

State Employment Programmes for Persons with Disabilities
Monitoring Report



საქართველოს
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The report has been prepared within the framework of an Independent Mechanism for Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities

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Introduction

Respect for inherent dignity, individual autonomy of persons with disabilities and their acceptance as part of human diversity and humanity represent one of the fundamental principles of international human rights law, which includes commitment to carry out positive measures in order to ensure equality.

The Convention on the Rights of Persons with Disabilities (CRPD)¹, adopted by the United Nations in 2006, requires the Member States to ensure the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. A wide range of rights, obviously, includes the right of persons with disabilities to work and employment, the effective realization of which is a key factor in enabling these persons to live independently.

According to the data of the United Nations², in developing countries, 80% to 90% of persons with disabilities of working age are unemployed, whereas in industrialized countries the figure is between 50% and 70%. As a result of stereotypical attitudes, persons with disabilities are frequently not considered potential members of the workforce. Employers' misconceptions are mainly related to improper assessment of the skills of persons with disabilities, as well as to the fact that accommodating a person with a disability in the workplace is "expensive".

Effective implementation of the right of persons with disabilities to work is a serious problem in Georgia, the proof of which is the low statistical indicator of the employed persons with disabilities, as well as the results of the surveys carried out in the mentioned field.

According to the data reflected in the report 2017 of the Civil Service Bureau, only 55 out of 46 708 people employed in public sector are persons with disabilities.³ The number of persons with disabilities employed in the private sector is also extremely low (Detailed information is provided in the chapters below).

The Public Defender of Georgia permanently monitors the human rights situation of persons with disabilities in the country. The present report reflects the results of a survey carried out within the framework of the National Independent Mechanism to protect, promote and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities⁴, which covers the main challenges in terms of realization of the right of persons with disabilities to work and employment.

The survey focuses on analyzing the domestic legislative regulations and state programmes, as well as gaps in practice, which impede the effective implementation of the existing programmes.

¹ In Georgia entered into force on 12 April 2014, available at: <https://matsne.gov.ge/ka/document/view/2334289>

² Information is available at:

<http://www.un.org/disabilities/documents/toolaction/employmentfs.pdf> [last visited: 12.12.2017]

³ Report 2017 of the Public Service Bureau, page 23, available at:

<http://csb.gov.ge/ge/publications> [last visited: 03.04.2018]

⁴ According to Article 33 of the Convention, States Parties shall establish one or more independent mechanisms to promote, protect and monitor implementation of the Convention. According to the 27 October 2014 decision of the Coordination Council working on the rights of persons with disabilities under the Prime Minister of Georgia, the Public Defender of Georgia was named as the abovementioned mechanism. The mechanism includes the Department of the Rights of Persons with Disabilities, Consultative Council for Promoting, Protecting and Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities and a monitoring group. Information about the activities of the mechanism is available at: <http://www.ombudsman.ge/ge/specializirebuli-centrebi/shshm-pirebis-uflebata-dacvis-departamenti/shshm-pirta-uflebebis-konvenciis-monitoringis-meqanizmi/meqanizmis-shesaxeb>

The survey showed that despite a number of programmes and the state's declared will to ensure employment of persons with disabilities, the right of persons with disabilities to work is not properly realized due to the lack of effective mechanisms, safeguards, practical support and enforcement mechanisms.

Survey methodology

The methodology used during the preparation of this report is adequate to the challenges related to human rights documentation.

During the monitoring process, the Public Defender's Office analyzed:

- The UN Convention on the Rights of Persons with Disabilities and other international human rights treaties
- The normative base of Georgia, including the state programmes approved by the governmental decrees
- Reports on the realization of the right of persons with disabilities to work
- Information requested from state agencies
- Outcome of the focus groups meetings held with participation of persons with disabilities and the organizations working on the rights of persons with disabilities
- Results of the questionnaires specially designed for persons with disabilities about employment programmes.

Monitoring covered a period from 1 June to 1 December 2017. At the initial stage, the Department of the Rights of Persons with Disabilities of the Public Defender's Office carried out preparatory work, developed a plan and a special questionnaire, evaluated the existing normative base, including three state programmes approved by the Government's decree, requested information from the Ministry of Labour, Health and Social Affairs and the LEPL Social Services Agency. At the second stage, it held meetings with focus groups in 6 cities of Georgia (Tbilisi, Kutaisi, Batumi, Zugdidi, Ozurgeti, Telavi) and requested additional information from state agencies. At the final stage, it prepared the present report and developed recommendations as a result of analyzing the obtained information.

Review of the legal framework

The right to work is one of the fundamental human rights enshrined in the Constitution of Georgia⁵ and a number of international treaties. The United Nations International Covenant on Economic, Social and Cultural Rights⁶ recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. Under the Covenant, just and favourable conditions includes fair wages, safe and healthy working conditions, equal opportunity for everyone to be promoted and other important safeguards.

Realization of the right of persons with disabilities to work is directly related to the realization of other fundamental rights, including ensuring these persons to live independently.

⁵ Constitution of Georgia, Article 30.

⁶ United Nations International Covenant on Economic, Social and Cultural Rights, Articles 6 and 7.

The main obligations of the state in relation to the employment of persons with disabilities are set out in the UN Convention on the Rights of Persons with Disabilities (CRPD). According to the document, States Parties must create, strengthen and deliver services, which would be an opportunity for ensuring persons with disabilities to live independently. One of the important preconditions for ensuring the abovementioned is to support vocational education and realization of the right of these persons to work.

Pursuant to Article 27 of the Convention, States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. To this end, it is necessary to provide vocational guidance programmes, placement services and vocational and continuing training, promote employment opportunities and career advancement in the labour market, promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business, employ persons with disabilities in the public sector, promote employment in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures.

The document considers application of temporary mechanisms by States Parties until the declared will is achieved, including positive discrimination, encouragement, support measures and programmes, as necessary and temporary intervention.

