GUIDE FOR BUSINESS ON THE RIGHTS OF PERSONS WITH DISABILITIES

How business can respect and support the rights of persons with disabilities and benefit from inclusion

United Nations Global Compact

International Labour Organization

ABOUT THE UNITED NATIONS GLOBAL COMPACT

The United Nations Global Compact is a call to companies everywhere to align their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption, and to take action in support of UN goals and issues embodied in the Sustainable Development Goals. The UN Global Compact is a leadership platform for the development, implementation and disclosure of responsible corporate practices. Launched in 2000, it is the largest corporate sustainability initiative in the world, with more than 9,000 companies and 3,000 non-business signatories based in over 160 countries, and more than 70 Local Networks.

ABOUT THE ILO

The International Labour Organization (ILO) is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that social justice is essential to universal and lasting peace. As the only tripartite UN agency, the ILO brings together governments, employers and workers representatives of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. Today, the ILO's Decent Work agenda helps advance the economic and working conditions that give all workers, employers and governments a stake in lasting peace, prosperity and progress.

ACKNOWLEDGMENTS

The partner organizations express their deep appreciation to the numerous stakeholders and participants from business, civil society and international organizations for their valuable input to developing this guidance, to the Global Initiative for Inclusive ICTS (G3ICT) for their support with copy-editing and design, and to DLA Piper for their initial editorial support.

UN GLOBAL COMPACT

Ursula Wynhoven, Lauren Gula, Elena Bombis, Shubha Chandra, Sadhvi Saran

ILO

Stefan Tromel, Jurgen Menze

EXPERT GROUP MEMBERS

Ana Mohedano (Iberoamerican Organization of Social Security), Axel Leblois (G3ICT), Charlotte Mclain-Nhlapo (World Bank), Daniela Bas (UN Department of Economic and Social Affairs), Debra Ruh (Ruh Global Communications), Facundo Chavez Penillas (Office of the High Commissioner for Human Rights), Liri Kopaci-Di Michele (Council of Europe), Lizzie Kiama (This Ability Consulting), Mathilde Tabary (ILO Global Business and Disability Network), Sreela Das Gupta (Tata Consultancy Services), Susan Scott Parker (Business Disability International), Thorkil Sonne (Specialisterne), Vladimir Cuk (International Disability Alliance)

DISCLAIMER

The inclusion of any name of a company, other organization or individual and/or specific examples of policies, practices or initiatives does not constitute an endorsement of such entities, persons or examples by the UN Global Compact Office, the ILO and/or other institutions mentioned in the publication. The material in this publication is intended for learning purposes and may be quoted and used provided there is proper attribution of its source.

United Nations Global Compact

International Labour Organization

WWW.UNGLOBALCOMPACT.ORG

CONTENTS

8 INTRODUCTION

10 BUSINESS AND DISABILITY

10 Rights of Persons with Disabilities

14 Business and Human Rights

22 BUSINESS ACTIONS

22 How to Include Respect and Support for the Rights of Persons with Disabilities in Existing Policies and Processes

23 Promote Equal Opportunities in the Workplace

29 Promote Equal Opportunities in the Marketplace

32 Promote Equal Opportunities in the Community

INTRODUCTION

Promoting the rights of persons with disabilities and including them in society, as managers, employees, suppliers and consumers is a triple win: a win for persons with disabilities, a win for business, and a win for the society in general.

Many companies across the world have policies, practices and initiatives in place that seek to respect and support the rights and inclusion of persons with disabilities as employees, customers, suppliers and community members. Some of the measures are required by law, but many go beyond legal requirements recognizing the human rights and business case for inclusion. The objective of this guide is to help improve business' understanding of the rights of people with disabilities, how to respect and support them and the opportunity to improve their competitiveness and sustainability by doing so in alignment with relevant United Nations (UN) conventions and frameworks.

Chapter 1 presents the rights of persons with disabilities and explains how businesses may impact them, negatively or positively, in the workplace, marketplace and community.

It also highlights the positive impact that including persons with disabilities can have on companies' performance and sustainability.

Key international instruments and principles referred to in this Guide include:

The UN Convention on the Rights of Persons with Disabilities.

The UN Global Compact's Principles.

The UN Guiding Principles on Business and Human Rights.

The ILO Declaration on Fundamental Principles and Rights at Work.

Chapter 2 suggests concrete actions and measures companies can take to implement good practices that are inclusive of persons with disabilities in the workplace, marketplace and in the community. Examples from companies around the globe are included for illustrative purposes.

The primary audience for this publication is business professionals working in a variety of functions within companies such as: human resources, procurement, sustainability, marketing, IT, and facilities management. Some companies also have Chief Diversity and Inclusion Officers and Chief Accessibility Officers and this publication is intended for them as well.

Businesses of all sizes share the corporate responsibility to respect human rights, including the rights of people with disabilities. Some companies may be willing and able (or even required) to do more to support the rights of people with disabilities.

The publication offers some ideas in this regard, pointing the way to corporate leadership on inclusion.

The guide also aspires to be relevant to policy makers, especially those that work on business and human rights programmes at national, regional and international levels, to trade unions, civil society organizations, national human rights institutions and other organizations promoting the rights of persons with disabilities.

RESEARCH METHODOLOGY

This guide is the result of an international collaborative effort spanning over 12 months. Its findings and recommendations are based on the following: desk research, a review of publically available information, literature and case studies, ongoing consultations with an international multi-stakeholder expert group constituted specifically to advise on and shape the development of this guide, good practice examples submitted by companies across the world to the partner organizations, and an extensive global consultation with interested businesses and other stakeholders.

