

Promoting Employment Opportunities for People with Disabilities

Quota Schemes

Volume 1



Gender,
Equality
and Diversity
& ILOAIDS
Branch

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Preface

Employment quotas represent one of the most frequently used policy measures to promote work opportunities for persons with disabilities. Slightly over 100 countries around the world currently provide for employment quotas in their national legislation. While some countries have had employment quotas for many decades, others have introduced them recently, revised them or are planning to introduce them. There is no standard approach. Quotas vary from country to country in terms of the level of the percentage obligation, the size of company covered, whether they apply to public and private sector employers, how compliance is monitored and what measures apply in the case of non-compliance.

In the past, quotas have been the subject of considerable controversy about whether they represent a valid policy option, or whether they reinforce negative stereotypes about the working capacity of persons with disabilities. The review reported here points to an emerging trend, with quotas being seen as a form of affirmative action in the framework of anti-discrimination legislation. In this context, they are compatible with the UN Convention on the Rights of Persons with Disabilities and with the earlier ILO Convention on Vocational Rehabilitation and Employment of Disabled Persons (C. No. 159) of 1983.

In view of this trend, having an updated picture of employment quotas in place in different countries and of the details of these quotas is of strategic relevance for governments and policy makers that are creating or revising a quota scheme, for global companies as well as for national business and disability networks and for Disabled Persons Organizations in their advocacy work.

The updated picture is provided in two separate volumes. This document (Volume 1) summarizes published information on quota schemes, to highlight elements of existing systems that are effective in promoting employment opportunities and making recommendations for approaches to take in introducing new systems or revising existing systems. In a further publication (Volume 2), an overview is provided of quota schemes by country and the extent to which quota schemes are in place alongside anti-discrimination legislation.

The terms “persons with disabilities” and “disabled persons” are used interchangeably throughout the text, reflecting accepted usage in different countries around the world, although ‘persons with disabilities’ is the preferred term, used in the UN Convention on the Rights of Persons with Disabilities.

Shauna Olney
Chief
Gender, Equality and Diversity
& ILOAIDS Branch
International Labour Organization

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Introduction

People with disabilities comprise an estimated 785 million persons of working age. In all parts of the world, they are less likely than non-disabled persons to be in employment and more likely to be registered as unemployed. They are also more likely to be economically inactive, not registered either as employed or as unemployed, and thus invisible in labour market statistics. When they are employed, they are more likely than non-disabled persons to be underemployed, in low-paid jobs with poor promotional prospects and working conditions. Women with disabilities are less likely to have a decent job than either non-disabled women or men with disabilities. This situation entails social and economic losses that have been estimated by the ILO at between 3 and 7 per cent of Gross Domestic Product, based on an exploratory study of ten low- and middle-income developing countries in Africa and Asia. It continues to be a matter of concern nationally and internationally, as the future of work is subject to extensive debate.

The concern is reflected in the provisions on work and employment in the UN Convention on the Rights of Persons with Disabilities (UNCRPD), that entered into force in 2008. The UNCRPD obliges States Parties to recognize the right of persons with disabilities to work, on an equal basis with others; and to safeguard and promote the realization of the right to work by taking appropriate steps, among other measures, to:

- Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment,
- Employ persons with disabilities in the public sector;
- Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures.

The concern is also apparent in the Sustainable Development Goals (SDGs) adopted by all UN Member States for the period 2015 to 2030. The SDGs include several goals which explicitly mention persons with disabilities – Goal 4 on education and life-long learning which includes ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities; Goal 8 on economic growth, full and productive employment and decent work for all which includes achieving full and productive employment and decent work for women and men with disabilities, and equal pay for work of equal value; and Goal 10 on reducing inequality within and among countries including by promoting the social, economic and political inclusion of persons with disabilities.

More recently, the employment of persons with disabilities was a topic of discussion at a joint meeting of G20 Education and Labour and Employment Ministers in Argentina in September 2018. Following the joint meeting, a G20 Declaration was adopted, recognizing that a compre-

hensive policy is needed to improve employment outcomes for persons with disabilities, reflecting the diversity of this group comprising individuals who require different approaches. G20 Principles for the Labour Market Integration of Persons with Disabilities, attached as an annex to the Declaration, list policy options for promoting employment in the public and private sectors. These include the introduction of nationally defined goals for the labour market participation of persons with disabilities; the provision of tax, financial incentives or other support for the employment of persons with disabilities; and incentives and supports to private sector investment in accommodations in the workplace and promotion of accessibility to help workers with disabilities retain their jobs or access employment. This commitment to promoting the labour market inclusion of persons with disabilities was reiterated in the G20 Osaka Leaders Declaration, focusing on working towards an inclusive society, adopted following the Osaka Summit in June 2019.

Given this growing concern, it is timely to review the operation of quota schemes as a measure to promote employment opportunities for this marginalized group in the labour market.

Quota systems – an overview

The review of existing quota schemes reported here is based on information mainly drawn from reports submitted by States Parties to the UNCRPD¹ to the Committee on the Rights of Persons with Disabilities (the Committee), from the list of issues identified by the Committee, the country comments in reply to the questions raised and the Committee's Concluding Observations. Other published sources were drawn on in the case of countries which have recently introduced changes to the quota, of those that have not yet submitted reports to the Committee and of those that have signed but not yet acceded to the UNCRPD.

Based on the review, 103 countries were identified as having quota systems in place. Available information made it possible to make a preliminary classification of existing quotas into those which are backed by levies or fines payable for non-compliance and systematically enforced, and those for which no effective sanction or enforcement method appeared to be in place². 33 of the countries identified (32%) have quotas backed by levies or fines; 64 (62%) have binding quotas though it is unclear from the available information whether or how these are enforced; and 6 (6%) have quotas introduced by government decisions or decrees, rather than laws, so may not be binding. 6 further countries were either in the process of introducing a legally binding quota or considering the introduction of a quota (See Annex 2).

Quota systems were initially introduced in several countries in the early 1920s, to provide employment opportunities for people who acquired disabilities during the First World War. Austria, France, Germany, Italy and Poland introduced obligations on employers to recruit disabled war veterans, an obligation generally accepted at the time by employers and workers alike. More such schemes were introduced following the Second World War, with the schemes gradually being extended from the initial focus on physical disability to include people with intellectual and psychosocial disabilities³ as beneficiaries of the quota scheme. In some cases, the quota was voluntary to start with, becoming obligatory with an established sanction later on. While these early schemes were developed with the involvement and commitment of employers, quotas introduced more recently frequently arise from decisions taken by governments with lesser or no apparent consultation.

1 Almost all of the countries with quota systems in place (95%) have either ratified or acceded to the UNCRPD and are thus subject to its provisions on work and employment, while the remaining 5 per cent have signed with a possible view to ratifying or acceding in the future. Around three in four of these countries (78%) have already submitted reports to the Committee on the Rights of Persons with Disabilities.