At the national level, realization of the right of persons with disabilities to work is regulated by certain provisions of the Labour Code of Georgia, the Law of Georgia on Public Service and the Law of Georgia on Social Protection of Persons with Disabilities.

The Organic Law of Georgia on Labour Code of Georgia⁷ focuses on prohibition of discrimination on the ground of disability in labour and pre-contractual relations, prohibits working overtime or at night without the consent of persons with disabilities.

The provisions of the Law of Georgia on Public Service⁸ generally concern the prohibition of unjust treatment on the grounds of disabilities in public legal relations, while it assigns the determination of work and rest hours, as well as the terms of remuneration for overtime and part-time work to the Law of Georgia on Remuneration in Public Service. The latter only determines that persons with disabilities should receive remuneration adequate to their position and working hours.⁹

The labour of persons with disabilities is regulated by the Chapter V of the Law of Georgia on Social Protection of Persons with disabilities, which sets out the obligations of the State and the measures to be taken in this direction more specifically. The law recognizes that "in order to exercise their creative and production capabilities, persons with disabilities, in compliance with their individual rehabilitation programme, shall have the right to work at enterprises, institutions and organizations operating under ordinary labour conditions, irrespective of their form of ownership and business, at specialized enterprises, workshops and units where the labour of persons with disabilities is used; also they shall have

⁷ Organic Law of Georgia on the Labour Code of Georgia, Articles 2, 17, 18, available at: <https://matsne.gov.ge/ka/document/view/1155567> [last visited: 08.12.2017].

⁸ Law of Georgia on Public Service, Articles 9 and 61, available at: <https://matsne.gov.ge/ka/document/view/3031098> [last visited on 08.12.2017].

⁹ Law of Georgia on Remuneration in Public Service, Article 30, paragraph 3; available at: <https://matsne.gov.ge/ka/document/view/3971683> [last visited on 26.01.2018].

the right to conduct individual and other forms of labour activities permitted by law.”¹⁰ In addition, “Appropriate labour conditions shall be created according to the individual rehabilitation programme for persons with disabilities employed at enterprises, institutions and organizations”.¹¹ “Higher state, local self-government and administrative bodies shall assist persons with disabilities working at-home or individually in obtaining non-residential facilities for their activities, in purchasing raw materials and in selling finished products.”¹² The law goes even beyond this and says that family members or other persons who take care of persons with first degree disabilities shall enjoy privileges (work and rest hours, leave, etc.).¹³

Despite the abovementioned certain safeguards, their implementation in practice is related to serious problems, which makes the existence of the norm pointless.

In addition, the applicable legislation relates employment of persons with disabilities in the public sector to the restrictions on their right to receive a social package, with the exception of persons with first degree disabilities and persons with significant visual impairment.¹⁴ In addition, in some cases, it hinders realization of the right to receive a social allowance. As a result, the practice of refusing an allowance in exchange for employment significantly hinders the realization of employment opportunities. It should also be noted that persons with similar disabilities employed in the public and private sectors have equal needs and therefore, their interests to receive a social package are equal. Persons with severe and moderate disabilities are treated differently in similar situations (except for persons with significant visual impairment), which is conditioned by their sphere of employment, and there is no legitimate aim for the abovementioned.

Given the above, on 31 May 2017, the Public Defender of Georgia addressed to the Government of Georgia with a recommendation¹⁵ concerning establishment of direct discrimination of persons with first degree and moderate disabilities on the ground of sphere of employment. However, the recommendation has not been implemented by the government.

Review of the state programmes

Several programmes and strategies approved by the Government of Georgia serve the purpose of promoting employment of persons with disabilities. Among them are: Social Rehabilitation and Child Care State Programme 2017¹⁶, Programme for the Development of Employment Promotion Services,¹⁷ State Strategy for Formation of Labour Market of Georgia and Action Plan 2015-2018 for Realization of

¹⁰ Law of Georgia on Social Protection of Persons with Disabilities, Article 21; available on the website: <https://matsne.gov.ge/ka/document/view/30316> [last visited on 08.12.2017].

¹¹ Law of Georgia on Social Protection of Persons with Disabilities, Article 22, paragraph 1; available on the website: <https://matsne.gov.ge/ka/document/view/30316> [last visited on 08.12.2017].

¹² Law of Georgia on Social Protection of Persons with Disabilities, Article 22, paragraph 3; available on the website: <https://matsne.gov.ge/ka/document/view/30316> [last visited on 08.12.2017].

¹³ Law of Georgia on Social Protection of Persons with Disabilities, Article 23; available on the website: <https://matsne.gov.ge/ka/document/view/30316> [last visited on 08.12.2017].

¹⁴ Decree N279 on Determination of Social Package approved by the Government on 23 July 2012, Article 6, paragraph 4, available on the website: <https://matsne.gov.ge/ka/document/view/1707671> > [last visited on 08.12.2017].

¹⁵ Available on the website <<http://ombudsman.ge/ge/recommendations-Proposal/rekomendaciebi/saxalxo-damcvelma-saqartvelos-mtavrobas-kerdzo-da-sadjaro-seqtorshi-dasaqmebul-shshm-pirebs-shoris-diskriminaciis-agmofxvrisaken-mouwoda.page>>

¹⁶ Available on the website: <<https://matsne.gov.ge/ka/document/view/3601687>> [last visited on 08.12.2017]

¹⁷ Available on the website: <<https://matsne.gov.ge/ka/document/view/3616095>> [last visited on 08.12.2017]

the State Strategy for Formation of Labour Market of Georgia¹⁸, State Programme for Vocational Training-Retraining of Job Seekers and Raising their Qualifications.¹⁹

The Social Rehabilitation and Child Care State Programme 2017²⁰, which is annually approved by the Government of Georgia, envisages employment of persons with disabilities in an organization selected as a service provider within the component of supply of wheelchairs and promotion of the employment of persons with disabilities. The practice shows that promotion of employment only in this form, as well as the number of actually employed persons, cannot respond to the challenges. As of 1 January 2017, 7 persons with disabilities were employed in a service provider company within the component of promotion of employment of persons with disabilities.²¹

One of the most important documents is **the State Strategy for Formation of Labour Market of Georgia and Action Plan 2015-2018 for Realization of the State Strategy for Formation of Labour Market of Georgia**.²²

The strategy defines improvement of business environment, promotion of employment of the population and effective functioning of the labour market as major functions of the state. The document aims at: improving the legal framework in the field of employment, promoting effective employment, protecting proper working conditions and labour rights, developing workforce capabilities. The strategy defines main directions and activities, as well as organizational institutions for their implementation and sources of financing.