BUSINESS AND DISABILITY

1.1 RIGHTS OF PERSONS WITH DISABILITIES

The rights of all human beings are set out in international instruments, such as the International Bill of Human Rights and the ILO's Declaration on Fundamental Principles and Rights at Work[1]. While these human rights standards apply equally to persons with disabilities, the UN Convention on the Rights of Persons with Disabilities (CRPD)[2] is the main international treaty that recognizes and explains what these rights mean specifically for persons with disabilities. Adopted on 13 December 2006, the CRPD was negotiated with the active involvement of organizations of persons with disabilities. The CRPD has been instrumental in changing the disability paradigm and making disability understood as a human rights issue.

As with all human rights, States have the duty to respect, protect and fulfil the human rights of persons with disabilities. They also have the duty to protect human rights against third party abuses, including by business. Thus, since the CRPD was adopted, its more than 170 Member States have changed or are changing their legislation and policies to meet its provisions.

In many countries, the CRPD is directly applicable and overrides inconsistent national laws. In other countries, legislation has been introduced that is aligned with CRPD provisions. The introduction of the CRPD has created global momentum for the realization of the rights of persons with disabilities and has justifiably raised the expectations of persons with disabilities themselves to have their rights respected and supported.

The CRPD is strongly based on a non-discrimination approach. This has led to the introduction of specific anti-discrimination laws in the area of disability and the inclusion of protection for the rights of persons with disabilities in general anti-discrimination legislation. In addition, the concerns of persons with disabilities are also increasingly being reflected in other laws and policies, e.g. labour codes and public procurement regulations. All these changes affect the private sector, both in their role as employers as well as procurers and providers of goods and services.

According to Article 1 of the CRPD, 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".

This is an open definition of "disability" (a social model) that differentiates it from "impairment" (a personal condition). Adopting a human rights-based approach, the CRPD essentially states that "disability" is the result of the interaction between persons with impairments and the attitudinal and environmental barriers, including social prejudice and inaccessible information, buildings and services, which hinder their full and effective participation in society on an equal basis with others. As a result, the definition is not a static one, but is more akin to an evolving concept.

Further, persons with disabilities form a very heterogeneous group. For example, a person with an intellectual impairment, someone who is visually impaired or someone with a mental health condition/ psychosocial impairment all encounter different barriers. In addition to promoting general inclusion and accessibility measures, companies must keep in mind that in certain cases individualized adjustments or accommodations may be required to support inclusion.

Reasonable Accommodation

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. In the workplace, it may mean making changes to the work environment to allow persons with disabilities to work safely and productively.

Employment Quota Systems

Many countries have quota legislation, which usually covers both the public and private sector. Quota systems call for employers to hire a set minimum percentage of workers with disabilities, but there are variations between systems, particularly in relation to the requirement (e.g. obligatory vis-a-vis non-obligatory requirement), the size and type of enterprise and the nature and effectiveness of sanction in case of non-compliance. It is worth noting that quota systems are seen to be most effective when they are complemented by additional support services and measures offered by States to businesses and persons with disabilities.

Indeed, persons with disabilities will not simply be those who are identified or qualify as such under national law (whether as a result of quotas, social benefits or otherwise), but are those persons with impairments who experience some disadvantage in the way in which an inaccessible environment negatively impacts their full social participation and inclusion. All such situations fall within the definition set out in the CRPD, even if they would not be considered to be so under a local or national definition or concept.

Due to this broad definition, the number of individuals who meet the definition of "persons with disabilities" is large. A 2011 report by the World Health Organization and the World Bank estimates that there are 1 billion people, i.e. 1 out of every 7 people, with disabilities across the globe.[3] The majority of this group has non-visible impairments, that is, the person's disability is not necessarily obvious to other people.

One effect of this is that a business may already have a significant number of employees and customers with disabilities without being aware of it. Further, as the population ages, the proportion of persons with disabilities increases. Roughly one third of all persons between the ages of 50 and 64 have impairments within the meaning of Article 1 of the CRPD. This number increases to 50 percent for persons over the age of 65 and grows considerably for those beyond the age of 70 and 75. The number of people with disabilities in the population is also affected by factors such as the presence of and exposure to conflict in the country and the number of returning military veterans.

Accordingly, when seeking to define these terms, business should be familiar with the definitions which apply in their jurisdictions, but at the same time, they should also be aware of the broad approach endorsed by the CRPD to ensure that they are inclusive of all persons with disabilities. This is particularly pertinent for companies with operations in different countries.

The section below articulates the responsibilities of the private sector towards human rights, including the rights of persons with disabilities, and highlights the opportunities for business to contribute to the advancement of these rights.

Know Your Numbers

One step companies can take to assess how many individuals can benefit from inclusion and accessibility measures is to include one or more questions in regular staff surveys. A proper justification for these questions needs to be given, along with guaranteeing confidentiality of the results. For instance, persons with a psychosocial disability/mental health condition and other non-visible disabilities may not be officially recognized as having a disability in certain countries or may not want to share information about their impairment.