2 Further information would be required before a more definitive categorization can be made.

3 The term psychosocial disabilities includes what are also known as mental health disabilities.

Quota controversy

As quotas become more widespread, extensive debate has taken place about whether they represent a desirable policy approach or whether they constitute a form of discrimination. Proponents of quota schemes are of the view that without a quota obligation, employers are unlikely to give persons with disabilities a chance to demonstrate their work capacity, particularly in times of economic difficulty. Those opposed to quotas object to the underlying assumption of such schemes – that people with disabilities have low work capacity and are unable to acquire jobs on their own merit. Some countries have deliberately avoided the introduction of quota schemes for this reason, preferring to promote employment opportunities for men and women with disabilities like other citizens under anti-discrimination, job retention and return to work laws.

In recent years, many countries have started to tackle the employment challenge faced by persons with disabilities through a combination of quotas and non-discrimination legislation, as well as laws on job retention. Some countries have introduced anti-discrimination laws alongside provisions for quotas or statutory employment targets. At least half of the countries reviewed for this document have both anti-discrimination laws and quota schemes in place (see Vol. 2).

This emerging trend may indicate that quotas are being used as a form of affirmative action to promote equality of opportunity for persons with disabilities and their right to work, linked to overarching non-discrimination and equality legislation. This use of quotas would bring them into compliance with the UNCRPD and with ILO Convention concerning Vocational Rehabilitation and Employment of Disabled Persons (C. No. 159) of 1983 which states that special positive measures aimed at effective equality of opportunity and treatment between disabled workers and other workers shall not be regarded as discriminating against other workers.

Features of quota systems

The quota schemes identified in this review vary considerably in terms of employers covered and the level of the quota obligation. They also vary in terms of who stands to benefit from the quota provisions. Enforcement methods differ too, as do the measures in place to compensate employers who fulfill the quota obligations and sanction those who do not comply. These features of existing schemes are summarized in this section and issues that have arisen are summarized briefly. Outline information on the schemes in each country is provided in Vol. 2 of this review.

Employers covered

In countries for which this information was available (100), over two thirds (70%) of the quota schemes applied to employers in both the public and private sectors, 24% to public sector employers only (though several of these countries were considering expanding the quota to the private sector also) and 6% to private sector employers only (see Vol. 2). In some cases, special provisions apply - in Iran, for example, the quota applies to the public sector, and private sector companies benefitting from public concessions.

Slightly over half of the quota schemes reviewed (53 per cent) applied to employers above a certain size of workforce, with smallest employers exempt⁴. The lowest threshold was generally

⁴ In 42 cases (40 per cent of the schemes reviewed), the sources consulted did not specify whether the quota applied to all employers or not. In 5 per cent cases, the quota applied to all employers .

20 employees, with employers with a workforce greater than this subjected to the quota obligation. A few schemes set the threshold lower than this, while in some cases the threshold was far higher – 100 employees in several cases, and 1000 in one case (see Vol. 2). This practice has implications for the number of jobs designated through the quota, depending on the structure of the economy and the prevalence of employers of different sizes.

In some cases, certain sectors and types of jobs are exempt from the quota obligation. In Slovenia, for example, diplomatic and consular missions, sheltered workshops and employment centres are not covered. In Haiti, the quota obligation applies only in the agricultural, service, commercial and industrial sectors. In Ecuador, the Armed Forces are required to apply the quota solely in their administrative workforce. In Kazakhstan, jobs involving hard work in harmful and dangerous working conditions are excluded.

Level of quota requirement

There is considerable variation between countries in the level of obligation posed, with the specified quota rates ranging between 1 and 10 per cent, with one outlier at 15% (see Vol. 2). One in five of the schemes (20%) set the quota requirements at between 1 and 2%; just under two thirds (62%) set the obligation at between 2 and 5%; 8% required employers to fulfill a quota of between 6 and 7%; and the remaining schemes set rates that range outside of these categories.

Around three quarters of the countries specified a single quota rate applicable to all employers covered, while approximately one in five countries had a rate that varied either between the public and private sectors, or between companies with different size workforces.

- In Brazil, for example, private sector employers of over 100 workers are required to employ at least a certain percentage of people with disabilities, depending on their size, amounting to a quota obligation of between 2 and 5%:
- Between 100 and 200 employees: 2 percent;
- 201 - 500 employees: 3 percent
- 501 - 1000 employees: 4 percent;
- Over 1000 employees: 5 percent.

In a few countries, provision is made to ensure that people with disabilities employed under the quota have access to higher level positions. In Bangladesh, for example, a 1% quota of 'First Class Cadre' jobs is specified; and in Peru, the law provides for access of persons with disabilities to management positions, provided that they meet the appropriate occupational profile.

Beneficiaries

In order to benefit from the quota provisions, people with disabilities are generally required to register as disabled or be certified following an assessment. In Germany, for example, people with severe disabilities (defined as 'degree 50 or higher') are eligible to benefit from the quota

provisions. People with temporary disabilities do not qualify. In Austria, where a similar provision applies, 'non-temporary' is defined as 'a period which is expected to be more than six months.' In Hungary, the term 'changed capacity for work' is used in legal provisions – criteria include health damage of at least 50%; a listing of eligible conditions is published in a Government Decree. In Lithuania, people with disabilities who can benefit from special conditions in the labour market are those with 40 per cent of capacity for work, or a serious or medium level of disability. In India, persons with at least 40% of a disability (referred to as “persons with benchmark disability”) are entitled to benefits under the quota. In Pakistan, people with disabilities are required to register in the employment exchanges or the office of District Labour Officer – they must first be recognized as having a disability and issued with a disability certificate by the medical assessment board which also indicates the nature of work in which a specific disabled person can be employed.

In several cases, people with disabilities are not the sole beneficiaries of the quota provisions. In France, for example, war widows and orphans are also covered; the quota in Bangladesh applies also to orphans; in Greece, the quota applies to protected social groups including people with disabilities and their relatives.

In some countries people with certain levels or types of disabilities can count double or triple in terms of the quota. In Japan, for example, for the calculation of the quota, persons with severe physical and intellectual disabilities, and those with psycho-social disabilities are counted as two disabled workers. Part-time workers working 20-30 hours per week are counted as 0.5 towards the quota, while part-time workers with severe disabilities count as 1 in calculating quota compliance. In Austria, people who are blind, those who rely mainly on the use of wheelchairs, disabled people under age 19 and over age 55 count as two people in calculating the quota fulfillment. In Poland, employers can reduce their quota obligation by employing people with intellectual disabilities. In the Czech Republic, persons with more severe disabilities are counted three times. In China, arising from the global financial crisis, a circular on Further Enhancing Employment of University Graduates with Disabilities provided that from 2009 to 2010, one graduate with disabilities could be counted as two for the purpose of the quota.