One of the directions, which concerns the development of services aimed at developing employment promotion services and assistance to job seekers, explains that delivery of services aimed at promoting employment implies vocational training of the unemployed according to the specialities/professions demanded in the labour market. Among the unemployed, persons with disabilities are considered a prioritized group together with other groups (those who have been unemployed for a long time, young people who do not have vocational education, internally displaced persons, individuals dismissed from the law enforcement agencies).

Implementation of the strategy is monitored by the Ministry of Labour, Health and Social Affairs of Georgia, while state control is exercised by the Government of Georgia.

The Action Plan 2015-2018 for the implementation of the strategy determines sub-activities to be performed by the LEPL Social Service Agency: Assessment and analysis of the existing employment services, development, monitoring and administration of the information system of labour market - www.worknet.gov.ge, development of intermediary service between job seekers and employers, individual and group counseling, professional counseling and career planning, promotion of employment of vulnerable, low-competitive groups through the development of cooperation with parties concerned, organization of employment forums, vocational training/retraining of job seekers, etc.

¹⁸ Available on the website: <<https://matsne.gov.ge/ka/document/view/1981264>> [last visited on 08.12.2017]

¹⁹ Available on the website: <<https://matsne.gov.ge/ka/document/view/3632049>> [last visited on 08.12.2017]

²⁰ Social Rehabilitation and Childcare State Programme 2017, annex 1.6, available on the website: <<https://matsne.gov.ge/ka/document/view/3601687>> [last visited on 08.12.2017]

²¹ Correspondence №04/6624 of the Ministry of Labour, Health and Social Affairs of Georgia, 7 February 2017

²² Government's Decree N199 of 2 August 2013, available on the website: <<https://matsne.gov.ge/ka/document/view/1981264>> [last visited on 08.12.2017]

Apart from the abovementioned issues, the action plan includes measures to be implemented in order to enhance communication and raise awareness.

It should be noted that the strategy and the action plan are quite general in relation to the realization of the right of persons with disabilities to work, and obscure in some cases, while the planned measures need to be more specific and oriented to the needs of persons with disabilities.

The Programme for the Development of Employment Promotion Services, which was approved by the Government's decree N137 of 23 March 2017, aims at developing/implementing the services aimed at promoting employment and active policy of the labour market in the country. The programme includes activities, such as development of the information system of the labour market - www.worknet.gov.ge, individual and group counseling at the municipal level, delivery/development of the intermediation service, vocational counseling and career planning at the municipal level, development and implementation of mechanisms promoting the employment of vulnerable, low-competitive groups, organization of an employment forum to identify professions demanded in the labour market and needed skills and knowledge, implementation and monitoring of qualitative surveys, organization of trainings/workshops about employment for the purpose of raising awareness of the media and parties concerned, organization of a summarizing conference. Target groups include job seekers registered in the information system of labour market, employers, social partners and mass media representatives.

A measure envisaged by the abovementioned programme, which may be described as targeted in terms of the needs of persons with disabilities/persons with special needs registered in the information system of labour market, is development/implementation of mechanisms/models assisting vulnerable, low-competitive groups through piloting employment models - adapting workplaces and subsidizing wages. The planned measures include the components of formation of a group of supported employment consultants, adaptation of workplaces and subsidization of wages. The components shall be implemented by the LEPL Social Services Agency.

The component of formation of a group of supported employment consultants envisages training of 11 selected consultants and implementation of various activities, including: to prepare, print and spread information for the purpose of raising awareness of target groups about introduction/delivery of supported employment services. Considering the existing reality, 11 supported consultants cannot be considered as a sufficient human resource.

As for the component of adaptation of workplaces and subsidization of wages, its task is to subsidize the wages of the beneficiaries employed in new or existing, including adapted workplaces, with prior consent of the employers, in order to facilitate employment of persons with disabilities and persons with special needs.

Wages are subsidized through vouchers and in the amount of 50% of the remuneration for the offered job, but not more than GEL 460 per month and no longer than 4 calendar months.²³

For the implementation of the measures envisaged by the mentioned component, the Agency should select employers, including those with adapted workplaces according to the regions, who express willingness to employ beneficiaries and create relevant database. The Agency is also obliged to analyze the duties to be performed on a vacant position in order to determine whether beneficiaries' skills are

²³ For the employed in adapted workplaces, from the day of signing of a labour contract and not later than 31 December 2017.

suitable for the job requirements.

It is important that the amount of subsidies made by the state be reasonable in order the employer to actually be motivated to employ persons with disabilities and take appropriate adaptation measures, especially given that accessibility of work environment is of a complex nature and requires a more in-depth approach with the support of appropriate financial resources. Consequently, introduction of the remuneration limit may turn out to be ineffective if there are no additional privileges (e.g. tax exemption) for the employer.

Furthermore, after the expiration of the subsidy period, there is no guarantee or effective leverage for the employee to maintain his/her job as the latter depends on the good will of the employer. As a result, there is a reasonable doubt that the measure envisaged by the programme is short term and not result-oriented.

