



Southern China International MUN

UNDP: On measures to promote equity by improving the employment rate of the handicapped or disabled.

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1. Description of the Issue

1.1 History of the Issue

Currently, there are more than 1 billion disabled people in the world, which corresponds to 15% of the global population. As living standards and health care continuously improve in our fast-growing world, the number of disabled people is projected to increase with an aging population.¹

Prior to the 1970s, treatment of the people with disabilities took a more isolating approach; disabled people were often segregated into special institutions away from the general population. With a growth in awareness for the human rights of the disabled, treatment have shifted to a somewhat inclusive approach². Policy makers have started to recognize the importance of incorporating people with disabilities into the community, recognizing that a balance is needed between using the “medical model” and the “social model” (the “bio-psycho-social model”) when regarding persons with disability; in other words, disability isn’t just understood as personal issue based on physical attributes, but also limitations of activity and restrictions of participation in society³.

The UN World Programme of Action (WPA) was significant in promoting the participation of the disabled in the labor market, and on the same day the Action was implemented in 1982, the United Nations General Assembly called the period from 1983 to 1992 as the UN Decade of Disabled Persons in order to encourage countries to work towards employment equity for the disabled. The WPA was focused around three objectives: prevention of discrimination, rehabilitation, and equalization of opportunities for disabled persons. This indicates the initial

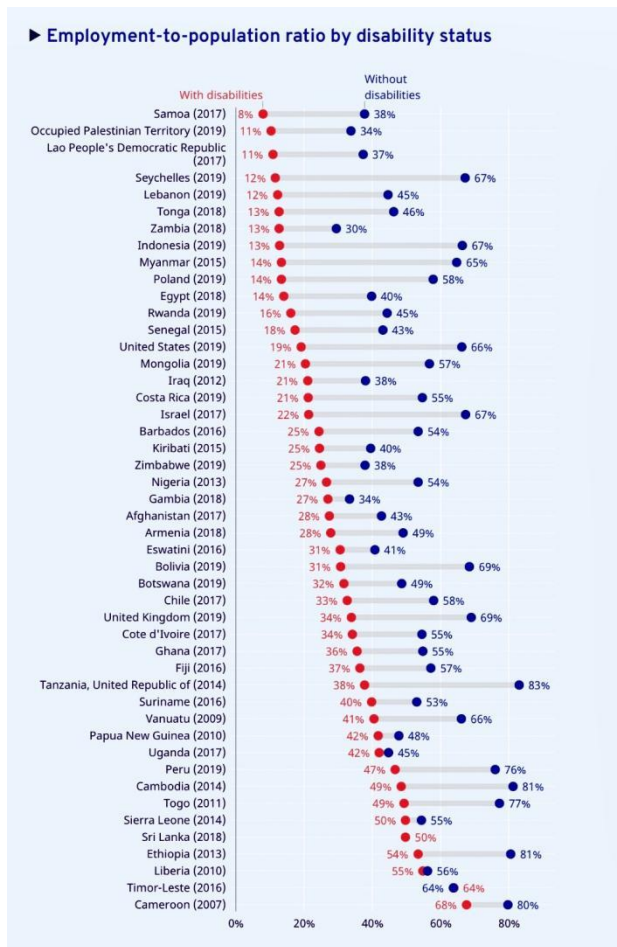


Figure 1. Graph depicting employment gap in various countries⁵

“a person who is the object of pity”, and even “a person who is not complete”, while the mentally disabled are termed “crazy people”. In terms of employment, the disabled community have faced significant challenges in acquiring equal rights and opportunities: they are two times less likely to be employed, and even if they are, they are still subject to lower wages. The common stereotype is that people with disabilities are unable to work and thus is permanently excluded from the labor market. This problem is further exacerbated with the COVID-19 pandemic, with unemployment rates skyrocketing for the whole population and even more so for the disabled people. Moreover, people with disabilities are more likely to be in poverty as a result of present employment discrimination as they are unable to earn a decent living whilst having to purchase technology or medications to counter their medical condition.⁴

Major employment gaps between persons with disabilities and persons without disabilities exist in varying degrees within different nations as depicted in figure 1. The trend for 2005 shows that developing countries face a larger employment gap (with 80%-90% unemployed) for the people with disabilities than for industrialized countries (with 50%-70% unemployed)⁵. Even then, such statistics may not be fully reflective of the situation as most disabled people are not considered part of the labor force and thus understates the current situation.⁶

As such, the United Nations convened and created the **United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)** in 2006. Being the first Convention to be established regarding human rights in the 21st century, the CPRD was signed by 183 states and the European Union. The convention performs a wide range of functions, including defining the human rights of the disabled and offering guidelines and placing obligations for governments to guarantee that the full enjoyment of human rights is granted to these groups. The convention includes an Optional Protocol that can be ratified by member states.⁷ One notable example is the

shift to a human-rights approach as the WPA recognized that the environment determines what kind of a life the disabled experience.

