements for flexible working, and whether these are adapted to the diverse needs of mothers with disabilities, mothers of children with disabilities or a long-term illness, or mothers in specific circumstances, such as those dealing with premature births; calls for more ambitious measures to promote men's equal role as carers; calls on the Member States to present national strategies to support informal carers; insists on the need for high-quality and accessible childcare services to ensure equal participation of women in the work environment;

30. Calls on the Commission to propose legislation on the standards for equality bodies following consultations with organisations representing PwD, thereby providing them with a stronger mandate and adequate resources to safeguard the equal treatment of PwD and ensure accessible information dissemination for all;

31. Calls on the Commission and the Member States to provide sustainable funding for capacity-building of representative organisations of PwD recognising their important role in tackling discrimination against PwD;

32. Calls on the Commission and the Member States to harmonise the definition of disability and to ensure mutual recognition of disability status across Member States so as to ensure the free movement of PwD and the enjoyment of their EU citizenship rights; to this end, calls on the Commission and the Member States to conduct a study of the existing legislation and collect best practices from the Member States; acknowledges that free movement is a fundamental right in the EU; calls on the Commission and the Member States, therefore, to extend the usage of the EU disability card to all the Member States and to widen its scope, through it allowing for the recognition of disability status and access to services throughout the EU, thereby making it easier for persons with disabilities to live and work abroad; calls on the Commission to set up a central information point in national sign languages and in accessible formats for PwD about the services available for PwD in the different Member States;

33. Calls on the Commission and the Member States to recognise and promote user-led personal assistance in line with General Comment No 5 of the UNCRPD Committee, to foster independent living and inclusion in the labour market; recalls that owing to the special nature of personal assistance, free movement provisions need to be adapted to the needs of PwD; calls for EU action to address personal assistance, especially concerning free movement of PwD and their personal assistants;

34. Recalls that new technologies represent both opportunities and challenges for all workers, in particular PwD; stresses in this regard that new technologies might pose major accessibility challenges for PwD; therefore, underlines that accessibility must be included as a pre-condition in any EU initiative, and that the EU should take action to support the application of universal design and ensure the availability and affordability of assistive technologies; calls on the Commission to ensure, in line with the UNCRPD, full and effective accessibility of information and communication technologies and systems on an equal basis and apply, in this context, guidelines supporting AI developers to take into account the needs of PwD through the development processes, avoiding the creation of new discriminatory biases; calls on the Commission and the Member States to support research programmes focused on the development of assistive technologies including robotics, digital technologies and artificial intelligence with the aim of enabling the full integration of PwD in all aspects of life; calls on the Member States to ensure that PwD have access to affordable digital tools and software which are tailor-made to their needs and to build on the expertise of organisations representing PwD in defining the most suitable digital tools or software for the individual needs of the PwD;

Further targeted actions and mainstreaming the rights of PwD

35. Welcomes the Commission's public consultation on its post-2020 EU Disability Strategy; calls on the Commission to place special emphasis in the Strategy on employment, as well as to cover all the provisions of the UNCRPD, to set clear, measurable and ambitious targets relating to workplace diversity reflecting the heterogeneity of PwD, to address multiple

and intersectional discrimination, and to monitor the efficiency of the strategy with the involvement of PwD and their representative organisations; stresses that collaboration with authorities, social partners, organisations and civil society at European, national and local levels is indispensable to ensure the implementation of the Strategy and the UNCRPD; calls on the Commission to propose measures to tackle the COVID-19-related challenges and rights violations of PwD; stresses that disability discrimination has worsened during the COVID-19 pandemic, endangering the lives of PwD and threatening their physical and mental health; calls on the Commission to link the future Disability Strategy to the European Semester process;

36. Calls for the collection of EU-wide disability-related data with a human rights-based approach, including on employment and VET, disaggregated by gender, age, disability type, race/ethnic origin, sexual orientation, education level, etc., including PwD who have until now been left out of the statistics; calls for the collection of data related to the impact of the COVID-19 crisis on PwD in order to put forward policies to prepare for future crises;

37. Calls for all the EU institutions and the Member States to act in accordance with the slogan 'nothing about us without us' and to establish close cooperation with PwD and their representative organisations, to build on their expertise and actively involve them in all stages of relevant decision-making, legislation, strategies, policies and programmes, including mainstream ones;

38. Calls on the Commission and the Member States to mainstream the rights of PwD, taking into consideration the specific situation of those subject to multiple discrimination, in all employment-related proposals, including the ones concerning the expected transformations in the future of work, as well as when designing and implementing actions aimed at developing digital and green skills;

39. Calls on the Commission, in particular the Equality Task Force, and the Member States to systematically mainstream the rights of PwD, with special attention to those subject to intersectional discrimination, in all the relevant laws, policies and programmes, since equality in employment is indivisible from equal access to education, health, housing, justice and social protection, and to expand the focus on accessibility to make progress towards an accessible built environment, public spaces, transport, and information and communication technologies, etc.; stresses in this regard the need to appoint a disability focal point in all EU institutions, including in all Commission DGs and EU Agencies, in addition to establishing an interinstitutional coordination mechanism in order to ensure disability mainstreaming in all EU legislation;

40. Is concerned about the existence of significant barriers to access to information and communications for persons with disabilities, particularly for persons who are blind or deaf, have intellectual disabilities or are on the autism spectrum; recalls that differences in individuals' abilities to receive and impart information and to use information and communications technologies represent a knowledge divide that creates inequality;

41. Calls for a cross-cutting, comprehensive review of Union law and policy to ensure their full compliance with the UNCRPD;

42. Calls on the Member States to address discrimination and violence against children with disabilities through an integrated approach, recognising that they face a higher risk of being victims of such behaviours; stresses that the voice of children with disabilities should be represented in the design, implementation and monitoring of laws, policies, services and measures addressing them;

43. Stresses the need to include specific and adequate provisions in the New Pact on Migration and Asylum to properly address the needs of persons with disabilities at all stages and in all processes;

44. Regrets that Union law does not protect individuals from discrimination on the ground of disability outside the workplace and employment;

45. Calls on the Council to unblock the negotiations on the proposed horizontal anti-discrimination directive without any further delay and move towards an agreement, thereby extending protection to PwD outside the sphere of employment;

46. Expresses its deep concern that most mainstream programmes, including those covered by Structural Funds, fail to reach out to the most deprived groups, including PwD; calls, therefore, on the European Court of Auditors to check the performance of EU programmes, with special emphasis on education and employment programmes, for example the European Social Fund Plus (ESF+), the Youth Employment Initiative (YEI), the European Regional Development Fund (ERDF), and Erasmus+, in a thorough manner;

47. Calls on the Commission to guarantee that EU funds will respect EU and international human rights standards and conventions such as the UNCRPD and will not support any measures and programmes that contribute to segregation or to social exclusion; furthermore, calls on the Commission to fund actions creating accessible environments, products, services, practices and devices, fostering deinstitutionalisation and supporting personal assistance, and to guarantee that EU-funded actions reach PwD and ensure their active involvement in society;

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48. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and candidate countries, the EU Agency for Fundamental Rights, the European Court of Auditors, the Court of Justice of the European Union, the European Ombudsman, the Committee of the Regions, the European Economic and Social Committee, for distribution to subnational parliaments and councils, the Council of Europe and the United Nations.