The aim of the **State Programme for Vocational Training/Retraining of Job Seekers and Raising their Qualifications**²⁴ is to improve the competitiveness of job seekers through their vocational training/retraining in the professions demanded in the labour market and/or their further internship and to facilitate their employment. The programme shall be implemented by the LEPL Social Services Agency and its budget is GEL 2 014 000.

The programme tasks include: To identify demanded professions based on the analysis of the survey of demands in the labour market, available and/or prospective jobs, identify/register organizations implementing short-term (2-4 months) vocational training-retraining programmes in the demanded professions and sign contracts with them, develop short-term vocational training-retraining programmes and plan vocational training-retraining within the framework of the training programmes, identify and register job seekers interested in vocational training-retraining, organize internship in a real working environment and/or prospective jobs if available in order to raise qualifications, and provide a state scholarship for the job seekers involved in internship.

The programme provides for additional services for persons with disabilities and persons with special educational needs, which include provision of appropriate for individual needs of persons engaged in vocational training-retraining and/or internship processes. These services include an assistant, mobility and orientation trainer, sign language interpretation, transportation.

The basic terms of remuneration for the services provided by the programme indicate that the service shall be remunerated in accordance with the actual cost and volume of service provided and that the maximum value of one voucher shall not exceed GEL 1000, while in case of remuneration in case of additional services (gesture language translator, mobility and orientation trainer, transportation, etc.) delivered for the purpose of making short-term programmes accessible for persons with disabilities or persons with special educational needs, the maximum value of a voucher shall not exceed GEL 1500.

The programme funds only one course of training and/or internship for one beneficiary. The maximum duration of internship is determined by the agreement with the employer and it shall not exceed 3 calendar months. The amount of scholarship paid to persons involved in internship shall be GEL 150 per month.

²⁴ Government's Decree N182 of 4 April 2017, available at: <<https://matsne.gov.ge/ka/document/view/3632049>> [last visited: 08.12.2017]

For the purpose of employment on vacant and/or prospective positions in agreement with the employer, the basic terms of internship stipulate that after internship, the employer shall sign at least 6 months labour contract with at least one selected intern in accordance with the applicable law. For the objectives of this programme, internship is of a one-time character and is aimed at developing practical skills, getting experience and promoting employment.

It is important to note that the measures envisaged by the programmes and the abovementioned action plan are somewhat of similar nature and fail to fully consider complex aspects that are significant for promoting employment.

Evaluation of the implementation of the employment programmes for persons with disabilities

Although the existing legislative regulations and state programmes fail to fully comply with internationally recognized commitments for effective realization of the rights of persons with disabilities, it is still important to evaluate their implementation in practice. For this purpose, information was requested from the Ministry of Labour, Health and Social Affairs of Georgia and the LEPL Social Service Agency. In addition, focus group meetings were held with the participation of persons with disabilities and the organizations working on their issues in order to identify existing systemic problems in this field; The meeting participants filled in special questionnaires with this regard as well.

Analysis of the official data on programme beneficiaries

During 2017, the Public Defender's Office requested relevant data²⁵ from the Ministry of Labour, Health and Social Affairs of Georgia and the LEPL Social Services Agency several times about the employment programmes carried out in 2015-2017 and the number of persons both, involved and later on employed within the frameworks of such programmes. The Office has also requested information concerning implementation of the commitments taken under Georgia's Human Rights Governmental Action Plan for 2016-2017²⁶, with regard of employment of persons with disabilities.²⁷

According to the obtained information²⁸, a group working on the issues of persons with disabilities and persons with special needs was set up at the Ministry of Labour, Health and Social Affairs of Georgia in April 2017, which, at the first stage of functioning, made a decision to draft a normative document in compliance with the EU standards on the employment of persons with disabilities. At present, the working group is discussing the components of the draft law.

In addition, a legislative act on employment services was elaborated through cooperation between European experts and the Employment Policy Department within the framework of the European technical assistance project ongoing at the Ministry. The document concerns development and

²⁵ Correspondence N09-1/7849, N09-3/480, N09-1/15002.

²⁶ Approved by the Government's Decree N338 of 21 July 2016.

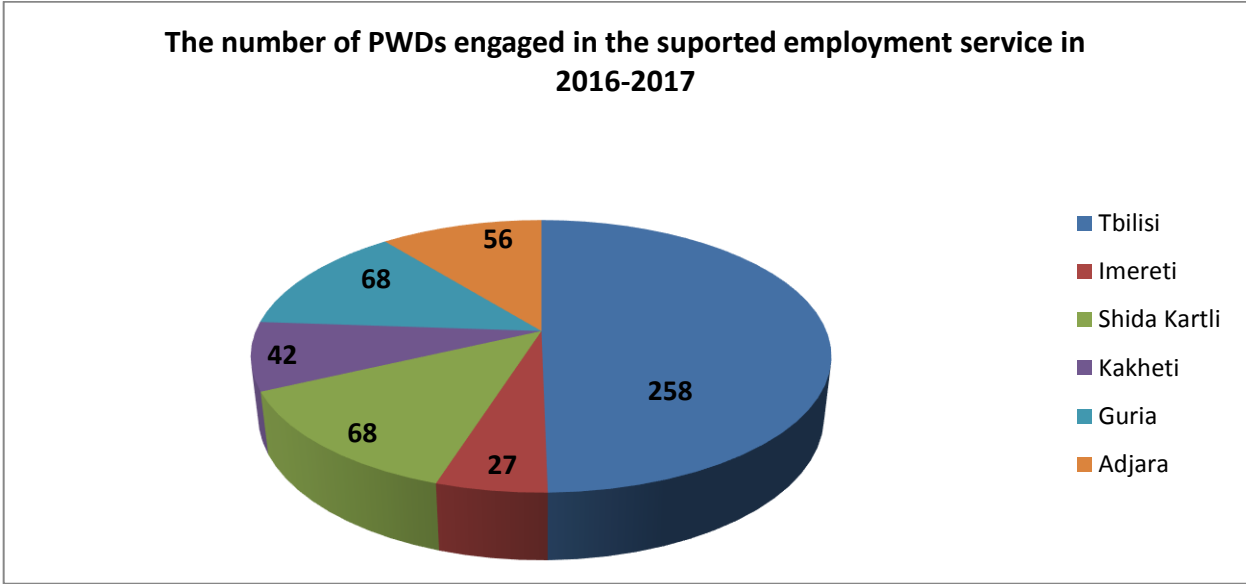
²⁷ Government's Human Rights Action Plan for 2016-2017 approved by the Government's Decree N338 of 21 July 2016, chapter 19, paragraph 19.1.12.