1.2 BUSINESS AND HUMAN RIGHTS

While international human rights conventions and declarations are addressed to States and not to businesses directly, all businesses regardless of size, sector, ownership, structure or geography have the responsibility to respect human rights. The UN Global Compact Principles[4] and the UN Guiding Principles on Business and Human Rights[4] ("UN Guiding Principles") call on companies to respect international human rights standards in their business activities and business relationships. This includes the CRPD as the core international instrument elaborating on the rights of persons with disabilities. Companies should abide by national law and consider international human rights standards, including the CRPD, when developing their human rights policies and procedures. The CRPD is already a part of domestic law in many countries. In others, States are in the process of implementing it into national law. Businesses should seek to respect human rights, including the rights of people with disabilities, everywhere as the corporate responsibility to respect human rights is not only a legal responsibility, it is a moral one recognized in the UN Guiding Principles as applicable everywhere.

THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The UN Guiding Principles provide an authoritative global standard for States and companies to prevent and address the risk of adverse impacts on human rights in their own operations and business relationships, including those throughout their value chain. This framework refers to internationally recognized human rights "which is understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO's Declaration on Fundamental Principles and Rights at Work"[6]. Additionally, the UN Guiding Principles highlight the need for business to consider additional standards, including the rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them[7].

Such specific groups or populations include, among others, persons with disabilities. A number of National Action Plans on business and human rights developed by States to implement the UN Guiding Principles also refer to persons with disabilities.[8]

In order to meet their responsibility to respect human rights – to know and show to themselves and others that they respect human rights - companies need to adopt appropriate policies and practices as outlined in the UN Guiding Principles, such as:

1. Adopt a **policy commitment**[9]. This statement should be endorsed at the most senior level of the company and be informed by relevant expertise. It should also stipulate the business' expectations of personnel, business partners and others directly linked to its operations, products or services. The document should be made available and effectively communicated both internally and externally, and be embedded in relevant other policies and procedures.
2. Undertake ongoing **human rights due diligence**[10] to identify, prevent, mitigate and account for their human rights impact. Human rights due diligence covers any adverse impact that business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by a business relationship.
3. Implement a process to enable **remediation**[11]. Where a business identifies that it has caused or contributed to an adverse human rights impact, it should provide for or cooperate in the remediation of it through legitimate processes. Where a company has not caused or contributed to the impact, but instead is directly linked to a company's operations, products or services by a business relationship, the company is not required to provide remediation itself, although it is expected to use its leverage to stop the adverse impact.

These steps serve as the foundational elements to enable a business to set out and implement its commitment to acting responsibly and provide the basis to 'know and show' that it is taking steps to respect human rights.

THE UN GLOBAL COMPACT'S PRINCIPLES

The UN Global Compact works with thousands of business participants to align their operations and strategies with ten universal principles. These UN Global Compact Principles guide businesses to respect fundamental responsibilities in the areas of human rights, labour, the environment and anti-corruption. They are based on international conventions and declarations, including the Universal Declaration of Human Rights.

The CRPD elaborates on the rights stated in the International Bill of Human Rights, which include the Universal Declaration of Human Rights, through the lens of persons with disabilities. The responsibility to respect, articulated in the UN Guiding Principles, provides further conceptual and operational clarity for the first two principles championed by the UN Global Compact, which cover human rights.

In addition to the responsibility to respect human rights, which applies to all businesses worldwide, the UN Global Compact Principles also encourage companies to explore opportunities to support human rights (Principle 1). Companies can support human rights through their company's core business activities, strategic social investment or philanthropy, public policy engagement or advocacy or partnerships and collective action. The business case for supporting human rights, including the rights of persons with disabilities can be strong (see 1.3. below). However, any supportive act should always be considered a complement to and not a substitute for meeting the responsibility to respect human rights.

Demonstrating Corporate Leadership

14 percent of the workforce in Grupo Siro comprises persons with disabilities, which has benefited the company in numerous ways: it has led to lower rates of absenteeism and staff turnover while increasing competitiveness, productivity, efficiency and profitability. The reputation of the company has strengthened and regulatory risk has been diminished since they continually exceed the 2 percent quota for persons with disabilities mandated by Spanish law.

THE RIGHTS OF PERSONS WITH DISABILITIES IN THE SUSTAINABLE DEVELOPMENT AGENDA

In September 2015, UN Member States adopted a set of universally agreed 17 goals and 169 targets, known as the Sustainable Development Goals (SDGs). These goals lay out a plan to address the most important economic, social, environmental and governance challenges by 2030 and specifically call on the private sector to contribute to their implementation. At the heart of the "Agenda 2030" is a range of issues, from ending poverty to reducing inequalities, to taking action to combat climate change. The SDGs apply to all persons and recognize the importance of inclusion in the sustainable development agenda. By acting responsibly and finding opportunities to further advance sustainable development, companies provide a key contribution to achieving the SDGs. Agenda 2030 is explicitly grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties and other instruments, including the Declaration on the Right to Development.

It states that the SDGs aim to realize the human rights of all and emphasizes the responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. The SDGs and their targets cover a wide range of issues that mirror the human rights framework. The UN Guiding Principles on Business and Human Rights are also explicitly referenced. Persons with disabilities are specifically mentioned eleven times throughout the SDGs targets and/or indicators (within goals 4, 8, 10, 11 and 17).

THROUGH THESE TARGETS AND INDICATORS, BUSINESS CAN CONTRIBUTE TO:

Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations (SDG 4).

Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value (SDG 8).

Empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status (SDG 10).

Provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons (SDG 11).

Provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities (SDG 11).

Enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts (SDG 17).

In addition, the SDGs include persons with disabilities as vulnerable people, which extends the scope of references to persons with disabilities to targets related to poverty (1.3, 1.4, 1.5), food (2.1), water and sanitation (6.2) and disaster situations (11.5).

