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REPORT

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))

Committee on Employment and Social Affairs

Rapporteur: Katrin Langensiepen

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Having a job is vital in our lives. It is essential for engaging in human interactions, for gaining the necessary financial means to lead a happy and healthy life, for realising our human potential, for becoming part of our society. However, we, persons with disabilities, are systematically deprived of our 'right to engage in work'¹, which right is protected and promoted by several international human rights documents and by the EU Charter of Fundamental Rights, and we are excluded from the labour market. Across the European Union, employers often rather pay a fine than employ us.

Official disability statistics are scarce and mostly not disaggregated by type of disability, race/ethnic origin, sexual orientation, etc., and there is hardly any data on the type of employment persons with disabilities have access to, still we know this much: only 50.6% of persons with disabilities are in employment (48.3% of women and 53.3% of men), compared to 74.8% for persons without disabilities². The most recent statistics available reveal that only 20.7% of women with disabilities are in full-time employment, compared to 28.6% of men with disabilities³. Nevertheless, these figures do not uncover how many people are employed in the open labour market, and exclude persons with disabilities living in institutional care who are far less likely to have a job or to be included in the community in any possible way. You can find further data below.

It goes without saying that employment is not the only area where discrimination against us, persons with disabilities, is widespread. But it is definitely an area, which - through safeguarding equal rights and opportunities - could bring about transformational changes both for the persons with disabilities concerned but also for the entire society.

Our societies are not homogeneous. *We all* have different identities, capabilities, knowledge and skills, and in the European Union, which prides itself of being in the forefront of the fight for fundamental rights, equality and non-discrimination should be ensured for everyone, including for persons with disabilities, who themselves are a heterogeneous group of people with several coexisting identities and different abilities.

Nevertheless, in spite of all our commonly agreed upon values and treaties, our minorities, including persons with disabilities, continue to experience widespread and systemic deprivation of their rights starting from education, access to justice, access to sexual and reproductive health rights, to the right to live independently and live free from violence and abuse, to have adequate standard of living and social protection, etc. It is high time that we all understood that all of us have multiple/intersectional identities, that the provision of human rights is not a favour we should ask for from others but it is the bare minimum that we have to give to each other. We are a diverse society and diversity is a value and strength that will help us rise to our ever-changing set of local and global challenges. We, persons with disabilities, with all our talents and skills are one of the sources of this diversity.

One of the most prevailing rights violations that we, persons with disabilities, experience is the denial of our participation. This is why, for the preparation of this report, your rapporteur

¹ Article 15 of the Charter of Fundamental Rights of the European Union

² EU SILC 2017

³ Gender Equality Index 2019

has asked for the input of persons with disabilities and their representing organisations during a series of discussions in June and July this year, and also during the actual drafting process in August and September. Moreover, as we firmly believe that not only the drafting of our report but also the end result should be more accessible for persons with disabilities, we have added **an easy-to-read part** to our report too. We are indebted to Aurelie Baranger, Christian Takow, Helen Portal, Fanny Lamon and Soufiane El Amrani for having prepared the easy-to-read version.

Your rapporteur would hereby like to express her gratitude to the colleagues who participated in our stakeholder consultations, namely

- ❖ Aurelie Baranger and Christian Takow from *Autism-Europe*,
- ❖ Claudia Rustige and Klaus Meyer zu Brickwedde from the *Bundesarbeitsgemeinschaft Inklusionsfirmen*,
- ❖ Lars Bosselmann and Antoine Fobe from the *European Blind Union*,
- ❖ Marine Uldry and Haydn Hammersley from the *European Disability Forum*,
- ❖ Natasa Kokic and Frank Sioen from the *European Network on Independent Living*,
- ❖ Mark Wheatley and Jorge Crespo Garcia from the *European Union of the Deaf*,
- ❖ Helen Portal from *Inclusion Europe*,
- ❖ Renee Jopp and Hildur Onnudottir from the *International Federation for Spina Bifida and Hydrocephalus*, and
- ❖ Laura Marchetti, Marie Fallon Kund and Jonas Bull from *Mental Health Europe*.

Due to them sharing their knowledge and experience on the most pressing concerns and challenges of persons with disabilities and the rights violations that they often encounter, mentioning good practices and sustainable policies, and suggesting the changes that they would like to see relating to EU policies and legislation, we have managed to gain a clearer picture of the employment-related situation on the ground and compile a more comprehensive list of demands.

Your rapporteur would also like to express her thanks and appreciation towards Dr. Jone Elizondo Urrestarazu, the representative of *Equinet*, who has provided us with her priceless insights into the legal aspects and tools of tackling the employment-related discrimination that persons with disabilities face in the EU Member States, and towards two distinguished disability lawyers from the *academia*, Professor Delia Ferri from the *National University of Ireland Maynooth* and Professor Mark Priestley from the *University of Leeds*, who have been kindly sharing their expertise and proposals with us concerning the protection of the rights of persons with disabilities. Furthermore, your rapporteur would like to thank the *European Network Against Racism (ENAR)*, the *European Roma Grassroots Organisations (ERGO) Network*, *ILGA-Europe*, and the *Platform for International Cooperation on Undocumented Migrants (PICUM)* for sending us their written contributions highlighting issues concerning intersectional discrimination. Finally, your rapporteur is grateful for the opportunity to consult the experts of the *European Union Agency for Fundamental Rights* relating to the use and collection of equality data.

All these colleagues agreed with us that having a job is vital in our lives. As some of them have put it: ‘Having a fulfilling job is definitely one of the most powerful expressions of inclusion. It is both good for the person who is employed, but also for colleagues, who see

inclusion in action!’⁴; ‘Education and employment are crucial to live independently.’⁵; ‘Work and employment means being a full member of society and being a colleague and not a benefit recipient. People define themselves through work and their meaningful contribution to working life.’⁶; ‘In an ideal world, work and employment would mean empowerment, independence and full inclusion in society. I think this is what we need to strive for.’⁷

Your rapporteur hopes that in the foreseeable future we will manage to see the benefits of having inclusive workplaces and living in an inclusive society, and that we will jointly deliver on our official EU motto ‘United in diversity’. However, there is still a long road ahead of us. We hope that you all will help us achieve this goal.