By the end of the twentieth century, legislations protecting the working rights of the disabled were introduced and a focus on accurate statistical data measurement and collection regarding the employment of the disabled came to attention. Existing differences across countries regarding definitions, coverage, classification, periodicity, reference, and availability have made it increasingly difficult to establish a universal standard and provide accurate information of which policies are based on. While the 2001 UN Guidelines and Principles for the Development of Disability Statistics provided basic assistance for countries in terms of data collection and evaluation, it is still important to note that improvements and further developments in compiling statistical information are required in the area.²

Although persons with disabilities are entitled to the same rights, they are often deprived of these rights due to physical and social barriers present in society, often in the form of discrimination. In fact, countries such as Mali describe the disabled people as “weak people”,

UK, which made the obligations set in the guidelines legally binding. Progress reports from each signed nation is required every four years to measure progress from which the Convention will provide feedback (these reports are required to be published in order to encourage nations to act upon them readily and adequately).⁸

In Article 27, the convention sets guidelines to guarantee the right of persons with disabilities to employment. These include guaranteeing the basic right to be accepted in the labor market or entering the entrepreneurial sector, the adequacy of conditions in the working environment, as well as the implementing policies to promote employment of the disabled and offering return-to-work opportunities along with rehabilitation.⁹

Furthermore, the **2030 Agenda for Sustainable Development** that was adopted by all United Nations Member States in December 2015 include a Sustainable Development Goal (8) on inclusive growth and decent work for all. This includes empowering people with disabilities in the labor market based on the principle of “leaving no one behind”.

1.2 Recent Developments

This is not to say that progress hasn't been made. The disability employment gap has decreased from 29.8 percentage points in 2019 to 28.4 percentage points in 2020.¹⁰

However, it is important to note that there was a notable expansion in the current employment gap between the disabled and the non-disabled, indicating a reverse in progress. Furthermore, while the gap has decreased in general, the pay gap widens in turn. In the UK, a disabled worker working 35 hours per week earns 3822 pounds less per year than a non-disabled worker in 2020 compared to 3000 pounds in 2019.¹¹ Furthermore, while countries are starting to recognize the importance of incorporating the disabled into their workforce and providing them with employment opportunities to abide to legislations, minimal efforts are being made to accommodate the disabled people and foster workplace inclusion. Although improvements are being made with increased attention and implementation of policies, the gap still remains at large and further efforts are needed to significantly improve the situation of the disabled.¹²

There has been a significant shift in approach towards the employment of the disabled, including the change in taking the human-rights approach and using the concept of Corporate Social Responsibility. Even then, the concept of Corporate Social Responsibility in itself is shifting from the out-dated belief of voluntarism to the contemporary impact-based approach. A working paper developed under the guidance of the International Labour Organization gives us a better understanding of the current situation. Although countries have started to shift to a human-rights approach, recognizing that granting equal opportunities to the disabled is not something voluntary and the “best practice” but rather a shared responsibility that becomes the minimum requirement, the report suggests that multiple enterprises have “fail(ed) to report on a strategic approach on disability” and very few include consideration of the disabled in their employment policies.¹³

Increased research is also being made to collect statistical data on the disabled population to better create legislations and guidelines to fit the current demographics, to assess individual readiness in the “supply-side” strategy, and to increase research for the “demand-side” strategy in studying business needs and processes in order to better support the disabled when they are working. However, more research regarding how organizations are actively working to achieve disability inclusion and employment equity is needed to measure progress. Overall, there seems to be little priority given to the issue of inequality for disabled persons in the labor market.