1.3 THE BUSINESS CASE TO RESPECT THE RIGHTS OF PERSONS WITH DISABILITIES

Respecting and supporting the rights of persons with disabilities is not only a matter of human rights but also of business success. Among other things, persons with disabilities represent huge potential and power as employees, suppliers, consumers, investors and business partners.

Businesses are increasingly realizing that fostering diversity that includes persons with disabilities among employees, suppliers, and customers can provide a competitive advantage. There are benefits for business at large and specifically for the workplace, the marketplace and the community. These benefits are oftentimes interrelated and reinforce each other.

For example, persons with disabilities in the United Kingdom have a combined spending power of around USD 100 billion. Companies that are unable to provide an accessible or a welcoming environment to such consumers with disabilities and their families risk to lose these consumers to competitors that are more accommodating and inclusive.[12] Accommodations for people with disabilities may also improve accessibility for others as well, such as when ramps installed assist customers with strollers as well as persons in wheelchairs.

By focusing on skills rather than stereotypes, companies can access the still oftentimes untapped pool of talent of persons with disabilities. Diverse skills, points of views and abilities have several positive effects on business like an improved organizational capacity for problem solving and innovation.

Further, having greater access to talent means that companies are better suited to avoid skills shortages or labour supply issues.

By fostering the inclusion of persons with disabilities, businesses also improve their reputation both on the national and international level as they show that they live up to their responsibilities and values and are committed to supporting and promoting the rights of this segment of the population.

Recognizing Market Opportunities

Persons with disabilities have almost twice the spending power of teens and more than 17 times the spending power of tweens, the two demographics most sought-after by business marketing efforts.

Persons with disabilities spend USD 700 billion per year on technology. American adults with disabilities now spend USD 17.3 billion annually on just their own travel.

Even households without persons with disabilities see companies that include people with disabilities in advertising more positively. They are also more likely to buy products and services from those companies.

---

66 percent of viewers of captioned TV are more likely to buy a product that has a captioned commercial, 53 percent will actively seek out products advertised with captions and 35 percent will switch to brands that use captioned ads.

Source: Tapping into Hidden Human Capital, Debra Ruh

Companies that have embarked on the journey of including persons with disabilities have benefitted from being perceived as corporate leaders and also better reflect the demographics of the communities where they operate.

Another competitive advantage that companies can gain by including people with disabilities is increased engagement and retention of their entire workforce. Employees who feel that their employer is serious about creating a more diverse and inclusive workforce have been found to display higher levels of satisfaction, loyalty, enthusiasm and reduced absenteeism and turnover.[13]

In addition to paying attention to persons with disabilities as managers and employees, companies can gain access to an overlooked and under-served market by promoting disability inclusion throughout their policies and operations. For instance, in the United Kingdom, 58 percent of persons with disabilities say that the way in which businesses treat them affects the shopping habits of their friends and family.[14] A better understanding of the diverse demands of their customer base makes businesses more receptive to specific needs, including those of persons with disabilities, and helps them to develop better and more innovative products and services.

Companies also have the opportunity through supply chain diversity policies to support diversity and inclusion through their purchasing policies and practices.

One of the key impacts of the adoption of the CRPD is the growing expectation from persons with disabilities that their rights be respected as citizens, employees, suppliers, customers and generally, as members of society. With this increasing awareness, business is adapting their policies and practices to ensure they are not only meeting these basic expectations but also advancing the rights of persons with disabilities.

In the next chapter, we will explore in more detail what businesses can do to respect and support the rights of persons with disabilities illustrated with real-world company examples.

Ensuring Diversity

The Institute of Technology Tralee Ireland has developed an innovative mentoring and training programme that builds capacity for managers, instructors, personal trainers and other staff at fitness centers to enable them to offer high quality service to all customers, including those with disabilities. The programme also advocates for the employment of people with disabilities in the centers. It is being rolled out globally in partnership with the global industry body, the International Health, Racquet & Sportsclub Association, and other collaborative partners as relevant in each jurisdiction.

BUSINESS CASE FOR DISABILITY INCLUSION

BUSINESS

GAIN A REPUTATION ON THE INTERNATIONAL STAGE AND DEMONSTRATE LEADERSHIP

FURTHER OWN CORPORATE VALUES AND SOCIAL PRIORITIES

KEY COMPONENT OF DIVERSITY

FOSTER AN ENVIRONMENT THAT PROMOTES DIGNITY AND RESPECT OF ALL PERSONS

MEET AND EXCEED LEGAL REQUIREMENTS

WORKPLACE

GAIN GREATER ACCESS TO TALENT POOL

BETTER ABLE TO AVOID SKILLS SHORTAGES OR LABOUR SUPPLY ISSUES

DECREASED LABOUR TURNOVER

ACCESS TO UNTAPPED RESOURCE OF DIFFERENT SKILLS, POINTS OF VIEW AND ABILITIES

INCREASED EMPLOYEE SATISFACTION AND ENGAGEMENT

IMPROVED TEAMWORK, PRODUCTIVITY AND MORALE AMONG EMPLOYEES

LOWER INCIDENCE OF HEALTH AND SAFETY RISKS

MARKETPLACE

ACCESS TO AN OVERLOOKED AND UNDER-SERVED MARKET SEGMENT

REFLECT DIVERSE DEMANDS OF CUSTOMER BASE, MAKING THE BUSINESS MORE RECEPTIVE AND RESPONSIVE TO UNIQUE NEEDS, HELPING IT TO DEVELOP BETTER PRODUCTS AND SERVICES