²⁸ Letter N01/71122 of the Ministry of Labour, Health and Social Affairs of Georgia, letters N04/39865, N04/7381, N04/44997 of the LEPL Social Service Agency.

introduction of employment mechanisms (including for persons with disabilities and persons with special needs). The Employment Policy Department is also working on the Work and Employment Strategy Document for 2019-2023, which will include the abovementioned topic.

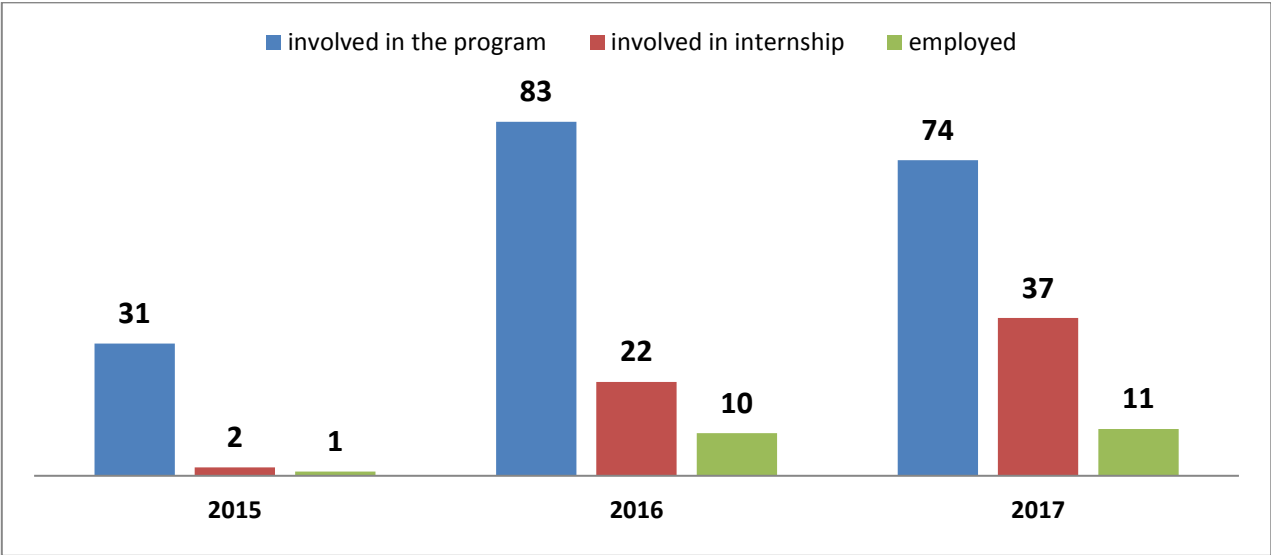
According to obtained information concerning activities implemented within the framework of the **State Programme for the Development of Employment Promotion Services** and its components:

- 1 689 persons with disabilities were registered in the employment portal www.worknet.gov.ge in 2015, 2 465 - in 2016 and 3 535 - in 2017. According to the LEPL Social Service Agency, in 2016-2017, the number of **persons with disabilities employed with the assistance of the mentioned portal amounted to 161.**
- **Individual and group consultations on the labour market** were provided for 117 persons with disabilities (among them, 98 persons with disabilities received consultations through cooperation with Tbilisi City Hall) in 2015, 4 persons with disabilities - in 2016 and 9 - in 2017.
- **Within the framework of the component of subsidization of labour remuneration**, according to the data of October 2017, 17 organizations were involved as providers and wages of 53 persons with disabilities were subsidized. After expiration of the subsidization period, 11 persons with disabilities were employed on the basis of a long-term labour contract in 2016 and 22 - in 2017.
- As of October 2017, 42 persons with disabilities were employed within the framework of the **supported employment services component**, 519 persons were offered the service in 2016-2017. Supported employment consultants served in 5 regions of Georgia and 3 service centers in Tbilisi. At this stage, the service is not provided to other 5 regions and 2 service centers of Tbilisi. Therefore, it is necessary to add at least 7 supported employment consultants. The number of persons with disabilities involved in the programme according to regions is given in the graph below (see diagram 1).

