



Women Enabled International

Advocating for the Rights of All Women!

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**Women Enabled International
Submission on the Rights of Women with Disabilities in the World of Work
to the Working Group on the issue of Discrimination against Women in Law and in
Practice**

August 30, 2019

Women Enabled International (WEI) welcomes the opportunity to provide information to the Working Group on the issue of Discrimination against Women in Law and in Practice for its forthcoming report on Women's Human Rights in the Changing World of Work. WEI works at the intersection of women's rights and disability rights to advance the rights of women and girls with disabilities around the world. Through advocacy and education, WEI increases international attention to—and strengthens international human rights standards on—issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies. Working in collaboration with women with disabilities rights organizations and women's rights organizations worldwide, WEI fosters cooperation across movements to improve understanding and develop cross-cutting advocacy strategies to realize the rights of all women and girls.



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Women and girls¹ with disabilities, who make up almost one-fifth of the world's population of women,² face significant barriers to realizing their right to work, due to discrimination on the basis of both gender and disability, accessibility barriers to workplaces, a lack of reasonable accommodations in the workplace, and a lack of access to education and training. Yet policies and programs aimed at addressing the world of work routinely overlook the specific needs of women with disabilities. Although the Working Group's report focuses on contemporary trends influencing women's human rights in the world of work, this submission seeks to underscore, more broadly, that women with disabilities face overwhelming and discriminatory exclusion from the world of work.

This submission outlines some of the key rights violations faced by women with disabilities in the world of work, with particular emphasis on how the pervasive lack of data collection and research on the lived experiences of women with disabilities in the world of work obscures and perpetuates these violations. It then offers a brief summary of relevant human rights standards and concludes with recommendations that we hope will inform the Working Group's forthcoming report.

A. Forms of Discrimination against Women And Girls With Disabilities in the World of Work

Women with disabilities face disproportionate and unique barriers to their equal participation in the workplace,³ including discriminatory employer attitudes, lack of workplace accommodations, unequal pay, sexual harassment, limited avenues for "seek[ing] redress because of discriminatory attitudes dismissing their claims, as well as physical, information and communication barriers."⁴ They also face discrimination in education and training that prevents their access to a full range of employment opportunities on the open labor market.

As the former U.N. Special Rapporteur on Violence against Women (SRVAW) has noted: "women with disabilities have fewer career opportunities owing to employer unwillingness to provide relevant accommodations; they receive lower pay; and they may be forced to take less prestigious career paths in order to be able to obtain employment."⁵ In addition, the former Special Rapporteur has underscored that gender-based violence plays a role in limiting women with disabilities' access to the world of work. Noting that women with disabilities are two to three times more likely to experience violence than other women, the Special Rapporteur has explained that "women with disabilities who have experienced violence are at increased risk of unemployment since the abuser may harass or intimidate them in the workplace, harass other employees or prevent them from going to work at all, as a mechanism of control that can result in loss of employment."⁶

Employer Discrimination and Failure to Provide Reasonable Accommodations

Employer discrimination against women with disabilities takes many forms. Negative stereotypes about women with disabilities' capabilities and stigma around forms of disability create barriers to opportunities for meaningful employment. For example, women with disabilities in the United States report feeling that they have to “prove they can do things”⁷ and women with physical disabilities have described how difficult it is to get recruiters past the facts of physical disability and to move on to discussing their substantive qualities as an applicant.⁸ Such negative employer attitudes have been linked to the low employment rate of people with disabilities.⁹

Further, although women with disabilities—like all persons with disabilities—have a clear right to reasonable accommodations in the workplace, employers routinely fail to comply with this requirement. Women with disabilities report having to advocate for accommodations to which they are entitled¹⁰ and evidence suggests that they may “self-accommodate,” meaning that women with disabilities opt or are pressured to provide their own reasonable accommodations.¹¹ Even when a workplace provides accommodations, these can be exclusionary. For example, women with disabilities may be physically isolated because their accessible office space is not with the rest of their department or is secluded from their colleagues.¹²

In Poland, for example, the limited research that exists on the lived experiences of women with disabilities relating to employment stresses that there are significant social, architectural, and procedural barriers that permeate even those workplaces which do seek to include women with disabilities.¹³ Anecdotal evidence indicates that employers and non-disabled fellow employees often hold negative attitudes towards women with disabilities, for instance viewing them as burdens to the company, that undermine their effectiveness at work.¹⁴