Definition of Key Terms

Disability: It is important to note that there are no universal definitions of the term “disability” as there are different factors involved when interpreting the term including but not limited to historical, legal, or social influences. World Health Organization defines “disability” as:

“an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives.”¹⁴

Similarly, the UNCRPD doesn't give a specific definition but explains “disability” as an “evolving concept” that “results 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.”¹⁵

Quota: In terms of employment, a quota refers to a set number or minimum percentage of workers that must be hired to a certain group of workers in order to promote equality in employment of protected groups.¹⁶ For example, for a company in Luxembourg, 2% of their workforce must be disabled if they have 50 or more employees, and this percentage grows proportionally with an increase in total worker numbers.¹⁷

Corporate Social Responsibility: an approach taken that minimizes government enforcements as incentive for corporations to act, but rather depending on the notion that employing the disabled is a social responsibility that promotes the “common good” and “value of humanity.” This approach depends more on intrinsic motivations rather than extrinsic rewards and punishments and is based around guaranteeing human rights.¹⁸

2. Emphasis of the Discourse:

2.1 The Right-Wing Approach:

While discrimination against the disabled in the labor market is an issue that transcend national borders, approaches still differ with different national policies and cultures.

Right-wing parties that take a more conservative approach value the implementation of quotas within their employment policies. The quota policies are found most notably in the European Union and the Middle East, where set percentages for employment of the disabled are enforced with appropriate financial penalties.

These quotas and financial penalties are found in varying degrees. For example, in **Austria**, the policy states that employers in both the public and private sector should have at least 4% of its workforce comprise of people with disabilities and contain a set standard for a person to be counted as “disabled”. A certification provided by a medical doctor to confirm that the person only has 50% of the capabilities of a non-disabled person is required to be counted as “disabled” in the quota. A further twist includes that hiring a person in a wheelchair or who is blind with only 30% of the capabilities of a non-disabled person can count as double in the quota.

Within the quota system, there exists rewards and punishments that also vary across countries. Austria has a system where penalties of at least 238 euros per month was made compulsory if the quota was not reached. On the other hand, incentives in the form of financial rewards were provided for reaching the quota. **France** takes a different path with regards to punishment. France requires at least 6% of a workforce to be comprised of persons with disabilities in a company exceeding 20 workers. However, France's policy provides a leeway for companies who do not meet the set standards by stating that companies that don't meet the quota will need to pay an annual contribution to “a fund for the vocational integration of people with disabilities”. A consequence of this is that a lot of French companies preferred to pay for the fund rather than

actually employ the disabled. Therefore, reward and punishment systems should be thoroughly considered. A further addition to employment policies include countries such as **Germany** and **Sweden** which provided protection against dismissal, requiring permission from authorities in order to dismiss a person.¹⁹

Other non-European and non-Middle-Eastern countries that use the quota system include **China, India, and Japan**. These countries also utilize financial penalties alongside the quota system in order to ensure the promotion of employing the disabled.

However, the quota system exists a potential flaw. Although financial penalties exist, it is not uncommon for employers to accumulate severe fines, with some even exceeding seven figures in US dollars because they were unable to meet the quotas. For some employers, it is not a matter of willingness to employ the disabled, but the ability to find differently abled people that could fulfill their available employment roles. Therefore, an approach that facilitates this process of matching differently abled people with companies as well as the improvement in conditions that promote a disabled-friendly working environment are needed.

2.2 The Left-Wing Approach:

On the other side, left-wing countries engage in a non-quota approach, which focuses on anti-discrimination legislation and other methods of promoting employment equity based around civil rights. These include the concept of “corporate social responsibility”, which encourages the employers to hire the disabled in ways that minimize government enforcements. Anti-discrimination laws often include necessitating the increase in accessibility of recruitment procedures to the disabled, the adaptation of working environments into more disabled-friendly, modification of working times, and increased providence of technologies that facilitate the work of the disabled. However, this is not to say that the Right-Wing countries do not include the concept of corporate social responsibility within their policies as have been included in the EU strategy.²⁰

One notable example is the **UK**, which abandoned the quota system unlike the European Union in 1995 and relied on legislations that made discriminating against the disabled people in employment illegal. This can be seen in its ratification of the UNCPRD and the Equality Act of 2010 that protects the disabled from discrimination in employment.