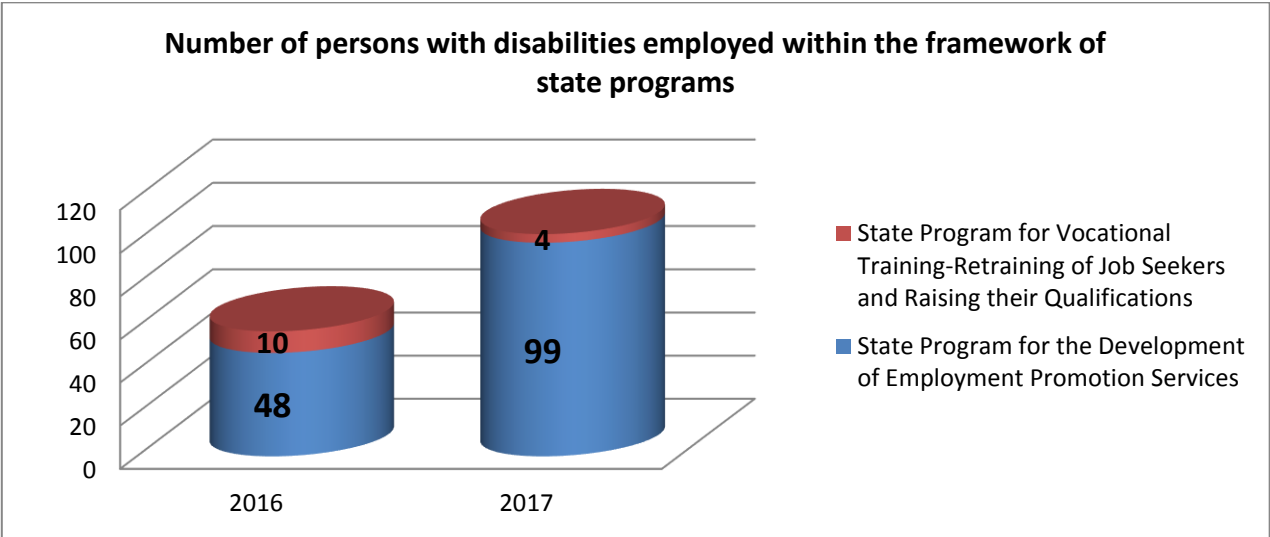


In addition, according to the information submitted by the Ministry, within the framework of the state programmes under the supported employment component only 1 person with disabilities was employed in the public service sector – at the Public Defender's Office.

IN 2015, 31 persons with disabilities participated in the **State Programme for Vocational Training-Retraining of Job Seekers and Raising their Qualifications**; 2 persons with disabilities were involved in internship, but only one was employed. In 2016, 83 persons with disabilities received similar service, 22 persons with disabilities were involved in internship, 7 - were employed. As for 2017, 74 persons with disabilities were engaged in the training-retraining component of the programme, 37 persons with disabilities and 1 person with special educational needs were involved in the internship component and 4 persons with disabilities were employed after the internship was over (see diagram 2).

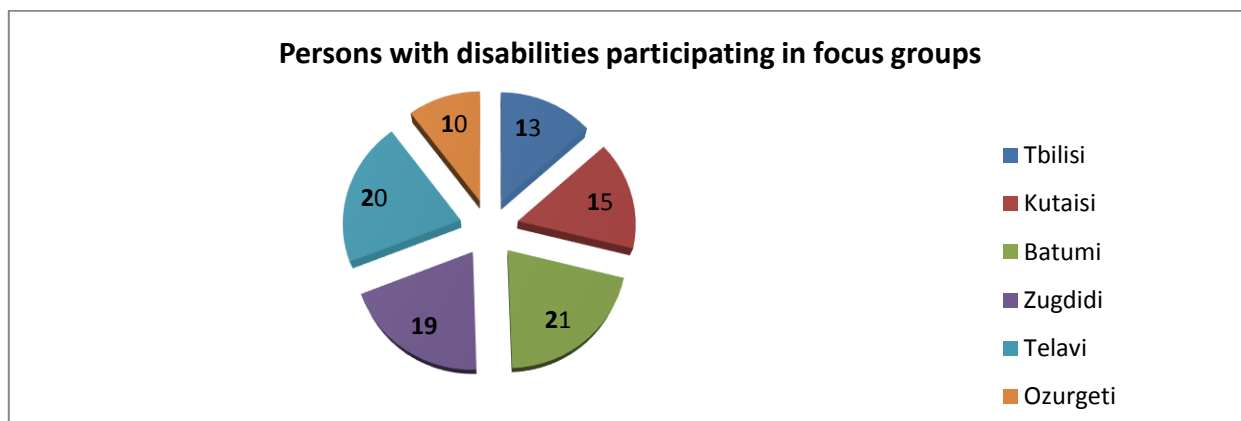


According to the LEPL Social Service Agency, the total number of persons with disabilities employed within the framework of the state employment programmes was 58 in 2016 and 103 - in 2017.



Outcome of the focus group meetings

As it has already been said, focus group meetings²⁹ were held with participation of persons with disabilities in 6 cities of Georgia (Tbilisi, Kutaisi, Batumi, Zugdidi, Ozurgeti, Telavi) for ensuring effectiveness of the implementation of the state employment programmes. The meeting participants filled in questionnaires after the discussion.



The meetings made it possible to identify the problematic issues that impede the effective implementation of the right of persons with disabilities to work and enjoyment of employment programmes by them.

The main challenges in the field of employment of persons with disabilities are:

- One of the most important challenges in the field of employment of persons with disabilities are problems related to access to physical environment. The majority of focus group members pointed out that due to the non-adapted physical environment (infrastructure and public transport), persons with disabilities think **“working is not worthwhile”**. Often the money spent by them on transportation is more than the received payment.
- The problem of **access to information** and **the low level of awareness of persons with disabilities** serve as hindering factors. **Most of the participants of focus groups have not heard of state employment programmes**. In addition, they are in an unequal situation in comparison with the members of the community who can get information or communicate without alternative means (Braille font, gesture language, etc.).
- The main problem is the so-called **discriminatory labour market**, where the willingness and interest of a private employer to take measures for reasonable accommodation are quite low. Neither the internal legislation provides for this obligation. Moreover, the applicable legislation does not consider “refusal of reasonable accommodation” as discriminatory and thus contradicts the requirements of the UN Convention on the Rights of Persons with Disabilities.
- The **awareness raising** component needs to be strengthened. The majority of persons with disabilities note that private organizations are not interested in the qualifications of a person with disabilities if they know their status in advance. This is due to the strong stigma in the community, which should be systematically

²⁹ A total of 6 meetings with participation of 98 persons with disabilities.

combated by the state through awareness raising campaigns. It is also important that the negative expectations of jobs seekers with disabilities were changed and their motivation were raised. They should not think that participation in qualification raising and employment promotion programmes is "waste of time", regardless of in some cases existence of objective grounds. The issue of public awareness is also problematic - in case of employment of a person with disabilities, dissatisfaction is sometimes expressed by their colleagues or the persons who have to communicate with them. In most cases, this dissatisfaction is ungrounded and is not related to improper performance of duties by persons with disabilities, but mostly based on stigma and negative prejudices.

