

Access to Employment for People with Disabilities:

standards and practices in Lebanon
and the occupied Palestinian territory

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The partners



The Lebanese Physically Handicapped Union (LPHU) was established in 1981 and works to empower people with disabilities to access their rights, in line with international standards and best practice. It aims to use the framework of the Lebanese law to ensure that basic rights for people with disabilities are respected and upheld, and the right to equal opportunities guaranteed.



East Jerusalem Young Men's Christian Association (YMCA) was established in 1989; the first rehabilitation association in the West Bank to work with local communities to achieve inclusive integration for people with disabilities. It does this through a wide range of services and project work, including vocational training and counselling for individuals and families, inclusive sports and cultural activities, modification of spaces to increase accessibility, and advocacy efforts to raise awareness of the needs and rights of people with disabilities.



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Cover photo: Madeleine McGivern/Christian Aid

Caption: Shifa, 28, and Nada, 23, are two of the young Palestinian women who benefited from YMCA's vocational training as part of the Social and Economic Inclusion project.

Background to the report

As part of the Social and Economic Inclusion project, both LPHU and YMCA carried out research analysing the parallels and gaps between national laws and international standards, which affect how people with disability can access the workforce in the two target countries. The joint report in Arabic is available.¹ This document seeks to provide an English-language introduction to these issues, highlighting the gaps that exist between theory and practice in disability legislation. This includes targeted recommendations, addressing the policies and practices

of public, private and civil society organisations in order to build an inclusive environment for people with disabilities. Underpinning our recommendations is the view that people with disability need to have access to decent and productive work, safe and fair working conditions, training and development opportunities, and protection from forced labour and unemployment. This report is part of the Social and Economic Inclusion project which is funded by the European Union

Yusuf is dependent on his wheelchair. In the past, he rarely left home, only occasionally to visit the doctor or hospital. This led to boredom and depression. He was unemployed and unable to undertake additional training because of the cost and inaccessibility of training centres.

Targeted by LPHU, Yusuf has been able to train in Information Technology and in English, and benefit from counselling and social support to build his confidence and self-esteem. The project team also encouraged him to apply for a job, which he got. Now Yusuf is happy and confident: 'Because of the training and support I received from the project, I am now independent, productive and self-sufficient, and can secure my own future.'



Introduction

'Although people often have a stereotyped view of what constitutes disability, in reality the experience can vary greatly'

Defining disability

The 2011 World Report on Disability estimates that more than a billion people worldwide, or around 15% of the world's population, live with some form of disability. These numbers are growing because of ageing populations, as well as an increase in chronic health conditions such as diabetes and cardiovascular disease, which increase the risk of long-term disability. In the Middle East (including in Lebanon and the occupied Palestinian territory), disability rates are often higher due to ongoing conflicts, which increase the prevalence of certain disabilities. Although people often have a stereotyped view of what constitutes disability, in reality the experience can vary greatly and health, personal and environmental factors all have an impact on the disadvantage faced by a person with a disability.² The United Nations Convention on the Rights of Persons with Disabilities (CRPD) sets out not only the rights of persons with disabilities but the state obligations to protect, promote and ensure those rights. It states that disability includes physical, mental, intellectual and sensory impairments and that it 'is an evolving concept [resulting] from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.'³

Environmental barriers

Environmental barriers include both physical access and other barriers. The CRPD highlights the importance of 'research and development of... new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities', and the provision of accessible information about these, as well as other forms of assistance, support services and facilities.⁴

Environmental barriers can be seen in both Lebanon and the occupied Palestinian territory, where public buildings, including schools, are regularly inaccessible for people with disabilities. Despite some positive examples, such as Rima's (see case study), accessibility often still focuses on mobility needs and on external access – such as adding ramps at building entrances – which although important do not take other disability needs into account.

In schools, this inevitably has an impact on an individual's education level. In the occupied Palestinian territory, 22% of people with disabilities reported that they dropped out of school because of obstacles faced both in the environment and in the resources within it.⁵ This contributes to a literacy rate among people with disabilities of just 47%,⁶ compared with the overall adult literacy rate of 95.3%.⁷ Similarly, in Lebanon the literacy rate among people with disabilities is only 50%⁸ compared to an overall adult literacy of 89.6%.⁹

Illiteracy inevitably affects the potential of people with disabilities to access the labour market, as is reflected in unemployment rates. In Lebanon, overall unemployment is 8.89%, and in the occupied Palestinian territory 26.2%;¹⁰ compared to unemployment among the population with disabilities of 69%¹¹ and 87%¹², respectively.

Further barriers include inaccessible public transport, which limits the ability of people with disabilities to travel, whether for work or other reasons, and restricts their opportunities.