Women with disabilities

Very few of the quota laws reviewed make explicit provision for women with disabilities. Exceptions are South Korea and Albania. In South Korea, the law provides for special emphasis to be given to the employment promotion of women with disabilities (Article 3 (2)), and business owners employing disabled women are entitled to preferential treatment (Article 21). As an example, in the grant aid provisions for employers with disabled workers, the government provides more financial assistance to business owners who hire women with disabilities than to those who hire men with disabilities. In Albania, provisions are made to encourage the employment of women with disabilities along with other groups of disadvantaged women and girls, with the Government paying a proportion of mandatory insurance on behalf of the employer.

Incentives for employers who comply

Employers who fulfill the quota obligation are entitled to avail of different measures – including financial incentives and employment-related support services. Information on these incentives

were available for two in five (40%) of the quota schemes reviewed, with more than one type of incentive involved in 17 cases.

The most frequent incentives were in the form of wage subsidies for the workers with disabilities employed under the quota (over a third of these schemes – 35%); followed by tax exemptions or rebates (a third of the schemes - 33%); subsidies to promote accessibility/workplace adaptation/purchase of suitable equipment/reasonable accommodation (30%); reduction or exemption from social security contributions (23%); or unspecified grants (17%).

In some countries, in the tendering process for public procurement, preference is given to companies that meet their quota obligation. In Chile, for example, companies whose staff includes a set percentage or number of persons with disabilities receive additional points in the evaluation of their bids for government contracts. In Peru, under the Public Tenders Act (No. 184-2008-EF), if the public tender bids of two businesses are equally ranked, preference is given to the company that employs people with disabilities.

Measures in cases of non-compliance

Payment of a levy or fine

Employers who do not meet their quota obligation in around a quarter of the schemes identified (24%) are required to pay a levy or fine, usually into a designated fund, though sometimes into the state budget.

In China, for example, a disability employment fee is payable into a fund for promoting the employment of persons with disabilities (Disabled Persons Employment Protection Fund). In Japan, a levy is collected from business owners who employ fewer than the legal requirement. A similar disability employment levy is payable in South Korea. In Montenegro, a special contribution for vocational rehabilitation and employment of persons with disabilities is payable into a Fund for professional rehabilitation and employment of persons with disabilities. In Poland, a levy is payable to the State Fund for the Rehabilitation of Disabled Persons. In Mongolia, employers who fail to meet their quota obligation are obliged to pay an amount determined by the government to a special government Fund on Support of Employment. In Germany, where a 5% quota is in place, employers are required to pay a compensatory levy for each unfilled quota position, at a scaled rate, reflecting the extent to which the quota obligation is being met:

- EUR 105 for each unfilled position where employment rates are between 3% and 5%
- EUR 180 for each unfilled position where employment rates are between 2% and 3%; and
- EUR 260 for each unfilled position employment rates are up to 2 %.

In France, in addition to the usual levy requirement for unfilled positions, an additional amount is payable by private employers who have not fulfilled their quota obligation for more than 3 years.

In some countries, fines are imposed under acts or codes of administrative offences (Kazakhstan, Peru, Russia, Ukraine, Venezuela).

Use of levy funds

The funds accumulated through payment for unfilled quota positions are generally used either to provide compensatory support to those employers who meet their obligation to employ persons with disabilities, through incentives or support services, or to finance vocational training or other employment-related supports for people with disabilities.

In some countries, the use of the funds is determined by regulations, usually closely linked to the world of work. In France, for example, where the levy funds are managed by the Management Agency of the Fund for the Vocational Integration of Disabled Persons (AGEFIPH), governed by employer and employee representatives, associations of persons with disabilities and outside specialists, approval had to be negotiated to extend the use of the funds beyond the original purpose of supporting employers who employ disabled persons, to include financing of vocational training for individuals with disabilities.

In other countries, there is greater government discretion in the way they are used, leading commentators at times to describe the fines as an additional tax on employers, used to fund government programmes. In Romania, for example, the fines paid are either returned to the state or used to purchase products made by persons with disabilities. In Uzbekistan, they are transferred to the State Employment Fund and used to create jobs for persons with disabilities.

Other options

Some countries have introduced alternative ways in which employers may meet their quota obligations, in an effort to facilitate the employment of persons with disabilities, which is, after all, the main purpose of the quota. Such measures were introduced to encourage employers to be more active in promoting employment opportunities for persons with disabilities and to tackle the tendency of employers, reported in quite a few countries, to prefer to pay the levy or fine, rather than to recruit.

In Tunisia, employers may employ a disabled worker off-site, or subcontract work to persons with disabilities, or purchase products made by self-employed persons with disabilities or in centres owned by disability-related organizations. In Serbia, an agreement may be signed with a professional rehabilitation company and products or service purchased from that company. In Slovenia, alternatives include placing an order with a self-employed person with a disability. In the Czech Republic, non-compliant employers may purchase products or services purchased from employers whose workforce comprises over 50 per cent of employees with disabilities. Similar arrangements are in place in France, Germany and Spain. The review did not identify comparable arrangements in quota schemes in other parts of the world.

In Japan, companies have the option of setting up special subsidiary companies (*tokurei-kogaisya*) where disabled employees can be placed and added to the number of disabled workers employed in the parent company in calculating quota fulfillment rates. This option may enable the employer

to fully comply with the quota requirement, even though workers with disabilities are concentrated in a subsidiary where only those with disabilities are employed.

In France and in Spain, people with disabilities hired through temporary employment agencies count against an employer's quota obligation.

Since the 1980s, there has been a shift in policy focus in many countries away from sheltered employment to inclusion in the open labour market, with an associated aim of promoting the transfer of workers with disabilities from sheltered to open employment. This shift has been accelerated by the adoption and entry into force of the UNCRPD, which requires States to promote mainstream employment opportunities. Quota schemes have been reformed in some countries to offer alternatives to employers other than the option of sub-contracting to sheltered companies or creating segregated work settings. In France, for example, employers may enter into an agreement with the State concerning the recruitment, training or integration of workers with disabilities, or adaptation to technological change, in partial fulfilment of their quota requirement. Generally, however, these alternative options do not constitute complete fulfilment of the quota obligation to employ, and payment of levies or fines is also required.

Effectiveness

Information on the effectiveness of the quota scheme in improving employment opportunities for people with disabilities is publicly available in only a few countries. From the available information, it is evident that the quota obligation is not fully complied with in existing quota schemes and that many employers prefer to make the levy payment or avail of other options open to them, rather than employing people with disabilities either to the extent to which they are required, or at all.