Unequal Remuneration and Lower Pay

Worldwide, women face a significant gender wage gap, on average earning 77% of what men earn.¹⁵ Similarly, persons with disabilities “commonly earn less than their counterparts without disabilities.”¹⁶ Women with disabilities—facing discrimination at the intersection of gender *and* disability—routinely earn less than women without disabilities as well as men with disabilities.¹⁷

For example, full-time working women with disabilities in the United States earn only 60 cents to every dollar earned by men without disabilities, 72 cents to every dollar earned by men with disabilities, and 80 cents to every dollar earned by women without disabilities.¹⁸

In general, women with disabilities disproportionately work in low-paying and gender-segregated sectors. For example, in the European Union women with disabilities are less likely to be employed in high and medium skilled occupations, which come with greater compensation, as compared to both men with disabilities and women without disabilities.¹⁹

Discrimination in Access to Education And Training

Women with disabilities face significant barriers to accessing education and training to prepare them for the workforce. In the United States, lack of education or training is the biggest reported barrier to work for people with disabilities.²⁰ In the European Union, young women with

disabilities are more than twice as likely as women without disabilities to “leave education and training with only a lower secondary education.”²¹ This lack of education is experienced disproportionately by women and girls with disabilities, even as compared to men with disabilities—girls with disabilities have the lowest education participation rates of all groups. For example, in Poland, men with disabilities are generally more educated than women with disabilities, which opens up more opportunities for men in the labor market.²² Similarly, in the United States, “individuals with disabilities, especially girls, have been widely under-served and under-educated in the areas of science, mathematics, engineering, and technology,”²³ impacting the types, quality and quantity of work available to women with disabilities. Women and girls with disabilities also have few opportunities for vocational training.²⁴

B. The Lack Of Data on Women with Disabilities and the World of Work Renders the Lived Experiences of Women with Disabilities Invisible

As the Committee on the Rights of Persons with Disabilities has recognized, the collection and analysis of data “on the situation of women with disabilities in all areas relevant to them” is critical for informing policy planning and eliminating all forms of discrimination.²⁵ Further, the Committee on Economic, Social and Cultural Rights has explicitly called for states to “identify indicators and benchmarks to monitor the implementation of the right to . . . work” that are disaggregated by sex, age and disability, among other grounds.²⁶ However, issues affecting women with disabilities in the context of employment and work are rarely addressed in global or national studies, reports and statistics. Existing research and data collection on the world of work often fails to include either the gender or the disability category (and, where included, disability data often fails to distinguish between types or degrees of disability).

For example, in Poland, labor statistics are only disaggregated by gender and not by disability.²⁷ As a result, measures in Poland aimed at improving conditions in the labor market for persons with disabilities do not take the person’s specific characteristics—including gender—into account.²⁸ Similarly, where national and global data on persons with disabilities and employment does exist, it is not often disaggregated by gender, again rendering the lived experiences of women with disabilities in the world of work invisible—both in the public discourse and in policy-making circles worldwide. This invisibility allows for unchecked discrimination against women with disabilities in the world of work and perpetuates the barriers they face in realizing their right to work. This reality is starkly reflected in the aforementioned 2017 European Union case study on employment for women with disabilities in Poland, which concluded: “[a]t the moment, women with disabilities do not exist in public discourse as a specific group with specific needs. As a consequence, their problems are not being tackled.”²⁹

C. Consequences of Discrimination: Women with Disabilities are Disproportionately Excluded from and Unrepresented in the Workforce, with Significant Impact on their Socioeconomic Situation and Quality of Life

Although there is a lack of readily-available data addressing women with disabilities in the world of work, data on work and employment in the wider population of people with disabilities reveals that, across the globe, working age persons with disabilities experience significantly lower employment rates and much higher unemployment rates than persons without disabilities.³⁰ For example, in the United Kingdom and the United States, persons with disabilities are “twice as likely to be out of work than others.”³¹

These disparities are particularly pronounced for women with disabilities. Available data indicates that women with disabilities are disproportionately unemployed. A global survey of employment of persons with disabilities in 51 countries revealed that women with disabilities experience particularly low rates of employment: the survey documented “employment rates of 52.8% for men with disability and 19.6% for women with disability, compared with 64.9% for non-disabled men, and 29.9% for non-disabled women.”³² Women with disabilities who are members of minority groups typically experience the lowest employment rates due to multiple, compounded discrimination on the basis of their race, disability and gender. For example, whereas the 2015 unemployment rate for white women with disabilities in the United States was 12.2%, it was almost double (22.1%) for black women with disabilities, and was at 16.8% for Hispanic women with disabilities.³³