Easy to-read version



It is a report of the European Parliament.
The European Parliament is a place where important decisions of the European Union are made.



The European Union is a group of 27 countries.
We call it the EU.
They have joined to be stronger politically and economically.



The EU makes laws and actions on important things for the people of those countries.

This report is about the work situation of persons with disabilities.



Too many persons with disabilities do not have a job in the European Union.
They are treated worse than other people because of their disability.
It is called discrimination.



That means that they cannot be part of the community.
That means that they are poorer.
That means that they cannot show how clever and talented they are.

⁴ Lars Bosselmann, European Blind Union

⁵ Senada Halilcevic, Inclusion Europe

⁶ Claudia Rustige, Bundesarbeitsgemeinschaft Inklusionsfirmen e.V.

⁷ Marine Uldry, European Disability Forum

Too many persons with disabilities only have a job in a sheltered workshop. Sheltered workshops are places where disabled people are put aside from other people to work. It means that they do not have colleagues without disabilities. It means that they earn less money and have fewer rights than persons without disabilities.



Women with disabilities have bigger problems. It is harder for women with disabilities to find a job than for men with disabilities. Women with disabilities earn less money than men with disabilities.



Women with disabilities are often victims of sexual harassment and abuse. Sexual harassment is when someone forces another person to talk about sex or ask for sexual things. Abuse is when someone treats you badly.



Persons with disabilities can also have problems to find and keep a job when they are people of colour or from a different culture. For example, a Roma person with disabilities is often poorer than other persons with disabilities.



People with disabilities with a different sexual orientation also face more discrimination. They can have more difficulty to find a job and they can be treated badly at work.



We want to change this situation. We have written this report with the help of persons with disabilities. We demand a lot of things to change in Europe.

These are the changes that we want:

We want a disability quota in the European Union. A quota is when a minimum number of persons with disabilities work in a company. That means that all big companies will have to employ persons with disabilities.



We want companies to provide reasonable accommodation.
That means that companies make changes
so that the persons with disabilities can work there.



We want that persons with disabilities
get support to find a good job.
We want that persons with disabilities
get support to do their work well.
We want that these support persons
stay with persons with disabilities
as long as they need help.



We want that persons with disabilities
do not lose their disability benefits if they start working.
Disability benefits is the money a person with disabilities
receives from the State because of the disability.
We want persons with disabilities
to be paid the same as persons without disabilities
for the same job.
We want that persons with disabilities
feel safe in their workplace.



We want a society
where persons with disabilities are useful.
That means that we recognise
how talented and hardworking they are.

THE EMPLOYMENT-RELATED SITUATION OF PERSONS WITH DISABILITIES IN NUMBERS

In order to demonstrate the grave effects of the inequality of and the discrimination against persons with disabilities in the labour market, your rapporteur intends to draw your attention to the latest available survey findings and research results which also reveal the heterogeneity and diversity within the group:

The **rate of unemployment** of persons with disabilities (17,1%) is almost twice of the general population (10,2%)⁸, and the unemployment of persons with disabilities lasts longer than that of the persons without disabilities regardless of qualifications.

The rate of unemployment is the highest amongst **young persons with disabilities** (age group 16-24) with 24,9% of them being unemployed compared to 16,6% in the general population, which is inextricably linked with education opportunities.⁹

Women with disabilities, who constitute 16% of the total population of women, and 60% of the overall population of persons with disabilities in the EU, continue to face multiple and intersectional discrimination in all areas of life. Only 20,7% of women with disabilities are in full time employment, compared to 28,6% of men with disabilities¹⁰. The economic inactivity rate among women with disabilities is over two thirds of the total population of women of working age (16-64 years).

There are over 30 million **blind and partially sighted persons** in wider Europe; the average unemployment rate of them is 75% – and even higher among women – leading to their social exclusion and poverty¹¹.

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 users¹² whose unemployment is underreported and inadequately researched.

There are approximately seven million **persons with intellectual disabilities** in the EU whose employment level is considerably low.¹³

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 settings¹⁴.

29.5% of women and 27.5% of men¹⁵ with disabilities are at risk of **poverty** and social exclusion in the EU compared to 22.4% of the entire population. Persons with disabilities are more likely to face **in-work poverty** than those without disabilities (11% versus 9.1%)¹⁶ due to the extra costs related to their disability, e.g. healthcare, logistical and human support, the

⁸ EU SILC 2017

⁹ ANED 2019

¹⁰ Gender Equality Index 2019

¹¹ http://euroblind.org/sites/default/files/documents/once_ebu_employment_report_en.pdf

¹² https://www.europarl.europa.eu/doceo/document/TA-8-2016-0442_EN.html#def_1_15

¹³ Inclusion Europe

¹⁴ https://autismeurope.org/wp-content/uploads/2014/03/Report-on-autism-and-employment_EN.pdf

¹⁵ EU-SILC 2018

¹⁶ <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/34425.pdf>

fact that they earn less than their colleagues in an equivalent role and are less likely to get a promotion¹⁷, and due to their loss of disability entitlements once in work. The risk of poverty is emphasised for those declaring more severe levels of disability.

A disproportionate number of persons with disabilities are **homeless**¹⁸ and there is an increased risk for persons with disabilities to become homeless¹⁹.