Another example consists of the **US**, which uses disability benchmarking rather than quotas, though the system works in a similar fashion. The US policy requires companies to have a workforce that has 7% of the workers to be differently abled in order to qualify for federal contracts. Federal contracts are extremely important for US corporations as having the US government as a customer purchasing one’s products can be a major source of revenue.²¹ While the US also include anti-discrimination legislation with the American Disabilities Act (being the first country to develop such legislation), it was proven less effective given that such legislations only serve to retain disabled persons in work rather than promoting entry into the labor force. Furthermore, anti-discrimination legislations assume that disabled people already have prerequisite education and training to be able to do work, which is not always applicable. Thus, anti-discrimination legislation should also go in hand with other efforts to promote the employment of the disabled through means such as employment support services.²²

2.3 Stance of Intergovernmental Organizations

The International Labour Organization is one of the major intergovernmental organizations that focuses on promoting the equality of opportunity and treatment for the disabled. Their policies are based around the human-rights based approach and the view that employing the

disabled can be economically advantageous to both society and the disabled community. ILO's approaches are based around three pillars: increasing employability, inclusive employment, and enabling environments. They have been actively working with nations, especially developing nations, in promoting the employment of the disabled. An example includes supporting **Zambia** in implementing legislations to provide for vocational training and ensure employment of the disabled, introducing quotas alongside training programmers in **Indonesia**, and promoting joint activities for the sharing of knowledge across a network of countries including **Brazil, Saudi Arabia, Chile, and Peru**. It is also important to note that ILO doesn't work on its own; it works with a variety of different organizations such as the **International Finance Corporation**, the **Irish Aid Partnership Programme**, **OECD**, and the **European Union**.²³

Another Intergovernmental Organization is the **International Disability Alliance (IDA)**, which is an umbrella organization of 14 global and regional organizations focused on raising awareness for the lack of rights of the disabled people. They work with other Non-governmental organizations, state governments, and the United Nations itself to help secure rights for the disabled and create legislations.²⁴ The IDA bases their principles around the UNCPRD rules and aims to spread these principles country by country. Like the UN, the IDA is particularly interested in advocating for the Sustainable Development Goals, especially goal number 8, which advocates for equal work opportunities for all. Countries involved in the IDA and working with the IDA include the **UK, Algeria, Libya, Morocco, Bangladesh**, and the **European Union**. Similar to the ILO, the IDA aims to work alongside the developed countries to support the developing countries in attaining equal employment opportunities.²⁵

Overall, the stances of Intergovernmental Organizations do not differ much and have a common goal of increasing the employment of the disabled through assisting national governments, providing suitable guidelines for legislations, providing services and financial aid to develop these services, and raising awareness to change people's discriminatory perceptions. Something Intergovernmental Organizations could focus on is paying increased attention to the disabled people in rural areas of developing countries who are commonly neglected.

2.4 Stance of Developed Countries

With most of the developed countries already working towards promoting quality opportunities for the disabled people to become employed in the labor market, these countries are most likely willing to advance their efforts and further work towards SDG 8. Although progress is being made, a lot is yet to be done.

Most developed countries have already established specific anti-discrimination laws that makes discriminating people in employment on the basis of disability illegal. A few of the earliest countries to create such laws were Australia, Canada, New Zealand, and the United States. All ASEAN member states have also adopted and ratified the UNCPRD³¹. Furthermore, developed countries are starting to recognize the flaws in their systems and the anti-discrimination laws; they realized that this law acts more like a disincentive that deters companies from firing the already-employed disabled people, and therefore started to focus on "affirmative action". This means that countries are starting to implement policies that are actively increasing the percentage that disabled people take up in the total number of employees³. For example, **Portugal** recently passed their National Strategy for the Inclusion of People with Disabilities 2021-2030, which includes an accessibility program along with the utilization of technology. Working under the European Strategy in the **European Union**, Portugal's strategy is ambitious in that it also involves occupational training and personal assistance projects for people aged 18+ with disability³⁰.

In general, this demonstrates that developed countries pay more attention to the inequality issue for people with disabilities and are actively seeking ways to improve upon their already implemented policies. They are also more likely to aid the developing countries in developing their policies and follow their guidelines with the support of the IDA as stated in section 2.3.

2.5 Stance of Developing Countries

With 15% of the global population living with disabilities, 80% of those live in developing countries. Despite this large number, little is done in developing countries to ensure equality in the employment sector with regards to disabled people. Moreover, data collection remains even more limited and in many cases inaccurate. Major discrimination exists in developing countries, especially in African nations. West African government representatives have stated that their main motivations for hiring someone with a disability is first out of pity, then based on their professional qualifications (which is hardly available with the lack of education and training opportunities). Even under situations where the disabled are able to become employed, they are subject to severe wage discrimination. In Tunisia, workers with disabilities are paid up to 40% less than non-disabled workers. Moreover, because of the difficulty to get a job in the first place, changing jobs proved unlikely as thus gives the employers disproportionate power over the disabled employees, causing them to forcibly stay in their unsatisfactory jobs.