Internationally

When we compare the CRPD with the legislation of Lebanon and also with that of the occupied Palestinian territory, we see key differences in the definition of a person with a disability. The laws of both countries use charity based, discriminatory language, rather than the rights-based language of the CRPD. In Lebanon, a person with a disability is seen as 'a person of low or absent ability to practice, ensure or participate in daily activity, due to loss or impairment of a physical nature'.¹³ In the occupied Palestinian territory the definition is, 'a person that suffers from a complete or partial permanent disability, whether from birth or through their lifetime, in one of their senses or in their physical, physiological or mental abilities, and where it limits their ability to meet their needs in comparison with those who do not have a disability'.¹⁴ The key focus of both these definitions is on the person themselves and their abilities, and the laws reflect this.

A look at the law

It is generally accepted that full and effective participation in society, as outlined in the CRPD, includes the right to work. A key objective of the International Labour Organisation is the promotion of decent work. This includes 'the aspirations of people in their working lives around opportunities and income; rights, voice and recognition; family stability and personal development; and fairness and gender equality.'¹⁵ In addition, the CRPD emphasises the importance of states promoting 'awareness of the capabilities and contributions of persons with disabilities,' including ensuring 'recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market'.¹⁶ It is important to note that this approach is rooted in the belief that people with disabilities can and do make a positive contribution to the labour market: a contribution that is missed if they are excluded. This assumption is not explicit in the laws of Lebanon or the occupied Palestinian territory.

Key provisions in the CRPD relating to work and employment are laid out in Article 27.¹⁷

'This approach is rooted in the belief that people with disabilities can and do make a positive contribution to the labour market'

These include:

- prohibition of discrimination in recruitment and hiring, career advancement and safe, healthy working conditions
- the ability to exercise labour and trade union rights on an equal basis
- the ability to access training and development opportunities
- the need to ensure that the workplace is accessible and that reasonable accommodation is provided
- the need to employ people with disabilities in the public sector
- the need to promote the employment of people with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures.

As we will explore in the sections below, some of these are clearly reflected in the legislation in both Lebanon and the occupied Palestinian territory.

Rima is visually impaired and struggled to access education because of a lack of specialist equipment to support her learning. However, she was lucky. A local NGO, the Blind Youth Association, provided her with some of the necessary equipment, and her school was keen to help her. One teacher, for example, read questions aloud for her when a test was not available in braille. With this support, Rima was able to graduate from high school and went on to study at university.

Since graduation, Rima has been working in an administrative role in a Lebanese hospital. Her employer is supportive of her needs, installing specialist voice software on her computer to allow her to access programmes and documents, and regularly consulting her to ensure that all her needs are being met.



‘Despite the benefit provision outlined, many people with disabilities find themselves unable to claim it due to the stringent criteria’

Lebanon

Lebanese law 220/2000 includes provisions regarding the right of people with disabilities to access decent work and support should they be unable to do so. It also recognises the role of employers in ensuring that there are employment prospects. It lays out a number of obligations and offers incentives and disincentives to support the likelihood of these being adopted.

These include:

- a quota, for employment of people with disabilities, of 3% in the public sector. This meets the CRPD obligation of employing people with disabilities in the public sector
- a quota of 3% in private sector companies of more than 60 employees, and at least one person in companies of 30-60 employees
- incentives for meeting these quotas – of tax reductions equal to the cost of employing one person, for each person with a disability who is employed. This meets the CRPD obligation of employing people with disabilities, in the private sector, through appropriate policies and measures
- disincentives for not meeting the quota within a year of becoming eligible – equal to double the cost of employing one person. (Exemptions can be sought from the Ministry of Social Affairs)
- unemployment benefits, offered to people with disabilities who are unable to find work
- the formation of a committee to support the rights of workers with disabilities and coordinate between relevant government ministries and employment sectors
- ensuring that people with disabilities have full access to the legal system, to allow them to claim their rights by exempting them from legal fees.

Despite these clear provisions, in practice few are implemented effectively.

- Despite the quota system, the Lebanese Civil Service employs very few people with disabilities, saying that this is difficult to do without an additional decree laying out the type of work that they can and should do based on their disability and on departmental needs.
- People with disabilities report being prevented from sitting Civil Service entrance exams.
- Although there are some excellent individual examples of private sector companies employing people with disabilities, in general the sector is not meeting its obligations under the quota and, despite no exemptions being issued by the Ministry of Social Affairs, fines are not levied for non-compliance.
- Despite the benefit provision outlined, many people with disabilities find themselves unable to claim it due to the stringent criteria applied. (To qualify, people must have worked for at least six months continuously and, after registering for at least three months with the National Employment Office, been unable to find employment.) Although this might support people who have lost their jobs, it does not help the many people with disabilities struggling to access the workplace for the first time.
- Following the passing of the law in 2000, a committee met and presented various recommendations to the government. However, it had no people with disabilities among its members, and no action was taken on any of the recommendations. It has now been disbanded.