In France, for example, the employment rate of people with disabilities under the 5 per cent quota in the private sector was reported at 3.8 per cent in 2015, an increase of 0.2% from 2014; 79 percent of private employers employed at least one disabled worker, and 7 percent of private employers just paid the contribution to AGEFIPH amounting to a total of 408.5 million Euros in 2017. In Germany, the percentage of persons with severe disabilities employed by all employers subject to the quota requirement increased from 4.3 per cent in 2008 to 4.7 per cent in 2014, falling short of the 5 per cent quota established by law. The employment rate of people with severe disabilities increased from 36% in 2005 to 46% in 2013. The quota implemented more effectively in the public sector where 6.6 per cent of workers had severe disabilities in 2014, than in private sector companies subject to the quota obligation, where people with severe disabilities comprised 4.1 percent of the workforce. The number of public and private employers subject to the quota requirement that do not employ any persons with severe disabilities decreased from 38.3 per cent in 2002 to 25.7 per cent in 2014. In Japan, 1.92 per cent of employees in the private and public sectors were persons with disabilities in 2016, slightly less than the 2 per cent statutory quota.

In several countries, practices have been reported in which some employers avoid actual compliance with the quota requirement either through apparent employment of people with disabilities under the quota which in reality is employment 'on paper' only or by over-reporting the number of people with disabilities employed. This is a trend which governments are moving to stem.

Over-reporting of quota compliance

In the Ukraine, it is reported that, in order to avoid penalties for failure to comply with the quota, some employers offer fictitious employment to people with disabilities, leaving a record of employment without the individuals actually taking up a job.

In China, a practice known as *guakao* is reported, involving disabled staff being employed by companies purely for the record, paid a wage but not having to turn up for work. Companies thereby save on expenditure to make their workplaces accessible and avoid having to pay a contribution to the Disabled Persons' Levy Fund for non-compliance with the quota obligation. While the Regulations on the Employment of Persons with Disabilities of 2007 provide for cases in which companies which provide fake statistics on the number of disabled employees and avail of the preferential tax incentives provided for employers who comply with the quotas obligation (Art 28), the Regulations do not envisage having to deal with incidences of *guakao*.

In Japan, 'data padding' came to light in 2018, with government agencies providing inaccurate information on their actual quota performance, involving classifying non-disabled workers as disabled and counting of disabled workers who had already retired or passed away. Of a total of 33 governmental agencies, 27 reported over many years that they exceeded the legally required quota, but in reality their actual quota compliance rate was been considerably below this. A working group has been set up to investigate this further and take steps to ensure it doesn't recur.

Enforcement

Generally, where quota schemes are being enforced, compliance with the quota schemes is monitored by the labour inspectorate of the ministry responsible for labour and employment. In Peru, for example, the quota in the private sector is supervised by the Labour and Employment Promotion Ministry while the quota implementation by public entities is overseen by the Civil Service National Authority in coordination with the National Council for the Integration of Persons with Disabilities (CONADIS). An exception is France, where new agencies were established in the private and public sectors for this purpose – AGEFIPH and the management agency of the Fund for the Inclusion of Persons with Disabilities in the Public Service (FIPHFP).

Promotion of employer and worker involvement

Many countries have a range of measures to encourage and recognize employers who recruit and retain workers with disabilities, and to encourage other employers also to do so, by emphasizing the contributions made by employees with disabilities in the workplace.

In some cases, the focus is on improving the achievement of the quota. In France, for example, representatives of employers, workers and persons with disabilities are involved in the management of AGEFIPH dealing with the operation of the quota in the private sector, and its counterpart (FIPHFP) in the public sector. There is also a legal obligation on employers to negotiate with social partners about the employment of persons with disabilities - annually in the case of companies and every three years in professional branches. A target of tripling the number of agreements signed between 2016 and 2019 was set by the Government, aiming to achieve the quota obligation of 6 %. In Germany, the Advisory Council for the Participation of Disabled People, attached

to the Federal Ministry of Labour and Social Affairs, includes membership representing workers, employers, disabled peoples' organisations; the Council advises on employment promotion and coordinates the distribution of the compensatory levy fund, among other tasks. In Indonesia, the Ministry of Social Affairs has signed memoranda of understanding with several companies to conduct training, internship, and employment opportunities for persons with disabilities.

Measures to encourage employer and worker involvement often have a broader focus, however, than the implementation of the quota, which is frequently in place as part of a package of measures to promote and inclusive labour force.

In the Czech Republic, for example, an annual award is presented by the Minister of Industry and Trade in cooperation with the Association of Employers of Disabled People, to companies for outstanding results in employing persons with disabilities. This award was introduced as part of the National Plan for the Support and Integration of Persons with Disabilities. In Indonesia, similar awards are made to private sector companies in recognition of their efforts to increase employment opportunities for people with disabilities. In Honduras, a commendation plaque is presented to any business employing persons with disabilities.

In Japan, guidance is provided to companies that have not achieved the minimum quota, including support in the development of employment plans and recommendations to assist with their implementation.

In Germany, the National Action Plan to implement the UNCRPD has a long-term communication campaign, including as an element, handouts for companies and representations of persons with a severe disability, which look like action plans of large enterprises and can be implemented like them, in cooperation with the social partners and associations of persons with disabilities, as well as other civil society agencies. Projects to improve the participation of persons with disabilities in working life also raise awareness and encourage employer involvement – examples are the 'Jobs without barriers' initiative and the 'Job 4000' labour market programme, both of which promote cooperation, relationships and network formation by enterprises and agencies responsible for the participation of people with disabilities in the labour force.

Other affirmative action measures

Several countries have explicitly avoided the introduction of quotas but have established other positive action measures to promote the right to work of persons with disabilities which can be considered close to quotas in terms of their requirements. In Ireland, for example, a statutory target of 3% has been set for public sector agencies, with the exception of the police force and prison officers. In South Africa, an Employment Equity target of 2% was set for the public sector in 2005. In Ethiopia, the civil servant proclamation includes a disability-specific clause to provide for a preferential right of persons with disabilities and special preference is given to qualified candidates with disabilities in recruitment, promotion and deployment. In Ireland, a statutory target of 3% was introduced for public sector organizations in 2005, and this target will be gradually increased to reach 6% by 2023. In the United States, regulations were introduced in 2014, updating the Rehabilitation Act of 1973, adding a nationwide disability employment 'utilization goal' of 7% for businesses with federal contracts or subcontracts. In Laos, companies that cannot hire qualified people with disabilities are required to pay an amount equal to the minimum salary into the government fund for persons with disabilities, while incentives are provided to encourage recruitment of workers with disabilities in the form of tax reduction or exemptions. In Viet Nam, following the withdrawal of the quota system, a decree introduced in 2012 provides for incentives to employers whose workforce comprises at least 30 per cent people with disabilities (Decree 28/2012/ND-CP).