Under extreme cases, discriminatory legislations are still present in developing countries. In Morocco, for example, the law limits the type of employment a person with disabilities can apply for and access. Therefore, this suggests that societal prejudice and discrimination is a major factor in hindering the disabled people from becoming employed.²⁶

However, this is not to say that all developing countries are unwilling to prioritize the equal employment of disabled people. In Mali, for example, legislations about wage employment for people with disabilities are included within the national labor codes, taking the form of anti-discrimination legislation, guaranteeing the right of work. Many of the developing countries have a national plan on the inclusion of people with disabilities in the workplace but not yet made legally binding, with the exception of a few such as Senegal and Egypt that do not have a national strategy with regards to the issue.²⁷

3. Possible Solutions

3.1 In Favor of Developed Countries

There are a variety of different approaches and methods that developed countries can take to ensure equality in employment of the disabled. Regardless whether these countries are left-winged and taking the non-quota approach or right-winged taking the quota-approach, the ultimate goal remains the same.

Potential solutions can be divided into two sectors: the demand-side and supply-side approaches. In the demand-side approach that aims to increase the demand in the labor market for disabled workers, solutions include increasing the involvement of the private sector to build confidence of companies in hiring and retaining workers with disabilities, and enforcing quotas and legislations based on human rights for the public sector,

On the other hand, the supply-side approach suggests countries to promote disability-inclusive skills development, workplace accommodation, vocational rehabilitation for people who acquire disability, and job placement service to better match the demand with the supply. It is also important to note that vocational training centers should take a gradual transition out of specialized centers and into mainstream programs. An example would be the United Kingdom, which has a program that trains the disabled in mainstream programs that are highly accessible with the support of specialist teams. France, using a different method, provides on-the-job training opportunities.²⁸

An important point to consider is that every approach is subject to diversity and change and therefore there is no universal method; every nation has a different area that they need to focus on and address with differing conditions.

3.2 In Favor of Developing Countries

With the current lack of legislations and social awareness in the developing countries, it is beneficial for Intergovernmental Organizations such as the International Labour Organization to aid these developing countries in creating legislations that fit with their national culture and disabled-population demographics by cooperating with their national governments. Furthermore, with a significant amount of disabled people in developing countries living in poverty, it is recommended by Handicap International that access to employment services and training should be made more available.²⁶

Secondly, collection of accurate and comprehensive data should be made available in order to better formulate policies that actually respond to developing countries' needs. This includes standardization of data collection methods and reference for evaluation to ensure comparability across nations.

Thirdly, efforts to minimize discrimination and promote social acceptance of people with disabilities is essential. This can take the form of public education or initiatives that aim to raise public awareness. Such educational initiatives are not limited to the public; in fact, informing the national government that employing the disabled can actually improve a nation's GDP using empirical data from ILO with China, Ethiopia, Malawi, South Africa, Thailand, Vietnam, etc. can be beneficial.²⁹

4. Keep in Mind the Following

When researching your country's stance on this topic, it is important to thoroughly research the past actions your country has implemented including existing legislations and attitudes toward employing the disabled. This serves to make the fundamental distinction whether your country follows the quota approach or the non-quota approach. Moreover, attitudes and national policies vary drastically across nations; therefore, it is important to thoroughly understand the reasons behind each implementation. Some questions to guide you through your research are the following:

1. Does your country currently have existing legislations or national plans to promote the employment of the disabled? Are there any existing discrimination or prejudices against them?

2. Does your country value the quota system or the non-quota system? Are existing policies effective?

3. How does your country define the term "disabled" and is there a standard your country is using to track progress?

4. Is your country working with any Intergovernmental Organization to help improve conditions in your country or in other developing countries? Is your country willing to help the developing countries attain equity in employment for the disabled? Is your country already working with another country?

5. Are there any further plans or objectives your country has for the future given the need for improvement?

5. Evaluation

Although the issue of lack of equality for disabled persons in the labor market seems like an issue that doesn't require debates over, significant controversy lies over the appropriate approaches that should be taken to solve the issue. Major divisions exist in whether taking the quota approach or the non-quota approach, and even the definition itself as well as set standards for assessment remain in question. Furthermore, the situation in developing countries can be a significant

challenge for the global community to achieve equal opportunities for all in employment. Therefore, it is important to thoroughly understand your country's stance and necessary future actions that need to be implemented. Solutions are diverse!

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