MAKING BUSINESS BETTER PREPARED TO ADDRESS THE GROWING MARKET OF OLDER PERSONS

FOSTER INNOVATION IN PRODUCTS AND SERVICES

ENHANCE SUPPLIER DIVERSITY BY ALSO SOURCING FROM COMPANIES THAT ARE OWNED BY AND EMPLOY PERSONS WITH DISABILITIES

ENHANCE CUSTOMER LOYALTY WITH INCLUSIVE MARKETING AND ADVERTISING AND AVOID THE NEGATIVE REPERCUSSIONS OF USING STEREOTYPES

COMMUNITY

THROUGH INCREASED INCLUSION AND ACCESSIBILITY, CONTRIBUTE TO AN IMPROVED ENABLING ENVIRONMENT FOR ALL MEMBERS OF THE COMMUNITY, INCLUDING BUSINESS, TO THRIVE AND GROW

CONTRIBUTE TO POSITIVE SOCIAL CHANGE THROUGH LEADING BY EXAMPLE AND POSITIVELY INFLUENCING ATTITUDES

BUSINESS ACTIONS

As explained in Chapter 1, the UN Guiding Principles and the UN Global Compact Principles help business know how to respect and support all human rights, including the rights of marginalized groups, such as persons with disabilities.

2.1 HOW TO INCLUDE RESPECT AND SUPPORT FOR THE RIGHTS OF PERSONS WITH DISABILITIES IN EXISTING POLICIES AND PROCESSES

The priority must be to respect human rights and, as indicated above, support for human rights in one area cannot be a substitute for not meeting the responsibility to respect human rights in another area. Thus, making a contribution to a charity that supports the rights of persons with disabilities cannot make up for not making reasonable accommodations for employees with disabilities, not providing equal employment opportunities for persons with disabilities or not serving customers with disabilities.

A company should first incorporate a rights-based perspective on disability in its policies and processes by doing the following:

1. Design and adopt a policy to respect human rights that includes explicit reference to persons with disabilities, for instance as one of the grounds for non-discrimination.
2. Undertake ongoing due diligence to identify the different activities of the company that may have adverse impacts on the rights of persons with disabilities, in their roles as employees, clients, other stakeholders, and act upon these findings and communicate how it will address these impacts. One possible approach would be for companies to undertake a disability inclusion self assessment which would allow them to identify the areas in which there is a most likely risk of failure to respect the rights of persons with disabilities.
3. Implement a process to enable remediation for any adverse impact on the rights of persons with disabilities that a company causes or contributes to. This process could include ensuring complaint mechanisms are accessible to persons with disabilities.

By taking the above steps, companies include the rights of persons with disabilities within their overall human rights strategy. This can be complemented by the adoption of a specific company disability policy that will allow for a more detailed reflection of the commitments made by the company. The ILO Global Business and Disability Network Charter on Disability and Inclusion provides a useful framework for such policies.[15]

Having established the appropriate policies and procedures using the guidance above, the next section highlights a range of actions that companies can take to respect and support the rights of persons with disabilities, in the workplace, marketplace and/or in the community.

2.2 PROMOTE EQUAL OPPORTUNITIES IN THE WORKPLACE

Promoting equality and diversity in the workplace fosters a good working environment and allows companies to harness the full potential of its existing and future workforce. Companies that implement inclusive practices for persons with disabilities can tap into a wide pool of skills and talent.

Article 27 of the CRPD encompasses the rights that persons with disabilities should be guaranteed in the workplace. In particular, it seeks to ensure that there is no discrimination based on disability with regard to all matters concerning employment, from recruitment to career advancement.

Provisions for reasonable accommodation, for the ability to exercise labour and trade union rights, and for fair and favourable working conditions are also included in Article 27. Additionally, it includes a reference to people who acquire their disability during the course of employment and to job retention and return to work policies for such employees, illustrating that business should also ensure whenever possible that staff that develop a disability is given the opportunity to stay in the company.

In order to contribute to the full realization of persons with disabilities' right to work, companies can refer to the below list for actions grounded in a non-discriminatory approach and also those that seek to promote affirmative action to support the rights of persons with disabilities.

Report on Progress

Companies are encouraged to report on progress on their sustainability policies and practices with regard to persons with disabilities. There are many ways companies can report on their sustainability efforts. Many companies use the Global Reporting Initiative (GRI) framework for sustainability reporting. In 2015, GRI partnered with Fundación ONCE, with the co-funding of the European Social Fund, to develop guidance on how to include persons with disabilities into the GRI framework (Global Reporting Initiative and Fundación ONCE (2015): Disability in Sustainability Reporting) Another key framework is the UN Guiding Principles Reporting Framework (ungpreporting.org), which provides guidance to companies on how to report on issues pertaining to their responsibility to respect human rights. ILO also has produced a publication in 2014 titled "The Disability and Corporate Social Responsibility Reporting"[16] that compares reporting practices of 40 selected multinational enterprises. UN Global Compact business participants are required to publicly communicate with stakeholders on an annual basis on their progress in implementing the UN Global Compact Principles, either by using an existing framework or their own methodology.

Creating an Equal Opportunity Recruitment Process

SAP's Autism at Work programme, implemented in collaboration with Specialisterne, is helping adults with autism, to be successfully employed in IT jobs. Since its launch in May 2013, it has already led to more than 120 jobs for autistic persons.