Due to the cumulative effects of intersectional discrimination, **Roma persons with disabilities** are assumed to face more barriers, experience greater unemployment, more severe poverty and less access to education and services than their peers without disabilities.²⁰

LGBTI persons with disabilities face added obstacles in employment; 16% of them report being denied jobs or promotions because of their identity, compared to 10% for LGBTI staff in general; one in four LGBTI persons with disabilities have been subject to derogatory remarks, bullying and abuse and were outed without consent.²¹

A recent EU-wide survey with persons with disabilities shows that 96% of them find **access to the open labour market** inadequate or requiring improvement, only 10% of them find that the existing legislation is adequate to protect persons with disabilities against discrimination in the open labour market, and 18% of them were not aware of the existence of a legislation in their country which would protect them against discrimination.²²

¹⁷ <https://www.equalityhumanrights.com/sites/default/files/research-report-107-the-disability-pay-gap.pdf>

¹⁸ <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

¹⁹ <https://www.housingrightswatch.org/content/homelessness-and-disabilities-impact-recent-human-rights-developments-policy-and-practice%E2%80%8B>

²⁰ <https://www.ecmi.de/publications/studies/8-not-even-in-the-margins-where-are-roma-with-disabilities>

²¹ https://www.stonewall.org.uk/system/files/lgbt_in_britain_work_report.pdf

²² The survey has been carried out by ENIL.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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))

The European Parliament,

- having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union (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 on the conclusion, by the European Community, of the UN Convention on the Rights of Persons with Disabilities,
- 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 (Employment

Equality Directive)¹,

- 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 origin²,
- 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 2009³,
- 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 bodies⁴,
- 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 services⁵,
- 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 work⁶, 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 bodies⁷,
- 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

¹ OJ L 303, 2.12.2000, p. 16.

² OJ L 180, 19.7.2000, p. 22.

³ OJ C 137 E, 27.5.2010, p. 68.

⁴ OJ L 327, 2.12.2016, p. 1.

⁵ OJ L 151, 7.6.2019, p. 70.

⁶ OJ L 183, 29.6.1989, p. 1.

⁷ OJ L 167, 4.7.2018, p. 28.

- disabilities and their families in the COVID-19 crisis⁸,
- having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020⁹,
 - having regard to its resolution of 11 November 2018 on the situation of women with disabilities¹⁰,
 - having regard to its resolution of 30 November 2017 on the implementation of the European Disability Strategy¹¹,
 - 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 Committee¹²,
 - 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 Union¹³,
 - having regard to its resolution of 25 October 2011 on mobility and inclusion of persons with disabilities and the European Disability Strategy 2010-2020¹⁴,
 - having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market¹⁵,
 - having regard to its resolutions of 17 June 1988 on sign languages for deaf people¹⁶, of 18 November 1998 on sign languages¹⁷, and of 23 November 2016 on sign languages and professional sign language interpreters¹⁸,
 - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences¹⁹,
 - having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017²⁰,
 - 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

⁸ Texts adopted, P9_TA(2020)0183.

⁹ Texts adopted, P9_TA(2020)0156.

¹⁰ OJ C 363, 28.10.2020, p. 164.

¹¹ OJ C 356, 4.10.2018, p. 110.

¹² OJ C 101, 16.3.2018, p. 138.

¹³ OJ C 353, 27.9.2016, p. 41.

¹⁴ OJ C 131 E , 8.5.2013, p. 9.

¹⁵ OJ C 212 E , 5.8.2010, p. 23.

¹⁶ OJ C 187, 18.7.1988, p. 236.

¹⁷ OJ C 379, 7.12.1998, p. 66.

¹⁸ OJ C 224, 27.6.2018, p. 68.

¹⁹ Texts adopted, P9_TA(2020)0054.

²⁰ OJ C 411, 27.11.2020, p. 94.

treatment in employment and occupation²¹,

- 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),
- 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

²¹ OJ C 204, 13.6.2018, p. 179.

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 Article 1(1)(e) 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 disabilities²² (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 PwD²³;
- 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;
- 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

²² 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.’

²³ Articles 21 and 26 of the Charter of Fundamental Rights of the European Union.

- 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) 2019/1700²⁴ 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;

- 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 disabilities²⁵; whereas PwD living in institutions or considered to be unable to work are excluded from these statistics²⁶; 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 %)²⁷, 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

²⁴ 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.

²⁵ EU statistics on income and living conditions (EU-SILC) 2017.

²⁶ *Ibid.*

²⁷ EU SILC 2017.

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 poverty²⁸; 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 whose employment level is considerably lower than the average²⁹; 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 settings³⁰;
- 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 promotion³¹; 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 disabilities³²;

²⁸ 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.

²⁹ Inclusion Europe.

³⁰ Autism Europe, ‘Autism and Work – Together we can’, 2014.

³¹ Equality and Human Rights Commission, research report 107 – Pay Gaps Research, ‘The Disability Pay Gap’, August 2017.

³² European Centre for Minority Issues, study #8, ‘Not Even in the Margins: Where are Roma with Disabilities?’, February 2016.

- 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 consent³³;
- 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 discrimination³⁴;
- 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 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-

³³ Stonewall, 'LGBT in Britain – Work Report', 2018.

³⁴ The survey was carried out by the European Network on Independent Living (ENIL).

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;

For an inclusive and accessible workplace

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 Treaty on European Union (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;

For a non-discriminatory workplace

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.

13.1.2021

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Employment and Social Affairs

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))

Rapporteur for opinion: Lucia Ďuriš Nicholsonová

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that the purpose of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), to which the EU is also a party, is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons, irrespective of any long-term physical, mental, intellectual or sensory impairments; stresses that, by ratifying the UNCRPD, the EU and its Member States have associated themselves with the efforts agreed at international level to uphold the rights of persons with disabilities and promote their inclusion in society and active employment; highlights that according to the European Union Agency for Fundamental Rights (FRA), while the ratification of the convention by all Member States and the EU itself represents a major milestone, gaps persist between the promise of the convention and reality on the ground¹;
2. Calls on the EU and its Member States to ratify the Optional Protocol to the UNCRPD;
3. Emphasises that the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community is also enshrined in the EU Charter of Fundamental Rights, which is binding on the EU and on the Member States when they are implementing Union law; recalls that the EU and its Member States must respect the rights and observe the principles laid down in and promote the application of the Charter; highlights the need to improve awareness of and information on the Charter;
4. Stresses that, in setting out the right to live independently and be included in the community, Article 19 of the UNCRPD brings together the principles of equality,

¹ FRA Fundamental Rights Report 2019.