Many of these issues are exacerbated by a lack of clarity around the coordination of the law and the various provisions within it, and the roles and responsibilities of different ministries. This leads to confusion and the risk of departments ‘passing the buck’.

‘The law is quite contradictory, particularly in the roles and responsibilities of different bodies’

Khalid has a mobility impairment and uses a wheelchair. Although he was able to secure employment, he struggled to travel to work because transport options were insufficient. He was forced to get there himself, just in his chair, whatever the weather, sometimes needing to shelter halfway through his journey or wait for the rain to stop before leaving for home. Finally, after four years, he was able to buy an old car, and after doing many repairs he can now drive to work.

Although Khalid still needs support from his colleagues to manoeuvre his wheelchair in and out of the car, he now feels much more independent. With this greater freedom of movement, he can also socialise more easily with friends and colleagues, improving his relationships and overall quality of life. He enjoys his work and feels that his boss appreciates his efforts to adapt and overcome challenges and the pressures he faces, proving his commitment to the company.

The occupied Palestinian territory

The Palestinian Law for the Disabled No. 4/1999 also has a focus on employers, and offers incentives and disincentives to encourage greater employment of people with disabilities. These include:

- a quota for government bodies and NGOs that states at least 5% of employees should be people with disabilities.
- incentives for private sector companies employing people with disabilities, equating to a percentage deduction for every employee with a disability from the organisation’s overall tax bill. This meets the CRPD obligation to employ people with disabilities in the private sector through appropriate policies and measures
- disincentives, in the form of payments (equivalent to a minimum wage salary) that private sector companies must make to a fund administered by the Ministry of Social Affairs to benefit people with disabilities

In addition, the law outlines an appeals and complaints mechanism. However, this function is currently inactive, and there is no documentation in the public domain to show if complaints have been received, in what number, of what type, or the action taken. Similarly, there are no records of public or private sector bodies having received warnings or having penalties imposed for failing to uphold the law.

The law is quite contradictory, particularly in the roles and responsibilities of different bodies, and in the language it uses. Although the Ministry of Social Affairs is responsible for implementing and coordinating the law, there is a lack of guidance about the management of this between the different ministries, allowing them to abdicate responsibility. Article 2 also states that disability is not a reason to deny someone their rights, despite other provisions in the law, including caveats, which allow the rights and duties of people with disabilities to be limited due to their capacity. For example, the 5% employee quota includes a caveat that ‘work must be suitable’, allowing for organisations to claim that the work cannot be done by someone with a disability and therefore demand exemption.

Conclusion and recommendations

As we can see above, in both Lebanon and the occupied Palestinian territory governments have stated the importance of ensuring that the rights of people with disabilities are held equally with those of people without disabilities, and have made legislative provision for ensuring this happens. Lebanon has signed (but not yet ratified) the CRPD¹⁸ and, having become an observing non-member state, the occupied Palestinian territory has declared its interest in being able to sign up to such international conventions.

In practice, however, the laws are not effectively implemented or upheld, and the language and approaches used within the legislation serve to emphasise existing cultural stereotypes and judgements. For example, a study by Bir Zeit University in the occupied Palestinian territory highlighted these cultural biases: it found that 94% of employers said they would prefer to hire someone without a disability despite the fact that only 44% thought that the disability might affect the productivity of the person in relation to their work.¹⁹ This demonstrates that even when a person's disability is not seen as limiting their ability, people with disabilities still face barriers in accessing the workplace. This is the reality that informs the following recommendations:

Recommendations to governments

We recommend that governments adopt and fully implement **best practice international standards**, such as the United Nations Convention on the Rights of Persons with Disability. However, it is also our experience that many people with disabilities do not benefit from the protections offered by existing laws. We believe that by **fully implementing existing laws** there is much that governments can do to improve the ability of people with disabilities to access the workforce, including:

1. Allocating sufficient budget to allow laws to be fully implemented by all relevant government departments, and creating a properly budgeted National Strategic Plan across all departments, particularly Ministries of Labour, Social Affairs, Education and Transport.
2. Creating accountability mechanisms to follow up on violations of the law and to provide clear tasks, guidelines and targets for relevant ministries. Ensure the law includes and applies penalty clauses, to ensure compliance.
3. Focusing on access to education, public transport and public spaces, which are essential to ensure access to the workplace. Government departments must ensure proper adjustments and provisions are required by law, and can lead by example with their own workforce.
4. Creating and targeting appropriate incentives for the private sector. Incentives such as the offer of tax breaks or similar financial rebates, for disability provision, would create job opportunities and growth.
5. Getting a clearer picture of the needs of people with disabilities, by carrying out a **national survey** to capture data on their specific needs, the kinds of disabilities they face and their geographic spread. This would provide crucial information for government, private sector and civil society in planning how best to reach people with disabilities and help them access the workplace.
6. Amend the language of existing laws and decrees, which use charity based and discriminatory language, and replace with rights-based language.