Tata Consultancy Services has created a multi-stakeholder, multi-sectoral, granular, end-to-end approach to recruit and retain employees with disabilities. They currently seek and hire those with orthopaedic/locomotor disabilities, hearing & visual impairments and persons with cerebral palsy. They run an entire employability course for the visually impaired and hire a speech interpreter, for interviews and the initial induction and learning programme, for the hearing impaired. TCS is also working on strengthening their emergency evacuation procedures for employees with disabilities and also provides transportation support for late night or emergency travel.

To ensure a recruitment process free of discrimination:

A. Provide awareness training on the rights of persons with disabilities to staff involved in the recruitment process. This can take the form of a stand-alone training or be part of a wider training, covering diversity, inclusion, anti-stigma and unconscious bias.
B. Highlight in all job advertisements that the company is an equal opportunity /inclusive employer that welcomes applications from all groups of society and that reasonable adjustments can be provided, if needed, during the recruitment process as well as during employment.
C. Ensure that candidates with disabilities are provided with reasonable accommodation, if needed, during the recruitment process. This includes asking job candidates to indicate the need for any such accommodation.
D. Unless strictly needed because of the requirements of the job, avoid pre-selection medical testing.
E. If the company is using online recruitment, ensure that the system is accessible to people with disabilities, in particular people using screen-readers.
F. Adopt and implement a recruitment strategy that specifically targets hiring persons with disabilities, as well as partner and engage with other organizations that help and support persons with disabilities that are facing barriers to employment to find a job.
G. If the company is outsourcing its recruitment process to a third party, ensure that this third party complies with the above mentioned measures.
H. If the company uses apprentices, interns or other similar work practice schemes, ensure that these schemes are also inclusive of persons with disabilities.

To promote an accessible working environment:

A. Provide reasonable accommodations for employees with disabilities in the workplace, if needed. Information on this should be made available to all staff and be part of any induction training of new staff[17].
B. Based on an assessment (for instance, through an accessibility audit) of existing barriers of premises, websites, IT system, emergency evacuation procedures, implement an accessibility plan for gradual elimination of the current barriers. Involve staff members with disabilities in this process and in the identification of priority actions.
C. Ensure that internal as well as subcontracted facility management staff comply with accessibility requirements, so that all new company premises meet relevant accessibility requirements and that any changes to current premises are also used to improve accessibility.
D. Ensure that accessibility needs are included as part of the procurement processes of the company, for instance, when purchasing IT equipment, furniture or software.

To promote a healthy, safe and stigma-free working environment:

A. Ensure that any company policies to prevent all types of violence and harassment in the workplace include staff with disabilities, including introducing grievance policies for employees to raise concerns.
B. Ensure full confidentiality of any medical information, including the one disclosed by the employee requesting a reasonable adjustment.
C. Consider specific measures for staff with disabilities in health and safety plans, as well as in workplace emergency and evaluation plans.
D. Raise awareness of the rights of persons with disabilities as ad hoc initiatives or preferably as part of wider diversity and inclusion and anti-stigma initiatives.
E. Promote actions to facilitate work-life balance for all employees such as teleworking, flexible organisation of work, and other measures that facilitate the rationalization of working hours and the conciliation of personal, family and professional life.
F. If the company uses confidential staff satisfaction or other kinds of similar surveys, determine the comparative level of satisfaction of staff with disabilities compared to other staff, also disaggregated by sex.

To promote equal opportunities of persons with disabilities for career development:

A. Provide, if needed, reasonable adjustments to staff with disabilities taking part in staff training, whether provided by the company itself or outsourced to a third party.
B. Provide training on unconscious bias to all staff in decision-making roles and in the human resources department.

Nurturing a Stigma-Free Work Environment

Accenture has successfully launched a programme in the UK to raise awareness of mental health and promote a culture of openness within the company. There are employees who volunteer to act as a "go to" person for other employees seeking support or information for themselves or someone else on mental health. The programme is also being replicated in Australia, Ireland and the US.

To guarantee job retention and return to work for people who develop a disability:

A. Implement disability management programmes (also referred to as absence management) which allow early identification of staff members who are in the process of developing a disability.
B. Provide, if needed, reasonable adjustments to allow staff members who have developed a disability to stay at work.
C. Provide support, including through reasonable adjustments, to staff with disabilities returning to work after a period of rehabilitation.

Many of the above measures are complementary. For instance, for people with psychosocial disabilities to request a reasonable adjustment, they would need to be assured that the work environment does not stigmatize mental health conditions and that any information provided to the company is kept confidential.

There are also some general initiatives that companies can implement and which will contribute to many of the measures. A good example of this is for companies to have a reasonable accommodation policy, covering all stages in the course of employment.[18]

To help implement the above measures, companies may wish to seek advice, both internally as well as externally, from the following:

A. Employee networks (also called employee resource groups) of persons with disabilities and other employees committed to disability inclusion.
B. Organizations of persons with disabilities. Their support can include, among others, awareness training on the rights of persons with disabilities for company staff, undertaking accessibility audits, job matching or job training for persons with disabilities who so require.
C. Networks of companies that are committed to promote disability inclusion and to support and learn from each other, such as business and disability networks.
D. Universities, vocational training centers and other training institutions that may have students with disabilities searching for jobs or internship/apprenticeship opportunities.