autonomy and inclusion; calls for a shift in living arrangements and support services for persons with disabilities from institutional and other segregating settings to a system enabling social participation; calls on the Member States to include specific targets with a defined timeframe in their deinstitutionalisation strategies, to adequately finance them and to develop mechanisms to ensure effective coordination between relevant authorities across different administrative sectors and levels²;

5. Points out that an inclusive and human rights based approach to education is a necessary prerequisite for fostering participation in society and promoting access to the labour market for persons with disabilities;
6. Takes the view that the promotion of equality in the field of employment and occupation can be effective only if discrimination is comprehensively combated in all areas of life, at both the European and national levels; highlights that reasonable accommodation and accessibility are key components in establishing disability-inclusive policies, as recognised by the UN Special Rapporteur on the rights of persons with disabilities³;
7. Calls on the Member States to fully implement EU accessibility-related legislation; takes the view that physical, regulatory, digital, logistical and social barriers to accessibility should be eliminated; calls on the Commission and the Member States to promote accessibility and universal design standards for environments, programmes, services and products, to be adopted in consultation with persons with disabilities and their representative organisations; stresses the need to step up research and innovation in the field of accessible technology applied to social and cultural activities and to work processes, including solutions for broadening teleworking opportunities, in order to facilitate participation in society and access to employment for persons with disabilities;
8. 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; requests the promotion of the use of accessible and user-friendly means, modes and formats of communication;
9. Regrets that Union law does not protect individuals from discrimination on the ground of disability outside the workplace and employment;
10. Urges the Council to unblock the negotiations on the proposed horizontal equality directive, which would allow protection against discrimination outside the area of employment and occupation through a horizontal approach;
11. Stresses that the UNCRPD prohibits discrimination in a broad sense, including the denial of reasonable accommodation and multiple and intersectional discrimination that

² FRA, *From institutions to community living for persons with disabilities: perspectives from the ground*, 2018.

³ Statement by Catalina Devandas-Aguilar, Special Rapporteur on the rights of persons with disabilities at the 71st session of the General Assembly, New York, 26 October 2016.
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20764>

derive from a combination of grounds; draws attention to the particularly vulnerable situation of women with disabilities and urges for a swift ratification of the Istanbul Convention by the Union and the Member States; recalls that the UNCRPD also provides for positive discrimination measures to be implemented by the Member States when necessary, which can include specific incentives in the employment area⁴;

12. Calls for a cross-cutting, comprehensive review of Union law and policy to ensure their full compliance with the UNCRPD;
13. 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;
14. Calls for measures to combat preconceived notions regarding the skills and abilities of persons with disabilities, ensuring that they do not suffer discrimination based on such prejudices; highlights that some persons with disabilities may face additional and specific barriers due to a combination of disability and other factors, including socio-economic factors; underlines in this respect the need for an intersectional and holistic life-cycle approach to prevent stigmatisation, social exclusion and poverty; calls for comprehensive awareness-raising campaigns to highlight the contributions of persons with disabilities to society, aimed at the general public, parents and children, as well as public officials and professionals; highlights that the media can play an important role in disseminating information about persons with disabilities and in contributing to bringing about a change for the better in public attitudes towards them;
15. Stresses the need for a common definition of ‘disability’ at EU level across all areas of EU policy, including definitions of relevant key terminology; notes that there is no mutual recognition of disability status between EU Member States; calls on the Commission to consider further actions on mutual recognition of disability status and possible measures to facilitate the free movement of people with disabilities; calls on the Commission to encourage the participation of the Member States in the voluntary system of mutual recognition of the EU disability card;
16. Welcomes the inclusion of the EU disability rights strategy for 2021-30 in the Commission’s work programme for 2021; insists that the future strategy should focus on the full implementation of the UNCRPD and reflect the outcome of the public consultation conducted prior to its preparation by the Commission; stresses that the collaboration of authorities, organisations and civil society at the European, national and local levels is indispensable in order to ensure the implementation of the UNCRPD; stresses that the principle of ‘nothing about persons with disabilities without persons with disabilities’ should be applied in all decision-making processes; encourages the Member States and the EU institutions to ensure adequate funding for and enhance cooperation with organisations representing persons with disabilities;
17. 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

⁴ Committee on the Rights of Persons with Disabilities, *General comment No. 6 (2018) on equality and non-discrimination*.

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;

18. 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;
19. Regrets that the risk of being subjected to exploitation, violence and abuse is significantly higher for persons with disabilities⁵; is concerned about the lack of awareness of victim's rights and of the possibility of seeking redress, and about underreporting of all forms of discrimination and violations of the fundamental rights of persons with disabilities; stresses that according to the Organization for Security and Co-operation in Europe (OSCE), an important contributor to underreporting is the fear of persons with disabilities that they will not be taken seriously by authorities⁶; urges the Commission and the Member States to ensure that all relevant authorities and practitioners are targeted in capacity-building efforts to ensure their understanding of the fundamental rights-based approach to disability; believes that national equality bodies must be strengthened and access to judicial and non-judicial mechanisms must be improved, including by adapted assistance and communication methods, as well as by simplifying often lengthy and complex legal procedures;
20. Regrets that discrimination and exclusion experienced by persons with disabilities have been further exacerbated by the COVID-19 pandemic, with particular regard to persons living in institutions⁷; stresses that psychosocial support and empowerment are very much needed to combat the effects of isolation and the increase in domestic violence, which has a particular impact on persons with disabilities⁸; is concerned by the insufficient investment and the lack of action by authorities in this regard; calls for targeted efforts to ensure appropriate personal protective equipment for professionals in and users of care and support services in order to enable the continuation of these services in a safe environment; calls on the Commission and the Member States to mobilise essential investment and resources to guarantee the continuity of care and support services, in line with the principles of the UNCRPD and the European Pillar of Social Rights, in the framework of the Coronavirus Response Investment Initiative (CRII and CRII +);
21. Stresses that the collection of robust, disaggregated, comparable disability-related data is necessary for evidence-based policy-making in accordance with the UNCRPD;

⁵ Council of Europe, *Freedom from exploitation, violence and abuse of persons with disabilities - Contribution to the Council of Europe Strategy on the Rights of Persons with Disabilities*, 2017.