Other measures such as reserved occupations or designated employment which were suggested as options in the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993, Rule 7) do not aim to achieve equality of opportunity or treatment in employment, and thus appear to be incompliant with the UNCRPD. Such reserved jobs are still maintained in some countries. In Argentina, for example, as part of provisions for the quota, one of the mechanisms established for increasing public employment opportunities is the reservation of jobs to be filled only by persons with disabilities. A further example is China, where the reservation of massage jobs for people who are blind or have visual impairment is provided for in the Regulation on the Employment of Disabled Persons (Art 10), while piano tuning is also reported to be reserved people with this type of disability. And in the Czech Republic, the law refers to a register of jobs reserved for persons with disabilities. In Italy, a law was introduced in 1985 concerning the employment of visually impaired people as switchboard operators (Law no. 113, 1985). In Morocco, the government is directed by decree to establish a list of positions and tasks that can be prioritized for people with disabilities.

The Committee on the Rights of Persons with Disabilities has on occasion expressed concern about the practice of reserved employment, which it considers as discriminating against persons with disabilities in their vocational and career choices, and recommended that all necessary measures be undertaken to ensure persons with disabilities freedom of choice to pursue vocations according to their preferences¹.

¹ See for example the Concluding observations on the initial report of China https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5

Recommendations

Preparatory phase

Before a decision is taken to develop or revise a quota scheme, background information should be gathered and consultation take place with key stakeholders in the process.

- Up-to-date information should be gathered on the number of men and women with disabilities of different types who seek employment. Information should also be compiled on the structure of the labour market – and in particular on the number of companies of different sizes. This data will make it possible to make an informed decision about the quota percentage that should be set, whether people with certain disabilities or levels of disability should be counted as double or triple for purposes of the quota obligation and whether the quota should apply to all employers in all sectors of the economy or just to those with workforces above a certain size and to those in specific sectors. In this way, a quota can be introduced that yields not more and not fewer designated jobs than required to provide employment opportunities for job-seekers with disabilities.
- Consultations should take place with representatives of employers, trade unions and people with disabilities in the preparatory phase. The involvement and commitment of these groups is central to the success of any policy measure aiming to promote employment opportunities for people with disabilities.

Developing or revising the quota

If there is consensus to proceed with the development or revision of a quota scheme, a policy document should be developed, in consultation with the key stakeholders, outlining the legal status and the features of the quota. Key elements of this document are outlined here.

The quota scheme should be a binding obligation, backed by law, preferably under the overall umbrella of anti-discrimination legislation.

- A decision on the level of the quota obligation and the employers to which the obligation applies should be based on the information gathered in the preparatory phase. It should also be decided whether priority should be given to women with disabilities and job-seekers with specific types or levels of disability who face additional difficulties in finding employment, for example through double counting for the purposes of calculating compliance with the quota obligation.
- For the sake of equity, the quota scheme should apply to employers in both the public and private sectors.
- Provisions should be made in the quota scheme to encourage the employment of people with disabilities in higher level positions in the workplace.

- The quota should involve sanction for non-compliance, in the form of a compensatory levy¹ payment for each unfilled position under the quota obligation. Other options should be available to employers who do not comply in full or at all, in partial fulfillment of the obligation, in order to involve them actively in the process of promoting job opportunities for people with disabilities. The option of sub-contracting to sheltered enterprises should be minimized, or avoided completely, if possible, as it does not support the policy of labour market inclusion.
- The uses to which the compensatory levy fund may be put should be laid out in the policy document or in associated guidelines. The main use should be to provide support to employers who comply with the quota obligation in full or in part, such as in the form of subsidies to workplace adaptation, provision of technical advice and measures to enhance the employability of job seekers with disabilities.
- The aim of the quota scheme should be to promote the recruitment of job seekers with disabilities and the retention of workers who acquire a disability, rather than as a means of gathering funds for disability-related or other purposes.

Defining eligibility criteria

- Eligibility criteria, should be specified, clarifying who may benefit from the quota provisions. A procedure for identifying beneficiaries should be developed in consultation with representative organizations of persons with disabilities, so as to ensure that the procedure is acceptable to potential beneficiaries and not considered stigmatizing.

Support services

- The quota should be part of a package of measures aiming to promote labour market inclusion of persons with disabilities, including placement services, technical advice and workplace support.
- Provision should be made for technical assistance and advisory support to employers to assist them to effectively place job seekers with disabilities in jobs suited to their skills and capacities, and to identify required changes and reasonable accommodation.

Monitoring compliance

- An effective monitoring mechanism should be established, with responsibility for overseeing the implementation of the quota designated to a specific agency or government ministry and employers required to report periodically on their performance in meeting the quota obligation.
- The findings of the monitoring process should inform regular evaluations of quota effectiveness and lead to adjustment of the quota schemes where necessary.

¹ A levy should be the preferred option, since it is based on self-assessment on the part of the employers, rather than a fine, which would require inspection and could in some cases be taken to imply a criminal act.

Encouraging employer observation of the quota

- Preference should be given in the granting of public procurement tenders, to companies that fulfill their obligations to employ people with disabilities.
- The operation of the quota should be linked to events to publicly recognize employers who effectively fulfill their legal obligations to employment workers with disabilities.

Annex 1. Selected case study examples

The case studies presented here illustrate different ways in which quota schemes have developed over time. The quota was voluntary to start with, becoming obligatory with an established sanction later on. The initial focus on physical disability and war veterans gradually shifted to include people with sensory, intellectual and psycho-social disabilities as beneficiaries of the quota schemes. The quotas featured here are part of a package of measures to promote the recruitment and retention of people with disabilities in the open labour market. Each case-study country now has legislation in place to prohibit discrimination on the ground of disability.

France

Origin

- An employment quota was first introduced in France in the 1920s, following the first World War. Beneficiaries were war veterans with disabilities (Law of 26 April 1924). Employers in the private sector with at least 10 employees were obliged to hire ten per cent of their workers from this category.

Development over time

- In 1955, the quota was extended to people with disabilities arising from occupational injuries subject to a maximum of 3%.
- The quota was extended to people with recognized physical or mental disabilities by law in 1957, (Law no 57-1223 of 23 November 1957 on the professional reclassification of handicapped workers). This quota applied in the public and private sector, though there was no provision for sanctions in cases of non-compliance. Employers were required to inform the employment service where the quota was not met, and if a candidate with a disability could not be identified within a specified timeframe, (eight days initially, increased to 15 days later), the employer could engage any worker.
- Further revisions took place in 1975 through the Framework Law for Disabled Persons (Act No. 75-534 of 30 June 1975). New provisions under the 1975 act included exemption from the quota obligation where an employer entered into contract with a centre for the provision of assistance by employment (CAT) or sheltered workshop, and measures to encourage trade apprenticeships.
- Major reforms were introduced through the Disabled Workers Act of 1987. Provision was made for an employment quota for disabled persons, to be gradually introduced beginning with 3 per cent in 1988, rising a percentage point each year to 6 per cent in 1991. The quota obligation applied to public and private sector companies

with 34 and 25 staff in the first two transitional years, reaching 20 in the third. Beneficiaries of the quota were officially defined (see section on Beneficiaries below) and employers were offered alternative means of meeting the employment obligation, including the payment of a levy. The 1987 reforms set the framework of the quota-levy scheme that continues in operation to this day.