- **Termination of social allowance** in case of employment is a serious problem. In case of regular income, the Social Service Agency checks the socio-economic situation of the families of persons with disabilities and in practice terminates social allowance when new source of income is recorded, even in case of low income. Therefore, the majority of persons with disabilities prefer social allowance to unstable labour relations and refuse employment.
- **Termination of a social package** serves as an important demotivator in the employment of persons with disabilities in the public service. This approach can't be justified, since based on the essence of social package, it is a compensation for ensuring equal opportunities (equalization) of the vulnerable group.
- The issue of **exemption from income tax** is also problematic. As of today, persons with disabilities are exempted from income tax in case of an annual income below GEL 6000. However, this is not based on a specific calculation. In addition, in case a person with disabilities has several jobs (e.g. two 200-GEL jobs), the annual income from which does not exceed GEL 6000, only income from one job is exempted from income tax, while the second wage is subjected to taxation. Under the applicable regulations, in case of appealing to the Revenue Service, it is possible to get back the untaxed minimum, but persons with disabilities are not informed of it. In addition, the abovementioned is related to many bureaucratic procedures and in the best-case scenario, the persons with disabilities get back the untaxed minimum by the end of the calendar year.
- Employment of persons with disabilities in the public service is related to additional difficulties, as in most cases, they cannot meet the **strict job requirements**. Legislators and public agencies do not take into consideration the obstacles faced by persons with disabilities in getting education or acquiring/raising qualifications. Therefore, they appear in unfavorable situation in comparison with other members of the community.
- **Improper realization of the right to education** is also a hindering factor. Getting proper education and acquiring proper qualifications remains a serious challenge for persons with disabilities in Georgia at all stages of education, which makes them less competitive.
- The **lack of support from local self-governments** for the employment of persons with disabilities is another problem. The persons with disabilities participating in focus groups outlined the necessity for more active efforts from the local self-government in this direction and continuation of existing projects. For instance, it is problematic to acquire support from the municipality for continuation of activities after the completion of an employment project by an NGO, as a result of which, the persons with disabilities employed within the project are left unemployed, while the equipment purchased within the project framework, loses function.
- The persons with disabilities involved in focus groups do not trust the state **employment statistics** and consider that the number of employed persons with disabilities is artificially increased in order to demonstrate efficiency of the programmes. For example, one of the persons with disabilities was employed in one of the state agencies on various short-term positions 4 times in 2016 and 3 times in 2017, while the public agency records and issues separate information about each employment. As a result, the abovementioned was reflected as employment of 7 persons with disabilities in 2016-2017, instead of 7

employment of one person with disabilities.

- **Low involvement of persons with disabilities** in monitoring of the process of development and implementation of employment programmes is also a problem, which impedes development of efficient and needs-based programmes, on the one hand, and objective assessment of their implementation, on the other hand.

Evaluation of the State Programme for the Development of Employment Promotion Services

1. It should be noted in favour of the subsidization component of the programme that it is more efficient mechanism for persuading the employer to employ persons with disabilities, and as a rule, supported employment consultants use this method after applying all other mechanisms. Subsidization creates positive examples in some cases and despite the short period, it helps persons with disabilities to acquire working experience that is positively reflected in their CVs and promotes their further employment.
2. **In the subsidization component of the programme** the issue of continuation of long-term labour relations with the employee after the expiration of the subsidization period (4 months) is problematic. In addition, financing half of the wages for 4 months cannot be regarded as a sufficient measure for increasing the motivation of private organizations. Conversation with focus groups made it clear that **subsidization is especially actively used in cases of seasonal jobs** that last no longer than 4 months.
3. An important challenge of the **supported employment component** is insufficient number of employment consultants and geographical coverage. In addition, the requirements of the labour market and often the expectations of job seekers with disabilities are often far from the principles of supported employment.
4. It is noteworthy that a large number of persons with disabilities participating in focus groups has not had any communication with supported employment consultants despite their great desire for employment or has not been informed about them and their obligations/responsibilities.
5. One of the components of subsidization within the framework of the Programme for the Development of Employment Promotion Services is **adaptation of the existing working environment**. However, the state has not allocated any finances for the adaptation of workplaces.

Evaluation of the State Programme for Vocational Training-Retraining of Job Seekers and Raising their Qualifications:

1. Universality and diversity of this programme can be positively evaluated, as well as the conduct of vocational training courses in an accessible environment (adaptation of vocational schools). The positive side of the programme is also retraining of already employed people, which is a promoting factor in their career advancement.
2. The quality of teaching within the programme is a problem. Part of persons with disabilities is unsatisfied with inflexibility of training courses. They have the impression that the trainings do not serve the purpose of actually raising their qualifications and that they are conducted only in order to formally carry out an activity under the programme. It is unclear which agency is responsible for controlling the quality of teaching within the programme. Competences of the LEPL Social Service Agency or the Ministry of Education and Science of Georgia have not been defined in this regard.
3. The issue of **continuation of labour relations with persons with disabilities after internship** is problematic, which makes the participants think that the internship programme fails to ensure employment of persons with disabilities and in some cases is not even effective for the objective of vocational teaching or raising

qualifications.

Evaluation of the component of promotion of employment of persons with disabilities and supply of wheelchairs under the Social Rehabilitation and Child Care State Programme 2017

Majority of persons with disabilities involved in focus groups do not have information about the existence of the employment promotion component within the framework of the Social Rehabilitation and Child Care State Programme, while small part of them, who are aware of this component, thinks that the component of employment in the process of wheelchair production in the given form cannot serve the goal of promoting employment. In addition, the conditions of registration as a service provider are tailored to a particular organization and do not allow competition (for registering as a service provider in the Social Service Agency, the organization should have a wheelchair factory, where 50% of employees must be persons with disabilities, and should have several years of experience). Regional coverage of this component is also problematic (service is delivered only in Tbilisi).