The disproportionately low rates of employment for women with disabilities, even as compared to men with disabilities, is affirmed in studies done at the national level. For example, in Colombia, although only 17% of persons with disabilities are employed,³⁴ men with disabilities are being employed at twice the rate of women with disabilities.³⁵ Similarly, according to an extensive European Union study in 2017 on employment for women with disabilities in Poland, 66.4% of women reporting difficulties in performing basic activities were also inactive in the labor market, as opposed to 58% of men in the same category.³⁶ The report specifically notes that there are no Polish statistics on this topic, as labor statistics in Poland are only disaggregated by gender and not by disability.³⁷ According to the 2011 Polish census, however, 20.4% of men with disabilities were active in the labor market, as opposed to 13.1% of women with disabilities.³⁸

Unemployment and underemployment, as well as discrimination in the workforce, carry significant consequences for women with disabilities. The European Union study on *Discrimination and Access to Employment for Female Workers with Disabilities* (referenced above) concluded that women with disabilities in Poland, particularly those in rural areas, live in worse socio-economic conditions than do men with disabilities.³⁹ In general, “lower rates of labor market participation are one of the key pathways through which disability may lead to poverty.”⁴⁰ Persistently low employment of women with disabilities has an impact on women with disabilities’ quality of life, as a lack of employment has been linked to poorer health outcomes, difficulties obtaining adequate housing, and difficulties accessing education.⁴¹ A lack of financial independence for women with disabilities can also place them at higher risk of domestic violence and render them less able to break free of abusive partners. By creating barriers to their “escaping, resisting, preventing or obtaining redress for violence,”⁴² financial dependence on their abuser may make them reluctant to report violence to avoid losing economic support.⁴³

For women with disabilities who are employed, discrimination in the workforce leads to its own set of far-reaching consequences. There is evidence that “when women with disabilities work, they often experience unequal hiring and promotion standards, unequal access to training and retraining, unequal access to credit and other productive resources, unequal pay for equal work and occupational segregation, and they rarely participate in economic decision-making.”⁴⁴

D. International Human Rights Standards

Women with disabilities have the right to work, on an equal basis with others.⁴⁵ States are obligated to take all appropriate measures to eliminate discrimination against women with disabilities in the field of employment, including with respect to employment opportunities,⁴⁶ “conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions,”⁴⁷ and the right to equal remuneration for work of equal value.⁴⁸ To this end, in its General Recommendation No. 18, the CEDAW Committee recognized the importance of “special measures to ensure that [women with disabilities] have equal access to education and employment . . . to ensure that they can participate in all areas of social and cultural life.”⁴⁹

Further, the Convention on the Rights of Persons with Disabilities explicitly provides that states are obligated to, among other things, ensure access to technical and vocational guidance programs⁵⁰ and ensure that reasonable accommodation is provided to persons with disabilities in the workplace.⁵¹ The CRPD Committee consistently recommends that States ensure access to inclusive education for all children with disabilities, noting in particular the lower rates of education for women and girls, and that States adopt policies targeted at ensuring employment for persons with disabilities. In at least one instance, the Committee has also recognized the need to ensure gender equality when pursuing employment programs targeted at persons with disabilities.⁵²

E. Conclusions and Recommendations

As part of this report on women in the changing world of work, we hope that the Working Group recognizes the following key points, in order to make the concerns of women and girls with disabilities visible and ensure they can meaningfully realize their right to work:

- States must collect consistent data, disaggregated by age, gender, and disability, on employment, to reflect the current lived experiences of women with disabilities in the world of work.
- States must take targeted measures to address the low rate of employment of women with disabilities, including by addressing barriers to education for women and girls with disabilities.
- States must provide individualized support to women and girls with disabilities, regardless of their socio-economic status and geographic location, to ensure their access to quality inclusive education and job opportunities on the basis of non-discrimination. States must require that employers provide reasonable accommodations to women and girls with disabilities that takes into account barriers they face due to both their gender and disability.
- States must monitor the accessibility of the employment sector (both private and public) for women with disabilities and promote the mainstreaming of good practices from different employment fields.
- States must ensure that women with disabilities receive equal remuneration for equal work.
- In developing, implementing, monitoring and evaluating work- and employment-related policies and interventions, states must ensure the participation of women with disabilities and that they address the specific needs and concerns of women with disabilities.