Promoting Career Development for all

Ericsson Brazil has developed a programme that helps employees with disabilities improve their language and communication skills, gain IT competencies, and learn conflict management, personal marketing, financial planning, administration, and work ethics. It also raises awareness amongst all employees about engaging with persons with disabilities, increasing the number of volunteers to aid employees with disabilities within the company, identifying potential assignments for employees with disabilities and offering opportunities for training in sign language and other similar assistive techniques. Consequently, the rate of turnover for employees with disabilities has reduced from 40 percent to 5 percent.

Business and Disability Networks

The ILO Global Business and Disability Network includes global companies committed to disability inclusion, as well as more than 20 national business and disability networks. Members of the Network learn from each other and act as powerful “ambassadors” to convince other companies to increase their disability inclusion efforts.

2.3 PROMOTE EQUAL OPPORTUNITIES IN THE MARKETPLACE

In the marketplace, persons with disabilities can be consumers, clients, suppliers and business partners. Companies that strive to work with and serve persons with disabilities are able to access new markets and client and customer bases.

Additionally, the private sector is increasingly delivering mainstream services that are directly related and relevant to rights included in the CRPD, like the right to education and health as well as transport services. Hence, it is crucial for the private sector to extend their inclusive policies and practices beyond the workplace. One example of this is to ensure access to copyright-protected publications for people with visual and other print-related disabilities, as foreseen in the CRPD (Article 19) and further defined by the Marrakesh Treaty adopted by the World Intellectual Property Organization (WIPO).

The CRPD contains several provisions articulating the rights of persons with disabilities in the marketplace. Namely, that persons with disabilities have the right to participate in society without facing discrimination (Article 5) and to have appropriate measures taken to provide them with equal access to physical premises, facilities, transport and to information and communications (Article 9). Further, persons with disabilities have the right to express themselves on the same basis as others, and to receive and impart information and opinions with others (Article 21).

The above articles are especially relevant to companies that provide products and services directly to the public. Such products and services should thus be made accessible to as large a segment of the population as possible. This is also consistent with the increasing obligation for companies, through legislation, including public procurement, and consumer expectations, to ensure that their products and services are accessible to persons with disabilities. Examples include websites and other online platforms on which people can purchase goods and services. In order to contribute to the fulfilment of Articles 5, 9 and 21 of the CRPD, companies can refer to the below list of actions.

Creating Employee Networks

Novartis has created Employee Resource Groups (ERGs) for persons with disabilities that provide them opportunities to network, exchange views, create innovative business focused solutions and continue professional growth and development. Examples of ERGs to support the inclusion of people with disabilities are: the Diversability Support Network (Switzerland), the CapAble Employee Resource Group (USA) and Cancer Hope (USA), which promote education, awareness and inclusion well beyond the ERG setting.

CRPD Provisions for Companies that provide Disability-Specific Products and Services

There are CRPD provisions that target companies that provide products and services catering to the needs of persons with disabilities. Namely, CRPD Article 20 explicitly encourages entities producing assistive devices and technologies, e.g. hearing aids or specialized computer software, to take into account the personal mobility of people with disabilities. Further, CRPD Article 26 aims to promote the use of assistive devices and technologies and the appropriate training for professionals in the area of habilitation and rehabilitation.

To ensure accessibility of premises and information:

A. Comply with the relevant national accessibility standards, including emergency evacuation procedures, to ensure accessibility of spaces open to the public.
B. Information provided to customers (on websites and any other form) should be accessible to customers with disabilities.
C. Make public information regarding your business and policies accessible and usable to persons with disabilities, including for example in braille and sign language.
D. When needed in individual cases, provide reasonable accommodations to clients with disabilities.
E. Provide awareness training on the rights of persons with disabilities to client-facing staff members, including training on provision of reasonable adjustments. This could be specific to disability and/or be part of wider training on diversity or similar issues.
F. Develop and implement internal and external facing policy statements related to non-discrimination and inclusion of persons with disabilities.
G. Adopt accessible grievance procedures for stakeholders, including customers and third parties.

To ensure accessibility of products and services:

A. Focus on the design of products or services, to ensure that they follow universal design principles.[19]
B. Consider the requirements of the largest range possible of clients, including clients with different types of disabilities, when designing products and services.
C. Promote the design, development, production and distribution of accessible technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.
D. Adopt policies, standards or specific programmes to reach out to or influence vendors and the supply chain. One specific area for focus is procurement, ensuring that a diversity policy is adopted to ensure that all goods and products acquired by the business are accessible or suitable for adaptation.
E. For online businesses, make sure that their websites are compatible with internationally agreed accessibility standards, i.e. the Web Content Accessibility Guidelines 2.0[20].

To promote employment of persons with disabilities through the supply chain:

A. Develop an inclusive sourcing policy; embed the policy throughout the organization as purchasing and service engagement decisions are often made in all business areas (procurement, IT, marketing, finance, legal, etc.).
B. Identify and remove potential obstacles to businesses owned by persons with disabilities for joining your supply chain and offer support where possible to improve engagement and success.
C. Encourage your suppliers to source from businesses owned by persons with disabilities.
D. Consider including requirements related to inclusion of persons with disabilities for companies' suppliers. For instance, if the country where the supplier is located, has a quota law, the company could require the supplier to meet this obligation.

Driving Innovation

Coles supermarkets has introduced new shopping carts at their stores for children with disabilities. The carts provide parents and caregivers a viable option to transport a child through a store while grocery shopping without having to manoeuvre a wheelchair and a traditional grocery cart at the same time.

To promote inclusive marketing practices:

A. Feature persons with disabilities in PR activities (TV commercials, brochures, websites, etc.).
B. Ensure marketing or promotional activities feature positive images or representations of persons with disabilities and avoid stereotypes.