⁶ OSCE, *Hate Crime Reporting*, 2015, and OSCE-ODIHR, *Factsheet on hate crime against people with disabilities*, 2017.

⁷ FRA, *Coronavirus pandemic in the EU – Fundamental rights implications bulletins*, 2020; Inclusion Europe, *Neglect and discrimination. Multiplied - How Covid-19 affected the rights of people with intellectual disabilities and their families* (2020).

⁸ United Nations, *Policy Brief: A Disability Inclusive Response to COVID-19*, May 2020.

regrets that policy implementation is not comprehensively monitored through results indicators; proposes that progress should be measured against specific and updated targets established at Union level on the basis of Eurostat work; insists that monitoring should involve an independent entity that includes persons with disabilities; urges Member States to process equality data in full compliance with Union data protection and privacy law.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	12.1.2021
Result of final vote	+: 53 -: 4 0: 7
Members present for the final vote	Magdalena Adamowicz, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Balázs Hidvéghi, Evin Incir, Sophia in 't Veld, Livia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Dragoş Tudorache, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Nathalie Loiseau, Sira Rego, Miguel Urbán Crespo, Hilde Vautmans, Petar Vitanov

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

53	+
EPP	Magdalena ADAMOWICZ, Vladimír BILČÍK, Vasile BLAGA, Ioan-Rareş BOGDAN, Lena DÜPONT, Andrzej HALICKI, Balázs HIDVÉGI, Livia JÁRÓKA, Jeroen LENAERS, Lukas MANDL, Nuno MELO, Roberta METSOLA, Nadine MORANO, Emil RADEV, Paulo RANGEL, Ralf SEEKATZ, Tomas TOBÉ, Javier ZARZALEJOS
S&D	Katarina BARLEY, Pietro BARTOLO, Caterina CHINNICI, Maria GRAPINI, Sylvie GUILLAUME, Evin INCIR, Marina KALJURAND, Łukasz KOHUT, Juan Fernando LÓPEZ AGUILAR, Javier MORENO SÁNCHEZ, Birgit SIPPEL, Petar VITANOV, Bettina VOLLATH, Elena YONCHEVA
RENEW	Malik AZMANI, Sophia IN 'T VELD, Fabienne KELLER, Nathalie LOISEAU, Maite PAGAZAURTUNDÚA, Michal ŠIMEČKA, Ramona STRUGARIU, Dragoş TUDORACHE, Hilde VAUTMANS
GEENS/EFA	Patrick BREYER, Saskia BRICMONT, Damien CARÊME, Alice KUHNKE, Terry REINTKE, Tineke STRIK
THE LEFT	Clare DALY, Cornelia ERNST, Sira REGO, Miguel URBÁN CRESPO
NI	Laura FERRARA, Martin SONNEBORN

4	-
ID	Nicolas BAY, Jean-Paul GARRAUD, Marcel de GRAAFF
ECR	Assita KANKO

7	0
ID	Nicolaus FEST, Peter KOFOD, Annalisa TARDINO
ECR	Joachim Stanisław BRUDZIŃSKI, Jorge BUXADÉ VILLALBA, Nicola PROCACCINI, Jadwiga WIŚNIEWSKA

Key to symbols:

+ : in favour

- : against

0 : abstention

3.12.2020

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs

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))

Rapporteur for opinion: Rosa Estaràs Ferragut

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas women are most affected by unemployment and whereas, on average, in the EU, just 48.3 % of women with disabilities have a job, as compared with 53.3 % of men with disabilities¹ and only 20.7 % of women with disabilities are in full employment, compared with 28.6 % of men with disabilities²;
- B. whereas figures show that, on average, 29.5 % of women with disabilities in the EU run the risk of falling victim to poverty and social exclusion, compared with 27.5 % of men with disabilities³;
- C. whereas core EU values are being undermined, as shown by the EU Agency for Fundamental Rights (FRA) survey⁴, and twenty years after the adoption of the Employment Equality Directive, LGBTI people continue to experience discrimination at employment level;
- D. whereas women and girls face various forms of discrimination throughout their lives and those with disabilities face multiple and intersectional forms of discrimination based on both gender and disability, including direct and indirect discrimination, discrimination by association, denial of reasonable accommodation and structural or systemic discrimination;
- E. whereas such discrimination also affects education; whereas digital and green transitions generate a demand for workers with increasingly specialised digital and

¹ European Union Statistics on Income and Living Conditions (EU-SILC 2017).

² European Institute for Gender Equality (Gender Equality Index 2019).

³ European Union Statistics on Income and Living Conditions (EU-SILC, 2018).

⁴ *A long way to go for LGBTI equality*, FRA, 2020.

green skills; whereas gender gaps in digital-related education and gender divides in the digital labour market persist; whereas persons with disabilities are often excluded from education and, consequently, from the labour market and employment opportunities, rendering access to full-time employment more difficult and thereby exacerbating inequality in employment and remuneration; whereas awareness raising is essential in order for employers and workers to act and react appropriately, on the basis of knowledge of their obligations and rights in the area of non-discrimination;

- F. 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;
1. Calls on the Commission and the Member States to systematically integrate the interests and rights of women and girls with disabilities into all action plans, strategies and policies, in particular with regard to education, employment and social policy, with a focus on discrimination on grounds of gender and disability;
 2. Regrets the fact that age is an important ground for employment discrimination; considers that older women are often still exposed to stereotypes and barriers on the job market and calls for intergenerational justice based on solidarity;
 3. 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;
 4. Calls on the Member States to study the possibility of introducing strategies for positive action for groups that suffer from severe and structural discrimination, such as the Roma, into the Directive;
 5. Calls on the Member States to launch awareness-raising campaigns on anti-discrimination and provide clear information to workers and the general public on their rights and obligations, including the rights to work and employment, with a specific focus on accessibility, including access to information and communication, and reasonable accommodation in accordance with the UN Convention on the Rights of Persons with Disabilities, in order to eradicate all forms of explicit or latent discrimination, with the goal of learning how to detect, tackle and denounce discrimination, including an intersectional approach tackling multiple forms of discrimination and how to access current anti-discrimination legislation; invites the Member States to exchange best practices in this regard, focusing on those most at risk, including women with disabilities, while involving social partners, as those forms of discrimination hinder the deployment of educational and training investments and efforts, and constitute a barrier to career development;