- The law of 1987 also set up the Fund for the Vocational Integration of Disabled Persons to be administered by the Management Agency of this Fund (known as 'AGEFIPH'). Levy contributions by private employers are paid into this fund.
- To promote fulfillment of the quota in the public service, a Fund for the Inclusion of Persons with Disabilities in the Public Service (FIPHFP), with payments made for non-compliance by public sector employers was created in 2005, through Act No. 2005-102 on equal rights and opportunities, participation and citizenship of people with disabilities. This Act also provided for an additional amount to be paid by private employers who had not fulfilled their quota obligation for more than 3 years.

Current provisions

- 6% quota obligation for public and private employers with 20 or more employees.
- Where employment quota obligation is not met, private sector employers may partially fulfill the quota by:
 - accepting trainees with disabilities;
 - outsourcing work to sheltered employment sector, including sheltered workshops, distribution centres for home work or other designated centres (50% of quota obligation)
 - reaching company-or industry-wide negotiated agreements to promote recruitment, training, integration and retention of disabled persons.
 - paying a contribution to AGEFIPH, with an additional amount payable by employers who have not taken any positive action in the previous four years. Under the 2005 legislation, the annual contribution for non-compliance with the quota obligation was increased to up to 600 times the minimum hourly rate per job not filled, depending on the size of the organization, and this contribution was tripled to 1500 times the minimum hourly rate for enterprises which have failed to meet the quota for more than 3 years.
- Public sector employers who do not fulfill the quota obligation can pay into the FIPHFP, set up on January 1, 2006.

Beneficiaries

- Disabled workers registered as such by COTOREP (Technical Guidance and Professional Resettlement Commission)
- Persons disabled due to accidents at work or occupational diseases with a permanent, partial incapacity of at least ten per cent
- Recipients of disability pensions, provided that the disability has reduced the capacity to work and earn a living by two-thirds
- War-wounded receiving a military disability pension, and related categories

- For the purpose of the quota, a disabled person may be counted as one unit, a unit and a half, two units or more, according to the category of his or her disability and certain age and status criteria. For example, a trainee or apprentice with a disability and a person with particularly severe disability can be counted as occupying two or even three quota positions.

Employer incentives/compensatory measures.

- A grant is paid to employers who hire a disabled person for over 12 consecutive months, directly or indirectly.
- Up to 80% of the measures taken to hire a disabled worker, including purchase of equipment and specific training, can be compensated through public funding. This measure also applies in the case of an employee who has become disabled.
- Subsidies are also provided for the improvement of workplace accessibility.

Administration

- The quota-levy scheme is administered in the private sector by AGEFIPH which provides the following supports to employers:
 - Advice and support to companies on disability management in the workplace
 - Support to the recruitment, integration and professional development of workers with disabilities
 - Advice on workplace adaptation and reasonable accommodation
 - Job and work analysis to accommodate individuals with disabilities
 - Support to employment through a job coach
 - Financial support to apprenticeships, workplace integration, professional development and workplace adaptation of workers with disabilities
 - On-line information base on disability inclusion in the workplace.
- In the Public Sector, FIPHFP promotes the achievement of the quota obligation by
- providing individualized support to placement and job retention of persons with disabilities
 - Providing financial support to employers regarding the adaptation of work posts, training for workers with disabilities and awareness raising for staff
 - Promoting agreements with public sector employers regarding in-company policies on the employment of persons with disabilities, and action plans for their implementation, and
 - Supporting the promotion of workplace accessibility.

Consultation with social partners

- The Board of Directors of AGEFIPH involves the social partners and representatives of persons with disabilities.

- The national and regional committees of FIPHFP include employer representatives and representatives of persons with disabilities.
- The law of 2005 introduced an obligation on employers to negotiate with social partners about the employment of persons with disabilities - annually in the case of companies and every three years in professional branches. The Government set a target of tripling the number of agreements signed between 2016 and 2019, aiming to achieve the quota obligation of 6 %.

Effectiveness

- In 2017, AGEFIPH reported that,
 - the employment rate of people with disabilities under the quota in 2015 was 3.8% in the private sector, an increase of 0.2% from 2014;
 - of the 100 300 private employers subject to the quota law,
 - 30 per cent fulfilled their quota obligation through direct employment,
 - 39 per cent employed at least one worker with a disability and either provided subcontracts or contributed to the AGEFIPH fund
 - 11 per cent opted to engage in an agreement promoting employment of persons with disabilities (of which 1% did not directly employ a disabled person) and
 - 20 per cent did not employ any workers with disabilities;
 - Overall, 79 % of private employers employed at least one disabled worker, and 7% of private employers (41 270) just paid the contribution to AGEFIPH amounting to a total of 408.5 million Euros in 2017.
- In the public sector, FIPHFP reported that,
 - In 2016, the employment rate of people with disabilities under the quota was 5.49% (not comparable with the private sector rate , due to differences in how the rate is calculated)
 - In 2017, public sector employers contributed 121 million Euro to FIPHFP.

Germany

Origin

- In 1917 the German Parliament decided that companies over a specified minimum size should be obliged to employ one war victim per 50 workers. Following the First World War, a statutory obligation to recruit severely injured persons was introduced by regulation, obliging each employer to fill one per cent of his jobs with severely injured persons, including war victims, victims of industrial accidents and other persons entitled to public pensions and compensation. A few years later this quota was raised to between two and ten per cent, depending on the type of disability.

Development over time

- After the end of World War II, the quota obligation was raised to 10 per cent, in the case of employers of at least seven workers in the public sector, banking and insurance industries, and 6 % in the case of private industry public sector employers. A uniform compensatory levy to apply throughout the Federal territory was first laid down by the Severely Injured Persons Act of 1953, set at 50 DM monthly.
- The law was amended in 1961 as it appeared that there were insufficient eligible disabled people to fill the places created by the quota obligation - by 1960, 320,000 places were unoccupied and only 6,000 eligible people registered unemployed. The amendments introduced a single quota of six per cent, applying to employers of at least nine employees in the public sector and 15 in the private sector; beneficiaries were required to have a work-related disability of at least 50 per cent.
- In 1974, with the adoption of the Severely Disabled Persons Act, the scope of those who could benefit from the quota provisions was broadened to include all severely disabled persons, irrespective of the type or cause of their disability. The quota obligation was revised to apply to employers of 16 or more workers who were required to fill 6% of their jobs and training places with severely disabled persons. The level of the quota was decided, based on a review of the number of people with severe disabilities of working age who were employed and unemployed, and the identification of the number of new posts required, based on these figures. A compensatory levy of 100 DM was payable where the quota obligation was not fulfilled. The level of the compensatory levy was adjusted in 1990 to 200 DM per month. These provisions applied to both private and public employers. Amended in 1986 and 1990, with changes including the omission of training vacancies from the calculation of obligatory employment vacancies, the Severely Disabled Persons Act is the basis of current binding quota-levy scheme.
- Reforms in 2000 involved the reduction of the quota rate by 1 percentage point from 6 per cent to 5 per cent, with the stipulation that it would return to 6 per cent in 2003, if disability unemployment reduction targets were not met; and increasing the minimum employer size covered by the law from 16 to 20 workers.