‘Because of the training and support I received from the project, I am now independent, productive and self-sufficient, and can secure my own future’

Raed faces a number of challenges. His movement is severely restricted; he is grieving over his wife’s death from cancer; and has had very limited education because he dropped out of school in order to support his family. When Raed joined the YMCA’s rehabilitation programme, as part of the Social and Economic Inclusion of People with Disabilities project, it provided him with a lifeline.

Through the project, he has had vocational training and counselling to help him develop his skills and deal with both his grief and his frustration over the limitations forced on him by his disability. Now Raed has trained as a machinist and has a full-time position in a factory. His employer has commented positively on Raed’s commitment and competence in the role, and Raed himself feels confident to be able to plan his future and support his family.

Recommendations to the private sector

Through this project, there have been many examples of private sector companies benefiting from employing people with a disability. We would recommend private sector actors build on these to:

1. Make workplaces accessible. There are many different kinds of provisions for accessibility available, and workplaces should take the lead from the employee or potential employee themselves as well as seeking expert guidance from CSOs or relevant government bodies.
2. Ensure internal policies and practices are inclusive, particularly with regard to recruitment, and challenge attitudes by trying to proactively promote inclusivity.

3. Focus on what people with disabilities can bring to the workplace and the benefits of employing them, rather than viewing their employment through a charity lens.
4. Ensure gender-diversity policies are robust and applicable to women applicants and employees with disability, in order to ensure women with disability don’t have to face the double discrimination that often applies in accessing employment.

Civil society has a key role to play in:

1. Promoting a culture of rights for people with disabilities, rather than a charity based approach.
2. Ensuring gender and disability are fully considered in all their activities, regardless of their focus as an organisation.
3. Coordinating with each other, and where possible the government, to ensure interventions do not lead to duplications and to try to maximise the voice of people with disabilities.

We would also encourage **labour unions** to consider strategies to engage with people with disabilities and to ensure their rights of representation are being upheld.

Endnotes

1. ej-ymca.org/index.php?option=com_content&view=article&id=151&Itemid=168
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3. un.org/disabilities
4. International Convention on the Rights of Persons with Disabilities, United Nations, p6.
5. *Direction and Indication on Disability in the Palestinian Territories*, Bir Zeit University: Development Studies Centre, p49.
6. Survey of people with disabilities (2011), Palestinian Central Bureau of Statistics and Ministry of Social Affairs.
7. Ibid.
8. *The Millennium Development Goals*, Lebanon's report, 2008, Lebanese Republic and United Nation, main author: Ziad Abed El Samad, Arab NGO Network for Development, Coordinator: Zeina AliAhmed, United Nation Development Program, Printed by 'Dar al Kotb', p15.
9. UNDP Human Development Reports, hdr.undp.org
10. Ibid
11. Lebanese Republic, Ministry of Social Affairs, Research and Studies Unit, Disability Rehabilitation program, 13/12/2009. It should be noted that this figure is based on those people who are registered disabled and carry an official Disability Card – estimated to be no more than 25% of the actual disabled population. It is therefore likely that this disabled unemployment figure is much higher.
12. Survey of people with disabilities (2011), Palestinian Central Bureau of Statistics and Ministry of Social Affairs.
13. Article 2 of Lebanese law 220/2000.
14. Section 3 of Palestinian law 4/1999.
15. ilo.org
16. International Convention on the Rights of Persons with Disabilities, United Nations, p8.
17. Ibid, pp19-20.
18. Section 3 of Palestinian law 4/1999.
19. Signature of the CRPD is the first step for a state to become party to the treaty. Signing is an indication of the intention of a state to take steps towards being bound by the treaty at a later date. Ratification signifies the concrete actions taken to meet the rights and obligations contained in the treaty.

Social and Economic Inclusion of People with Disabilities in the Middle East is a three-year project, run in partnership between the Lebanese Physically Handicapped Union (LPHU), East Jerusalem Young Men's Christian Association (YMCA) and Christian Aid, and supported by the European Union. Launched in 2012, the project aims to integrate people with disabilities, socially and economically, by developing their capacity and employment skills. This is being achieved through rehabilitation, vocational training, and psychological and other support for individuals, families and communities.

The project also focuses on raising awareness in communities, with civil society organisations and with the private and public sectors and civil society. It works with business owners and decision makers in local and national government, advocating the merits and benefits of diversity and integration, and challenging social perceptions of people with disabilities. Although based in Lebanon and the occupied Palestinian territory, the project also encourages regional advocacy efforts, seeking the ratification and upholding, in all Arab countries, of the United Nations Convention on the Rights of Persons with Disabilities.

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