6. Stresses that the right to work is an essential precondition for women with disabilities to enjoy effective equal rights, economic independence and professional fulfilment; calls on the Commission and the Member States to take steps and positive action and adopt adequate policies to ensure that girls and women with disabilities benefit from the same rules as everyone else with regard to access to the labour market, hiring and promotion, equal access to training and reskilling, equal access to credit and other productive resources, equal pay for work of equal value and participation in decision-making on an equal footing with all other employees; calls on the Member States to adopt measures to combat discrimination and harassment in the workplace, including sexual harassment faced by women with disabilities, such as action plans to tackle employment discrimination, especially with regard to gender, nationality, social background, disability, sexual orientation and gender identity, ethnic origin, and religion; calls on the Member States to adopt measures to combat harassment at the workplace for persons with disabilities; also stresses the need for a Disability Rights Guarantee with specific measures that address the needs of women with disabilities;
7. Calls on the Commission and the Member States to mainstream the rights of women and girls with disabilities when designing and implementing actions aiming at developing digital skills and lifelong learning, thereby contributing to accessible, non-stereotyped education systems, with inclusive education measures to enable women and girls with disabilities to participate in the labour market, with a specific focus on digital capabilities and lifelong learning, and to guarantee that women and girls with disabilities can choose their areas of study, in order to enable them to opt for work which they want to do and which is commensurate with their abilities, and not be limited by inaccessibility, prejudices and stereotypes, thus promoting their social inclusion;
8. 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;
9. Recalls that, as declared by the UN Committee on the Rights of Persons with Disabilities, failure to provide reasonable accommodation to women with disabilities may constitute discrimination in accordance with Articles 5 and 6 of the UN Convention on the Rights of Persons with Disabilities;
10. Calls for relevant, accurate data to be gathered, where possible, on gender and the disability variable in the labour market, as well as its social dimension, with the goal of using this data as a basis for national and European strategies regarding disabilities, employment and gender equality;
11. Looks forward to the evaluation of the current European disability strategy and the

Commission proposal on the future European disability equality strategy for the next multi-year period, to be published in 2021, combining horizontal and targeted approaches and incorporating a strong gender perspective, including through policies that promote employment, training, job placements, equal career paths, equal pay for work of equal value, adaptation in the workplace and further education, paying attention to the digital inclusion of women with disabilities and the need to safeguard work-life balance;

12. Calls on the Council to adopt the horizontal Anti-Discrimination Directive and to take an intersectional approach in all EU anti-discrimination policies and legislation;
13. Calls for optimisation of the use of existing EU funding instruments, such as the Rights, equality and citizenship (REC) programme, to promote accessibility and non-discrimination, and to address the employment and socio-economic conditions of women with disabilities; calls on the Member States to facilitate access to funding for relevant stakeholders, including civil society organisations and equality bodies;
14. Also calls on the Commission and the Member States to take steps, such as by optimising the EU Structural Funds, to encourage and promote businesses that are committed to recruiting people with disabilities, in order to improve their access to employment opportunities, and to support persons with disabilities in becoming entrepreneurs, such as by devising an externally recognisable certification mark, with the goal of showcasing their compliance with the rules in place and the work they are doing, and providing them with the opportunity to share the initiatives implemented to achieve this;
15. Calls on the Member States to pay particular attention to detecting violence against women and girls with disabilities, with a view to identifying and preventing it in a timely manner.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.12.2020
Result of final vote	+ : 31 - : 1 0 : 2
Members present for the final vote	Christine Anderson, Simona Baldassarre, Robert Biedroń, Vilija Blinkevičiūtė, Annika Bruna, Margarita de la Pisa Carrión, Rosa Estaràs Ferragut, Frances Fitzgerald, Cindy Franssen, Helène Fritzon, Lina Gálvez Muñoz, Lívia Járóka, Arba Kokalari, Alice Kuhnke, Elżbieta Katarzyna Łukacijewska, Andželika Anna Mozdżanowska, Pina Picierno, Sirpa Pietikäinen, Samira Rafaela, Evelyn Regner, Diana Riba i Giner, María Soraya Rodríguez Ramos, Sylwia Spurek, Jessica Stegrud, Isabella Tovaglieri, Ernest Urtasun, Hilde Vautmans, Elissavet Vozemberg-Vrionidi, Chrysoula Zacharopoulou
Substitutes present for the final vote	Lena Düpont, Elena Kountoura, Radka Maxová, Silvia Modig, Vera Tax

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

31	+
ECR	Andželika Anna Mozdżanowska
GUE/NGL	Elena Kountoura, Silvia Modig
ID	Simona Baldassarre, Annika Bruna, Isabella Tovaglieri
PPE	Lena Düpont, Rosa Estaràs Ferragut, Frances Fitzgerald, Cindy Franssen, Lívia Járóka, Arba Kokalari, Sirpa Pietikäinen, Elissavet Vozemberg-Vrionidi, Elżbieta Katarzyna Łukacijewska
Renew	Radka Maxová, Samira Rafaela, María Soraya Rodríguez Ramos, Hilde Vautmans, Chrysoula Zacharopoulou
S&D	Robert Biedroń, Viliija Blinkevičiūtė, Helène Fritzon, Lina Gálvez Muñoz, Pina Picierno, Evelyn Regner, Vera Tax
Verts/ALE	Alice Kuhnke, Diana Riba i Giner, Sylwia Spurek, Ernest Urtasun

1	-
ID	Christine Anderson

2	0
ECR	Margarita de la Pisa Carrión, Jessica Stegrud,

Key to symbols:

+ : in favour

- : against

0 : abstention

4.12.2020

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Employment and Social Affairs

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))