Media companies can play a particularly relevant role by ensuring visibility and adequate portrayal of persons with disabilities in their mainstream programmes and news.

Measures to provide accessibility to persons with disabilities may also benefit a larger segment of society. For example, accessible building design may assist not just persons with disabilities, but older persons, children, and others who may have limited mobility or customers with strollers.

There are complementarities between having employees with disabilities and being more inclusive in terms of products and services. For instance, having employees with disabilities can help companies better understand the needs of consumers with disabilities and improve the design of their products and services. Likewise, companies who ensure that their premises are accessible are benefitting both their staff (current and future) as well as customers.

Organizations of persons with disabilities may be a useful resource for advice on how to implement the measures listed above.

Promoting Inclusivity

ILUNION is a group of social enterprises owned by ONCE and its Foundation that combines, in its business model, the focus on people with disabilities as employees, with their role as clients, users and consumers. It has developed universally accessible and inclusive ICT services and solutions and is composed of a multidisciplinary team of highly qualified professionals, of which half are persons with disabilities. This works as a competitive advantage since it provides first-hand knowledge of the actual needs of clients with disabilities.

2.4 PROMOTE EQUAL OPPORTUNITIES IN THE COMMUNITY

Businesses can influence the wider community even outside of their commercial purpose. The power and leverage that business has to incentivise the public sector to do more for persons with disabilities should not be overlooked, whether through leading by example or influencing the attitudes of society.

Further, businesses can make a positive difference to persons with disabilities across the community by understanding the contribution and potential of persons with disabilities. Businesses that embrace diversity can make a positive difference on the perceptions of the community or wider society of persons with disabilities. This may also translate into commercial advantage for the business and a positive impact on the business's reputation and standing in the community.

The CRPD provisions encourage raising awareness of the rights of persons with disabilities throughout society to foster respect and combat prejudices (Article 8). Further, the CRPD recognizes that all persons with disabilities have equal rights to live in the community and fully participate in it (Article 19). This applies to all relevant sectors, including education (Article 24) and health (Article 25).

The following is a list of actions that companies can take to further promote and advance the rights of persons with disabilities as members of society:

A. Supporting government efforts to protect and fulfil the rights of persons with disabilities.
B. Ensure that local and other community initiatives supported by the company, for instance through funding or voluntary work of its employees, are inclusive of persons with disabilities.
C. Select disability-specific initiatives that promote a human-rights based approach in lieu of a charity-based one.
D. Contribute to existing programmes or plans and implement social investment programmes in cooperation with governments, civil society and persons with disabilities.
E. Provide platforms and occasions for persons with disabilities and organisations supporting them to communicate their messages and promote awareness of their rights.

Promoting Equal Opportunities in the Community:

Qualcomm, BSR, Baoyi and CAICT have developed a free mobile app, which combines remote and manual assistance from volunteers to help visually impaired persons overcome challenges through picture/text message support, audio/visual support and accompanying services.

Singtel has forged a connection between two non-profit disability sector organizations from Singapore and Australia to develop a Mentoring Programme. The Programme provides a structured and collaborative approach to mentoring of tertiary students with disabilities by corporate executives belonging to the Singapore Business Network on Disability. The Programme is aimed at helping build the communications and confidence of these students, providing them with advice on career choices, connecting them into the broader corporate network for work experience, internships and employment opportunities, and helping with a smoother transition of such students into the corporate work environment.

ENDNOTES

1. ILO Declaration on Fundamental Principles and Rights at Work available at http://www.ilo.org/declaration/
2. The UN Convention on the Rights of Persons with Disabilities available at https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html
3. The World Bank, Disability available at http://www.worldbank.org/en/topic/disability/overview
4. UN Global Compact Principles available at https://www.unglobalcompact.org/what-is-gc/mission/principles
5. UN Guiding Principles on Business and Human Rights available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
6. Guiding Principle 12, Commentary
7. Ibid
8. The UN Human Rights Council called on all Member States to develop National Action Plans (NAPs) to promote the implementation of the UN Guiding Principles within their respective national contexts. See: Human Rights Council Res. A/HRC/26/L.1. Rep. of the Human Rights Council, 26th Sess., June 10-27, 2014 (June 27, 2014) . For links to NAPS, see: http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx
9. Guiding Principle 15 (a)
10. Guiding Principle 15 (b)
11. Guiding Principle 15 (c)
12. Infographic: Disabled Customers in the United Kingdom, Business Disability Forum available at http://www.businessdisabilityforum.org.uk/media-centre/news/disabled-customers-in-the-united-kingdom-infographic/
13. Why Should You Hire People with Disabilities?, ILO
14. Infographic: Disabled Customers in the United Kingdom, Business Disability Forum available at http://www.businessdisabilityforum.org.uk/media-centre/news/disabled-customers-in-the-united-kingdom-infographic/
15. The ILO Global Business and Disability Network Charter
16. The ILO The Disability and Corporate Social Responsibility Reporting available at http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_316814.pdf
17. A model policy on reasonable accommodation may also be found in ILO's publication titled "Promoting diversity and inclusion through workplace adjustment: A Practical Guide" (2016)
18. ILO's "Promoting diversity and inclusion through reasonable adjustments in the workplace: A practical guide" available at http://bit.ly/diversity_guide
19. According to the CRPD: "Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed..
20. Available at http://www.e-accessibilitytoolkit.org/toolkit/international_cooperation/international_standards_development

United Nations
Global Compact

International
Labour
Organization