Thank you for your time and attention to this submission. Should you have any questions or require further information, please do not hesitate to contact WEI at the email addresses provided below.

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¹ Throughout this submission, the term “women” will be used to refer to women and girls of all ages, unless otherwise noted.

² According to the World Health Organization and World Bank’s World Report on Disability, the female disability prevalence rate worldwide is 19.2 per cent. World Health Organization (WHO) and World Bank, World Report on Disability 28 (2011) [hereinafter WHO, *World Report on Disability*].

³ See, for example, European Parliament, *Study on Discrimination and Access to Employment for Female Workers with Disabilities* 134 (2017), available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL_STU\(2017\)602067_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL_STU(2017)602067_EN.pdf) [hereinafter European Parliament, *Employment Study*].

⁴ CRPD Committee, General Comment No. 3: Article 6: Women and girls with disabilities, ¶ 58, U.N. Doc. CRPD/C/GC/3 (2016).

⁵ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, ¶67, U.N. Doc. A/67/227 (2012), available at <https://www.ohchr.org/Documents/Issues/Women/A.67.227.pdf>.

⁶ *Id.*

⁷ Diane Randolph, *The meaning of workplace discrimination for women with disabilities*, 24:4 WORK 369, 374 (2005).

⁸ *Id.*

⁹ Michele C. McDonnall and Adele Crudden, *Predictors of employer attitude toward blind employees, revisited*, 48 Journal of Vocational Rehabilitation 221, 221 (2018).

¹⁰ Diane Randolph, *The meaning of workplace discrimination for women with disabilities*, 24:4 WORK 369, 375 (2005).

¹¹ Carrie Griffin Basas, *The New Boys: Women with Disabilities and the Legal Profession*, 25 Berkeley J. Gender, L. & Just. 32, 39 (2010)

¹² Diane Randolph, *The meaning of workplace discrimination for women with disabilities*, 24:4 WORK 369, 375 (2005).

¹³ See Statement by the Polish Ombudsman, (June 8, 2018), available at <https://www.rpo.gov.pl/pl/content/rpo-oniewystarczaj%C4%85cej-pomocy-osobom-z-niepe%C5%82nosprawno%C5%9Bciami-we-wchodzeniu-na-otwarty-rynek-pracy>.

¹⁴ Anna Nowak, *Zagrozenie wykluczeniem społecznym kobiet niepełnosprawnych [A Danger of Social Exclusion of Disabled Women]* at 307 (2012) (unofficial English translation).

¹⁵ International Labour Organization, *Women at Work: Trends 2016 28* (2016), available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_457317.pdf.

¹⁶ WHO, *World Report on Disability*, *supra* note 2, at 239.

¹⁷ *Id.*

¹⁸ Department of Labor Women’s Bureau, *Women and the ADA, webinar*, (2015), available at <https://www.dol.gov/wb/media/WomenAndTheADAWebinar.pdf> (last accessed Aug. 7, 2019)

¹⁹ European Parliament, *Employment Study*, *supra* note 3, at 70.

[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL_STU\(2017\)602067_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL_STU(2017)602067_EN.pdf)

²⁰ Department of Labor, *Key Characteristics of Working Women With Disabilities: Issue Brief*, (July 2015) at 3, available at https://permanent.access.gpo.gov/gpo117301/women_with_disability_issue_brief.pdf (last visited Aug. 7, 2019).

²¹ European Parliament, *Employment Study*, *supra* note 3, at 45.

²² *Id.* at 10.