Rapporteur for opinion: Demetris Papadakis

SUGGESTIONS

The Committee on Petitions calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Highlights the fact that the Committee on Petitions receives a large number of petitions on the lack of implementation of the principle of equal treatment as regards access to inclusive education, employment, vocational training, promotion, and the working conditions of persons with disabilities, and a more complex approach is therefore needed; reiterates the need to make the Petitions Web Portal more accessible, transparent and open to all citizens;
2. Condemns the fact that, according to these petitions, persons with disabilities continue to encounter many challenges and discrimination related to accessibility, participation in employment, education and mobility within the EU; considers it unacceptable that many employers are still not taking appropriate measures to tackle these issues, despite such measures being crucial to the economic and social inclusion of the 100 million persons with disabilities in the EU and despite the fact that artificial intelligence, digital technologies, tools and applications are available to meet the individual needs of persons with disabilities; highlights that this leads to the exclusion of a large proportion of the human resources available; considers distance employment an important tool to increase the level of employment of workers with disabilities and to foster the effective transformation of workplaces into accessible ones; highlights the need to cooperate with the private sector to provide the appropriate working tools;
3. Notes that the provision of reasonable accommodation for people with disabilities is one of the key elements of the directive and that the Commission should continue to monitor rigorously its correct transposition into national legislation;
4. Deplores the fact that discrimination based on religion or belief, disability, age or sexual orientation may undermine the achievement of the objectives of the Treaty on European Union (TEU);
5. Reiterates its call on the Member States to take specific measures with a view to ensuring full equality in practice to prevent or compensate for disadvantages linked to

disabilities, taking into account the opportunities provided by artificial intelligence, and recommends that the Member States ensure that the employment of people with disabilities is addressed in their national reform programmes; calls on the Member States to encourage enterprises to ensure greater inclusion of people with disabilities within their businesses; encourages, in this context, the simplification of financial and technical support for the hiring of people with disabilities, and the adaptation of recruitment procedures so that people with disabilities have easier access to job offers and application procedures; stresses the need to upscale digital skills among the working population, and stresses that digitalisation will contribute to greater social inclusion and will help older people and workers with disabilities remain in the labour market longer;

6. 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;
7. 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 on Human Rights, 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;
8. Underlines the fact that Council Directive 2000/78/EC does not contain any definition of the concept of disability and encourages the Member States to interpret EU law in such a way as to provide a basis for a concept of disability in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD);
9. Calls on the Member States to complete the Union's anti-discrimination legal framework, and welcomes, in this regard, the accession of the EU to the UNCRPD; recalls that 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; highlights the importance of updating the legal framework relating to persons with no legal capacity, through the adoption of supported decision-making regimes and with a view to ultimately enabling the practical exercise of their right to employment;
10. States, in accordance with Article 6 of the TEU, that the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to all Member States, and that fundamental rights, as guaranteed by the European Convention on Human Rights and as they result from the constitutional traditions common to the Member States, constitute general principles of EU law;
11. Stresses that Member States should make considerable efforts, within defined timeframes, to tailor workplaces to the individual needs of persons with disabilities in order to improve their accessibility and to accommodate the special needs of workers with disabilities, so as to promote, in the private sector, a supportive environment for

employing persons with all types of impairments on the open labour market; stresses the importance of the more widespread use of modern technologies to this end and insists on promoting dialogue among social partners with a view to fostering equal treatment, including at legislative level where appropriate, and through the constant exchange of best practices, in order to foster in particular the inclusion of women with disabilities, people from a disadvantaged socio-economic background, national and linguistic minorities, and LGBTQ+ people with disabilities; believes that relevant research should be made available in simple language; considers, in this context, that incentive and reward policy is effective in improving workplace accessibility;

12. Calls on the Commission as a matter of urgency, in the light of these systematic enforcement issues, to establish effective monitoring of compliance with the directive at all levels in all Member States, to launch immediately the necessary investigations into possible breaches of the directive, and to open infringement procedures against the Member States responsible, where appropriate;
13. 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;
14. Welcomes Commission initiatives such as the Access City Award, and advocates initiatives at national, regional and local level;
15. Calls on all Member States and the Commission to take effective action, in cooperation with disabled persons' organisations and social partners, to achieve the social and economic integration of people with disabilities, to raise awareness of their rights, to share research and best practices, and to combat youth and senior unemployment, as unemployment may lead to poverty, social exclusion, mental health problems and homelessness; calls on the Member States to ensure access for persons with disabilities to quality education, reasonable accommodation, employment measures such as the Youth Guarantee and exchange programmes such as Erasmus+; reiterates the importance of avoiding segregated employment by linking people with disabilities to the open labour market, and thus providing them with the possibility of gaining employment in a field of their choice;
16. Stresses that persons with disabilities have enormous potential and talent, which should not be wasted; points out that, given the economic impact of the pandemic, the EU should make full use of the potential of all its citizens;
17. Encourages the Member States to maintain or adopt measures intended to prevent or compensate for disadvantages, supports organisations whose main object is carrying out concrete actions for people in need, and believes that case-by-case analysis of proportionality and cost-benefit calculations will continue to have an impact on specific measures taken by Member States, in the name of positive action;
18. Calls on the Commission to strengthen the focus on the transition from institutional to

community- and family-based services in accordance with the UNCRPD and to address the shortcomings identified by the Ombudsman in case 1233/2019/MMO;