Current provisions

- All employers of 20 or more workers are obliged to employ persons with severe disabilities in 5% of their posts. A compensatory levy is payable monthly in the case of non-compliance, amounting to between Euro 105 and 260.

- The levy revenue must only be used for the purpose of integrating severely disabled persons into gainful employment, for example, to provide grants to employers who exceed their quota obligations or to help employers meet any extra costs associated with the employment of a person with a disability, such as adaptations to buildings or the provision of extra training.

Beneficiaries

- Severely disabled persons whose disability amounts to a degree of 50 per cent or more may benefit from the quota scheme. These include
 - Severely disabled persons whose working lives are especially affected, because of the nature or the seriousness of their disability, in particular:
- Those who need special assistance, on a more than temporary basis, in order to engage in employment; or
- Those whose employment, owing to their disability, implies exceptional expenses, on a more than temporary basis, for the employer; or
- Those who, because of their disability, are able, on more than a temporary basis, to render only substantially reduced output; or
- Those whose extent of disability is at least 50 per cent attributable to mental or psychological disturbances or to be subject to attacks; or
- Those who, because of the nature or the seriousness of their disability, have not completed vocational training.
- Severely disabled persons aged 50 years or over may also benefit.
- Persons whose disability amounts to a degree of 30 or more may benefit, if they have particular difficulties in obtaining employment or training places.
- An individual with particularly severe disabilities whose integration into the working environment is proving to be particularly difficult, can be regarded as occupying two or even three quota positions. A visually impaired person, for example, counts as two people.

Employer incentives/compensatory measures

- Subsidies for the barrier-free design of workplaces and assistance to accompany work.
- Statutory compensations for disadvantages such as integration allowances, allowances for probationary employment and internships which employers can receive where they employ persons with disabilities.

Administration

- The operation of the quota-levy scheme is monitored and supported by existing organisations which were given additional responsibilities:
 - The Federal Employment Office (Bundesagentur für Arbeit) monitors the fulfilment of the quota obligation.

- The Integration Office (Integrationsamt) collects the quota compensation levy, distributes benefits from this fund to support the participation of severely disabled persons in employment, including support to the purchase of assistive technologies directly related to pursuit of work, as well as training in their use. The assistive devices may be completely financed.

Consultation with social partners

- Consolidating the provisions of previous laws on Severely Disabled Persons, the German Social Code Book 9 on the Rehabilitation and Participation of Disabled Persons establishes an Advisory Council on the Participation of Disabled People, attached to the Federal Ministry of Labour and Social Affairs. Council membership includes representatives of workers, employers, disabled peoples' organisations, the Länder, insurers, welfare services and rehabilitation institutes. The Council advises the Minister on issues relating to employment promotion, rehabilitation institutions and the distribution of the compensatory levy fund.
- The Federal Union of Associations of Employers has begun to meet with the Federal Employment Office and the main welfare office to discuss ways of improving the employment prospects of severely disabled persons.

Effectiveness

- The employment rate of people with disabilities increased from 4.0 percent (2003) to 4.5 percent (2009), assisted by the quota and other active labour market measures. In the public sector, the rate increased from 5.4 percent (2003) to 6.3 percent (2009). The employment rate of people with severe disabilities increased from 36% in 2005 to 46% in 2013.

Japan

Origin

- Originally introduced in the Physically Disabled Persons' Employment Promotion Law of 1960, the quota in Japan placed a voluntary obligation on employers to employ disabled workers. Private employers were set a target of employing people with physical disabilities of between 1.1% and 13% while for public sector employers, the target was between 1.3% and 1.5%, depending on the type of work.

Development over time

- In 1976, the law was amended to make the quota obligatory. Private employers were legally required to employ people with disabilities as 1.5% of their workforce, and a payment system was introduced in the case of non-compliance. The funds accumulated in this way were to be used to compensate the additional costs incurred by employers who met the quota obligation. A double counting system was put in place in which a person with a severe disability could be counted as two for the purpose of the quota. The amendment also provided for a disclosure system, in which the names of companies which did not comply with the quota would be made public.
- In 1987, the legislation was amended again, to extend the provisions to people with intellectual and psycho-social disabilities, although the legal obligation on employers to recruit people with these types of disabilities was not yet put in place. The title of the law was revised to Act on Employment Promotion of Persons with Disabilities. The quota obligation was raised to 1.6% for private companies from April 1, 1988.
- In 1997, the scope of the mandatory employment system expands to those with intellectual disabilities, and the quota requirement for private companies was increased from 1.6% to 1.8%.
- As of 1999, 63 provisions in 53 Japanese laws disqualified persons with psychosocial, visual, hearing, physical and intellectual disabilities from receiving licenses for certain professions. Occupations affected by the provisions included pharmacists, doctors, veterinarians, nurses, nutritionists, cooks, beauticians, midwives, security guards, physiotherapists and drivers. These occupations were thus exempt from the quota obligation. From 2001 onwards, steps were taken to amend these provisions. By 2015, they were either relaxed (51) or nullified (12).
- An amendment to the Act on Employment Promotion of Persons with Disabilities included provisions for the counting of part-time workers with disabilities and workers with psycho-social disabilities in calculating compliance with the quota, though mandatory employment of persons with psycho-social disabilities was not laid down.
- Further revision to this Act in 2008 applied to levy requirement to employers of 100 or more employees, in place of the previous threshold of 300 or more employees.

- A partial amendment of the Act in June 2013, added people with psycho-social disabilities as beneficiaries of the quota scheme.
- The employment quota for persons with disabilities has been raised periodically, from the initial 1.5% to 1.6% on April 1, 1988, to 1.8% on July 1, 1998, and again to 2.0% from April 1, 2013 onward. This is in line with the stipulation that the government reviews the rate every five years, taking account of the number and employment situation of people with disabilities.