- ²³ Penny Hamrich et al. *Daughters with Disabilities: Breaking Down Barriers*, 5:4 ELECTRONIC J. OF SCIENCE EDUCATION, (2001) available at <https://wolfweb.unr.edu/homepage/crowther/ejse/hammrichetal.html>; Cheri Fancasali, *What we know about girls, STEM, and Afterschool Programs*, Education Equity Concepts, Summary Report (2000), available at <http://www.jhuapl.edu/mesa/resources/docs/whatweknow.pdf>.
- ²⁴ Cheri Fancasali, *What we know about girls, STEM, and Afterschool Programs*, Education Equity Concepts, Summary Report (2000), available at <http://www.jhuapl.edu/mesa/resources/docs/whatweknow.pdf>.
- ²⁵ CRPD Committee, General Comment No. 3: Article 6: Women and girls with disabilities, ¶ 62, U.N. Doc. CRPD/C/GC/3 (2016).
- ²⁶ ESCR Committee, General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), ¶ 55, U.N. Doc. E/C.12/GC/23 (2016).
- ²⁷ European Parliament, *Employment Study*, *supra* note 3, at 10.
- ²⁸ *Id.* at 12.
- ²⁹ *Id.* at 21.
- ³⁰ WHO, *World Report on Disability*, *supra* note 2, at 235.
- ³¹ Kevin Murfitt et al., *Employer engagement in disability employment*, 48 Journal of Vocational Rehabilitation 417, 423 (2018).
- ³² WHO, *World Report on Disability*, *supra* note 2, at 237.
- ³³ Department of Labor, *Key Characteristics of Working Women With Disabilities: Issue Brief*, (July 2015) at 2, available at https://permanent.access.gpo.gov/gpo117301/women_with_disability_issue_brief.pdf (last visited Aug. 7, 2019).
- ³⁴ Ministry of Education, INTEGRATED REGISTRATION SYSTEM, data current as of December 31, 2015, as cited in the State reply to the List of Issues during the CRPD Committee review, CRPD Committee, *List of issues in relation to the initial report of Colombia: Addendum. Replies of Colombia to the list of issues*, CRPD/C/COL/Q/1/Add.1 at p. 17.
- ³⁵ *Id.*
- ³⁶ European Parliament, *Employment Study*, *supra* note 3, at 10.
- ³⁷ *Id.*
- ³⁸ *Id.*
- ³⁹ *Id.* at 12.
- ⁴⁰ WHO, *World Report on Disability*, *supra* note 2, at 235.
- ⁴¹ See Department of Labor, *Key Characteristics of Working Women With Disabilities: Issue Brief*, (July 2015), available at https://permanent.access.gpo.gov/gpo117301/women_with_disability_issue_brief.pdf (last visited Aug. 7, 2019); Evan Dean et al., *How Does Employment Influence Health Outcomes? A systematic review of the intellectual disability literature*, 49 Journal of Vocational Rehabilitation 1 (2018).
- ⁴² Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, ¶ 59, U.N. Doc. A/67/227 (2012).
- ⁴³ *Id.* at ¶ 62.
- ⁴⁴ Arthur O’Riely, *The Right to Decent Work of Persons With Disabilities, IFP/Skills Working Paper No. 14*, International Labor Organization 32 (2013), available at http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_93_en.pdf.
- ⁴⁵ Convention on the Rights of Persons with Disabilities, adopted Dec. 13, 2006, art. 27(1), G.A. Res.A/RES/61/106, U.N. GAOR, 61st Sess., U.N. Doc. A/61/611, (entered into force May, 3 2008) [hereinafter CRPD]; Convention on the Elimination of All Forms of Discrimination Against Women, adopted Dec. 18, 1979, art. 11(1), G.A. Res. 34/180, U.N. Doc. A/34/46, (entered into force September 3, 1981) [hereinafter CEDAW]; International Covenant on Economic, Social and Cultural Rights, arts. 2(2), 3, 6 & 7, adopted Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, at 49, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 3 (entered into force Jan. 3, 1976) [hereinafter ICESCR].
- ⁴⁶ CRPD, art. 27(1)(e); CEDAW, art. 11(1); ICESCR, art. 7.
- ⁴⁷ CRPD, art. 27(1)(a). See also CEDAW, art. 11(1); ICESCR, art. 7.
- ⁴⁸ CEDAW, art. 11(1)(d); CRPD, art. 27(1)(b); ICESCR, art. 7(a)(i).
- ⁴⁹ CEDAW Committee, General Recommendation No. 18: Disabled women (1991).
- ⁵⁰ CRPD, art. 27(1)(d). See also CEDAW, art. 11(1); ICESCR, art. 6(2).
- ⁵¹ CRPD, art. 27(1)(j).
- ⁵² CRPD Committee, *Concluding Observations: Canada*, ¶ 48, U.N. Doc. CRPD/C/CAN/CO/1 (2017).