19. Calls on the Member States to promote access to employment and integration into the labour market for all workers regardless of their age, and to apply measures relating to gender, disabilities, remuneration, training, career development, and health and safety in order to protect all workers in the workplace;
20. Stresses that measures to combat discrimination on grounds of age must as a matter of principle avoid differentiating between young people and the elderly, and that any form of unjustified age discrimination must be tackled in an appropriate manner;
21. Highlights the role of women, who typically have primary responsibility for taking care of children and dependants with disabilities, and the fact that disabled women face double discrimination which has statistically led to a higher unemployment ratio; stresses that this has a direct effect on women's opportunities and means of accessing the job market and advancing in their professional development, and may negatively affect their employment prospects; states that women are those most affected by unemployment and suffer negative discrimination in terms of employment, in particular pregnant women and mothers, including mothers who are breastfeeding; calls on the Member States to promote research into this topic, since data is scarce, and to establish a flexible parental leave system, with a job guarantee once the parental leave is over, which is equally accessible regardless of gender;
22. Considers that many persons with disabilities can be decisive role models for us all, showing what can be achieved through willpower and how problems can be overcome; notes that these challenges enhance specific skills, as evidenced by the presence of persons with disabilities in the management of leading organisations;
23. States that in implementing the principle of equal treatment, the EU should, in accordance with Article 3(2) of the TEU, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination;
24. Points out that single-parent families, primarily single mothers, can be found much more frequently among the working poor, and that all measures adopted should focus on single parents;
25. Insists on updating and renewing the post-2020 European Disability Strategy, with the aim of further reducing inequalities for people with disabilities and promoting their social and economic inclusion and tailor-made independence, taking into account the challenges and issues relating to disabilities that have arisen from the COVID-19 pandemic; notes that confinement measures taken by governments and teleworking may have negatively affected persons with disabilities, regardless of whether they received care at home or in institutions; stresses the need to consider the provision of financial support to employers of disabled persons in order to provide them with the equipment required for teleworking;
26. Calls on the Commission and Member States to guarantee that EU funds are always spent in line with EU and international human rights standards and are never spent on segregated settings – whether for living or employment – for persons with disabilities,

with no prospect of finding a non-institutional residence or non-sheltered employment;

27. Highlights that the challenges arising from the COVID-19 pandemic have had a disproportionate effect on people with disabilities; urges governments to consider the impact that confinement requirements and teleworking have on persons with disabilities; calls on the Commission and the Member States to address the problems mentioned in the European Parliament's resolution of 8 July 2020 on the rights of persons with intellectual disabilities in the COVID-19 crisis and in its resolution of 18 June 2020 on additional funding for biomedical research on Myalgic Encephalomyelitis.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	3.12.2020
Result of final vote	+: 30 -: 0 0: 4
Members present for the final vote	Alex Agius Saliba, Andris Ameriks, Marc Angel, Andrus Ansip, Margrete Auken, Jordan Bardella, Alexander Bernhuber, Markus Buchheit, Ryszard Czarnecki, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Emmanouil Fragkos, Mario Furore, Gianna Gancia, Ibán García Del Blanco, Alexis Georgoulis, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Ulrike Müller, Emil Radev, Sira Rego, Frédérique Ries, Monica Semedo, Massimiliano Smeriglio, Yana Toom, Loránt Vincze, Stefania Zambelli, Tatjana Ždanoka, Kosma Złotowski
Substitutes present for the final vote	Demetris Papadakis

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
EPP	Alexander Bernhuber, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Dolors Montserrat, Emil Radev, Loránt Vincze
S&D	Alex Agius Saliba, Andris Ameriks, Marc Angel, Ibán García Del Blanco, Cristina Maestre Martín De Almagro, Demetris Papadakis, Massimiliano Smeriglio
RENEW	Andrus Ansip, Ulrike Müller, Frédérique Ries, Monica Semedo, Yana Toom
GREENS/EFA	Margrete Auken, Tatjana Ždanoka
ECR	Ryszard Czarnecki, Emmanouil Fragkos, Kosma Złotowski
EUL/NGL	Alexis Georgoulis, Sira Rego
NI	Eleonora Evi, Mario Furore

0	-
-	-

4	0
ID	Jordan Bardella, Markus Buchheit, Gianna Gancia, Stefania Zambelli

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	27.1.2021
Result of final vote	+: 47 -: 1 0: 4
Members present for the final vote	Atidzhe Alieva-Veli, Abir Al-Sahlani, Marc Angel, Dominique Bilde, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Sylvie Brunet, David Casa, Leila Chaibi, Margarita de la Pisa Carrión, Özlem Demirel, Klára Dobrev, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Rosa Estaràs Ferragut, Nicolaus Fest, Loucas Fourlas, Cindy Franssen, Heléne Fritzon, Elisabetta Gualmini, Alicia Homs Ginel, France Jamet, Agnes Jongerius, Radan Kanev, Ādám Kósa, Stelios Kympouropoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Radka Maxová, Kira Marie Peter-Hansen, Dragoř Píslaru, Manuel Pizarro, Dennis Radtke, Elżbieta Rafalska, Daniela Rondinelli, Mounir Satouri, Beata Szydło, Eugen Tomac, Romana Tomc, Yana Toom, Marie-Pierre Vedrenne, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Stefania Zambelli, Tatjana Źdanoka, Tomáš Zdechovský
Substitutes present for the final vote	Irena Joveva
Substitutes under Rule 209(7) present for the final vote	Andrea Bocskor

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

47	+
ECR	Lucia Ďuriš Nicholsonová
ID	Dominique Bilde, Elena Lizzi, Stefania Zambelli
NI	Daniela Rondinelli
PPE	Andrea Bocskor, David Casa, Jarosław Duda, Rosa Estaràs Ferragut, Loucas Fourlas, Cindy Franssen, Radan Kanev, Ādám Kósa, Stelios Kypouropoulos, Miriam Lexmann, Dennis Radtke, Eugen Tomac, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Atidzhe Alieva-Veli, Abir Al-Sahlani, Sylvie Brunet, Irena Joveva, Radka Maxová, Dragoş Pişlaru, Yana Toom, Marie-Pierre Vedrenne
S&D	Marc Angel, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Klára Dobrev, Estrella Durá Ferrandis, Helène Fritzon, Elisabetta Gualmini, Alicia Homs Ginel, Agnes Jongerius, Manuel Pizarro, Marianne Vind
The Left	Leila Chaibi, Özlem Demirel, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Kira Marie Peter-Hansen, Mounir Satouri, Tatjana Ždanoka

1	-
ECR	Margarita de la Pisa Carrión

4	0
ECR	Elżbieta Rafalska, Beata Szydło
ID	Nicolaus Fest, France Jamet

Key to symbols:

+ : in favour

- : against

0 : abstention