Current provisions

- Private employers with 50 or more employees are obliged to meet a quota on the employment of 2% while public employers have a quota obligation of 2.3%.
- These rates will be incrementally increased to 2.3% in the private sector by 2020; to 2.6% for national and regional public bodies and specified incorporated administrative agencies, and to 2.5% for prefectural and local boards of education, by 2023.
- Employers covered will be changed to those with 45.5 or more employees (with each part-time employee counted as 0.5), and changed further to 43.5 employees once the 2.3% quota is in place.

Levy payable for non-compliance

- A levy of 50,000 yen per month is payable for each unfilled quota position by private sector employers with over 100 regular employees. Public sector employers are not required to pay this levy.

Beneficiaries

- People with physical, sensory, intellectual and psycho-social disabilities.
- For the purpose of the quota, persons with severe physical and intellectual disabilities, and those with psycho-social disabilities are counted as two disabled workers. Part-time workers with severe disabilities are counted as 1 in calculating quota fulfillment. A part-time worker with a disability working between 20 and 30 hours is counted as 0.5.

Employer incentives/compensatory measures

- Subsidy of costs involved in the preparation of facilities or equipment required for business owners with over 100 employees to employ persons with disabilities and take other necessary measures (paragraph 3, Article 19 of the Basic Act).
- An adjustment allowance based on the number of employed persons with disabilities is paid to business owners with over 100 employees who employ a number of persons with disabilities that is equal to or more than the quota obligation.
- Financial incentives for each person with a disability employed over the quota, for companies with 100 or fewer employees.

Administration

- The Ministry of Health, Labour and Welfare is responsible for the enforcement and regular review of the quota scheme.
- The Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers (JEED) collects and disburses the levy payments.

Consultation with social partners

- Information unavailable.

Effectiveness

- Since the quota scheme was launched in 1977, the private sector employment rate has risen from 1.09% in 1977 - 1.92% in 2016. In spite of this increase, less than half of private sector employers (48.8% in 2016) meet their quota obligation, with small and medium enterprises in particular falling behind.
- The percentage of people with disabilities employed in the public sector was reported to be 1.17% in 2018, adjusted from the previously announced 2.5%.

Annex 2. Preliminary classification of existing quota schemes

Binding quota/levy systems (33 countries)	Binding quota systems, no apparent sanction for non-compliance (64 countries)		Quota system introduced by Government Decision, decree (6 countries)	Introduction of quota system under consideration (6 countries)
Austria	Afghanistan	Jordan	Bangladesh	Colombia
Algeria	Albania	Kazakhstan	Belgium	Djibouti
Belarus	Angola	Kenya	Jamaica	Guatemala
Bosnia Herzegovina	Argentina	Kyrgyzstan	Malaysia	Mali
Cambodia	Armenia	Lebanon	Mexico	Myanmar
China	Azerbaijan	Luxembourg	Rwanda	Zimbabwe
Czech Republic	Bahrain	Malta		
Egypt	Bolivia	Moldova		
France,	Brazil	Mongolia		
Germany	Bulgaria	Montenegro		
Hungary	Burkina Faso	Morocco		
Iraq	Cabo Verde	Nepal		
Japan	Cameroun	Nicaragua		
Kuwait	Central African Republic	Niger		
Lithuania	Chile	Nigeria		
Mauritius	Costa Rica	Oman		
Netherlands	Côte d'Ivoire	Palestine		
Pakistan	Croatia	Paraguay		
Panama	Cyprus	Philippines		
Peru	Dominican Republic	Portugal		
Poland	Ecuador	Qatar		
Romania	El Salvador	Saudi Arabia		
Russia	Gabon	Senegal		
Serbia	Greece	Slovenia		
Slovakia	Haiti	Spain		
South Korea	Honduras	Sri Lanka		
Syria	India	Sudan		
Tunisia	Indonesia	Tajikistan		
Turkey	Iran	Tanzania		
Uganda	Israel	Thailand		
Ukraine	Italy	Turkmenistan		
Uzbekistan		Uruguay		
Venezuela		Yemen		

Annex 3. Sources of information

- Buckup, S., 2009. The price of exclusion: The economic consequences of excluding people with disabilities from the world of work. Employment Working Paper No. 43. ILO, Geneva 2009
- Committee on the Rights of Persons with Disabilities (CRPD). States parties reports. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29
- DECISPH (Projet Droits, Egalité, Citoyenneté, Solidarité Inclusion pour les Personnes Handicapées en Afrique de l'Ouest) 2010 Legal Framework Governing Disability Rights. *Burkina Faso, Mali, Niger, Senegal, Sierra Leone and Togo* http://proadiph.org/IMG/pdf/legal_frame_ork_summary_gb.pdf
- Eurofound Feb 2001 Workers with disabilities: law, bargaining and the social partners
- European network of legal experts in gender equality and non-discrimination, 2016. A comparative analysis of non-discrimination law in Europe. European Commission, Brussels
- Fuchs M. 2014 Quota Systems for Disabled Persons: Parameters, Aspects, Effectivity European Centre for Social Welfare Policy and Research
- G20 2018 Joint Education & Labour and Employment Ministers' Declaration Mendoza Joint Meeting (05/09/2018) <http://www.g20.utoronto.ca/2018/2018-09-07-employment.html>
- G20 2019. Osaka Leaders' Declaration, https://www.g20.org/pdf/documents/en/FINAL_G20_Osaka_Leaders_Declaration.pdf
- Handicap International 2016. Situation of wage employment of people with disabilities. Ten Developing Countries in Focus (Algeria, Bolivia, Colombia, Egypt, Haiti, Laos, Mali, Morocco, Senegal Tunisia ILO 2014. Achieving Equal Employment Opportunities for People with Disabilities through Legislation.
- ILO 2015 Decent work for persons with disabilities: promoting rights in the global development agenda
- ILO Committee on the Application of Conventions and Recommendations (CEACR). Comments on country reports.
- Nesperova A., Kouleva O. 2014. Advisory report on vocational rehabilitation and employment of people with disabilities in Eastern Europe and Central Asia. ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia
- OECD (2010), *Sickness, Disability and Work: Breaking the Barriers, A Synthesis of Findings across OECD Countries*, Paris.
- UNESCAP 2016. Disability at a Glance 2015 Strengthening Employment Prospects for Persons with Disabilities in Asia and the Pacific.
- UNESCWA and League of Arab States, 2014. Disability in the Arab Region. An Overview. https://www.unescwa.org/sites/www.unescwa.org/files/page_attachments/disability_in_the_arab_region_-_an_overview_-_en_1.pdf
- Thornton P. and Lunt N., 1991 Employment Policies for Disabled People in Eighteen Countries: A Review. <https://digitalcommons.ilr.cornell.edu/gladnetcollect/158/>
- Thornton P. 1998 Employment Quotas, Levies and National Rehabilitation Funds for Persons with Disabilities: Pointers for Policy and Practice <https://digitalcommons.ilr.cornell.edu/gladnetcollect/84/>