Conclusion

Realization of the right of persons with disabilities to work is an important precondition for enabling them to live independently. However, there are lots of challenges in the field of employment of persons with disabilities, which could not have been solved for years. Despite the steps taken for the development of state programmes, the rate of employment of persons with disabilities in practice has not significantly improved.

It is almost impossible for persons with disabilities to start job, especially through open competition. Employment is mainly related to individual initiatives of certain organizations and has a character of the campaigns. Non-adapted transport and work space are significant barriers for persons with disabilities in terms of going to the office, performing duties and socializing with colleagues. The economic profit received by persons with disabilities as a result of employment is very low, which together with other additional barriers, makes their labour non-profitable. Furthermore, in case of employment in the public service, their families may lose a state allowance, while they lose a social package.³⁰

The provisions of the country's legislation and strategic documents are quite general and declaratory, which impedes their effective implementation and monitoring. In addition, the measures envisaged by the state programmes are identical in some cases and are not supported by the survey results.

The data obtained from the Ministry of Labour, Health and Social Affairs of Georgia indicate that the number of job seekers with disabilities involved in the programmes is much higher than the actual number of the employed ones, which cannot be seen as an effective and result-oriented resolution of the issue. It is also noteworthy that the measures taken by the agency for controlling the service quality are not sufficient and persons with disabilities and/or their representative organizations are not involved in the evaluation or monitoring of the implementation of the programmes.

³⁰ “Characteristics of adaptation of persons with disabilities to working environment: Attitudes of persons with disabilities, employers and experts”, qualitative survey report, Ivane Javakhishvili Tbilisi State University, 2015, pages 94–95.

Awareness raising campaigns aimed at eliminating harmful stereotypes and negative prejudices need to be strengthened. In addition, it is important to raise the motivation and awareness of persons with disabilities about the services and programmes offered by the state.

Recommendations

To the Parliament of Georgia:

- Revise internal legislation regulating labour and employment and make relevant amendments to it, in order to harmonize the current legislative acts with the United Nations Convention on the Rights of Persons with Disabilities

To the Government of Georgia:

- Fully reflect the basic principles of the United Nations Convention on the Rights of Persons with Disabilities in the state employment policy, strategic documents and programmes, including: create open, inclusive, accessible and safe working environment for persons with disabilities, provide fair and favourable working conditions for all, ensure equal opportunities and remuneration, provide technical and vocational programmes, ensure access to vocational and continuing education, assist in finding and maintaining a job, as well as in resuming working and promote employment of persons with disabilities in the public sector
- Eliminate factors impeding employment of persons with disabilities, such as the possibility of termination of social packages and social allowances in case of employment, by legislative regulations
- Provide persons with mildly and moderately expressed disabilities employed in the public service with a social package determined under the Resolution No 279 on Determination of Social Package, approved by the Government on 23 July 2012
- Ensure supervision and coordination of timely and efficient fulfillment of the responsibilities undertaken by the relevant agencies of the executive government for the employment of persons with disabilities under the governmental action plans
- Promote involvement of persons with disabilities in the process of monitoring of development and implementation of state employment programmes
- Introduce measure stimulating and encouraging employment of persons with disabilities, such as: introduction of a requirement of employment of persons with disabilities for participation in the tenders announced by the state and/or introduction of tax allowances; set up enterprises by state subsidies and employ persons with disabilities there, etc.
- Develop State Programmes based on the analysis of the implementation of the existing programmes and the survey of the needs of persons with disabilities
- Systematically carry out informational campaigns through focus group meetings, broadcasting relevant video clips on TV, dissemination of booklets, use of media outlets and other relevant means in order to increase awareness of persons with disabilities and employers about the existing state programme

To the Ministry of Labour, Health and Social Affairs of Georgia:

- Develop appropriate legislative proposals for the purpose of fully reflecting the obligations determined by the United Nations Convention on the Rights of Persons with Disabilities (2006) and the needs of persons with disabilities in the domestic labour legislation
- Accelerate the process of developing a unified concept for promotion of employment of persons with disabilities and other normative documents, and ensure involvement of persons with disabilities in the process
- Improve the database on job seekers with disabilities and employed persons with disabilities
- Systematically analyze statistical indicators of employment of persons with disabilities in public and private sectors, as well as various components of the state employment programme
- Strengthen the employment component of the state programme for social integration of persons with disabilities and increase its geographical accessibility
- Ensure strengthening and improvement of the supported employment component in the state programmes, including through increasing the number of the employment consultants and raising qualifications, as well as increasing the amount of the voucher envisaged by the subsidization component
- Provide effective leverages in the state programmes for continuation of labour contracts with persons with disabilities
- Strengthen relevant components of the State Programme for Vocational Training-Retraining of Job Seekers and Raising their Qualifications, in terms of reasonable accommodation (creation of a needs-based working environment) during the periods of vocational training and/or internship of persons with disabilities
- Take into account the alternative forms of communication with persons with special needs (sign language, Braille, etc.) during implementation of state programmes, including: provision of information about the existing programmes in Braille, as well as involvement of a sign language interpreter in the supported employment component
- Strengthen measures aimed at stimulating employment of persons with disabilities in the private sector and raising awareness of employers

To the Ministry of Education and Science of Georgia:

- Ensure high standards of education for persons with disabilities at all Educational levels
- Ensure effective mechanisms for controlling the quality of teaching within the framework of the State Programme for Vocational Training-Retraining of Job Seekers and Raising their Qualifications
- Promote raise of professional qualifications and competitiveness of persons with disabilities.