



Employment Opportunities for Differently Abled Population

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ABSTRACT

Disability is generally a condition either caused by accident, trauma, genetics or disease, which may restrict a person's mental processes, senses or mobility. A disability may be generally defined as a condition which may restrict a person's mental, sensory, or mobility functions to undertake or perform a task in the same way as a person who does not have a disability. Disability is a condition of function judged to be significantly impaired relative to the usual standard of an individual or group. The term disability is used to refer to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment, mental illness, and various types of chronic disease.

Under the Equality Act 2010, a person is considered to be disabled if they have "a physical or mental impairment which has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities"

The policies and legislation on disability are framed for empowering the persons with disabilities to live better life on par with the non-disabled persons. The persons with disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995 is the main legal instrument for persons with disabilities. This Act includes seven categories of disabilities such as blindness, low vision, hearing impaired, mental retardation, loco-motor disability, leprosy-cured and Autism. All these policies and legislations emphasize the rights of the persons with disabilities in the field of education, employment and empowerment in the society.

India is the largest democracy in the world. According to Census 2011, there are 1.2 billion people in the country, out of which, about 833 million people live in rural areas. Based on the United Nations estimate that 10% of the world's population has a disability and there are about 120 million people with disabilities in India.

According to the census 2001 there are 2.19 crore Persons with Disability in India constituting 2.13% of the population. Out of these 75% live in rural areas, 49% are literate and only 34% are employed. Persons with disabilities (Persons with Disability) in India are defined as people who are suffering from not less than 40% of any ability as certified by medical authority.

The persons with Disability Act 1995 provides 3% reservation in all categories of jobs in the Govt. sector. But the quota for National and local Govt. agencies is 2.0% depending on the type of work activities.

The present paper throws a light on the classifications of disabilities, employment opportunities for the Persons with Disability, trends for Persons with Disability and identifies the main challenges that states parties encounter in ensuring that persons with disabilities (Hearing Impaired, Visual Impaired and Locomotors disability) and also keys to reduce it etc'

Keywords :

INTRODUCTION

Even though disabled people constitute a significant 5 to 6 percentage of the population of India, their needs for meaningful employment remain unmet, despite the implementation of the 'The People with Disabilities' Act three years ago, which reserves 3% of all categories of jobs in the government sector for disabled persons. Of approximately 70 million people with disabilities in India, only about 0.1 million have succeeded in getting employment in India till now.

This study was conducted by the National Centre for Promotion of Employment for Disabled People, an organisation working as an interface between the government, industry, non-governmental organisations and international agencies, to promote employment opportunities for people with disabilities in India.

The aim of the study was to identify the current practices of Indian industry with regard to the employment of disabled people, 3 years after the 'The People with Disabilities' Act was passed.

Classification of Disability:

1. Visual Impairment

Visual Impairment is generally referred to as no useful vision in eyes. Low vision is a condition of remaining vision in eyes which is useful for specific purposes.

According to persons with Disabilities Act (1995) blindness refers to a condition where a person suffers from any of the following conditions, namely:

- total absence of sight, or
- visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses, or
- Limitations of the field of vision subtending an angle of 20 degrees or worse.

2. Hearing impairment

A person is said to have hearing disability if she/he cannot hear at all, or can hear only loud sounds, shouts words, or only if the speaker was sitting in front would usually ask to repeat the words spoken to him/her.

3. Loco-motor disability

Loco-motor disability is defined as a person's inability to execute distinctive activities associated with moving, both himself and objects, from place to place, and such inability resulting from affliction of muscular-skeletal and, or nervous system.

4. Mental Retardation

Mental retardation refers to substantial limitations in overall functioning. It is characterized by sub-average intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas.

5. Autism

Autism is a spectrum disorder which means that one person may be high functioning (mildly affected by ASD) and another person may have moderate and yet another may be low functioning (severely affected). Autism is a developed disorder that appears in the first 3 years of life, and affects brain's normal development of social and communication skills. Autism is a physical condition linked to abnormal biology and chemistry in the brain.

Autism as "a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior".

6. Multiple Disabilities

Children with multiple disabilities will have a combination of various disabilities that may include: speech, physical mobility, learning, mental retardation, visual, hearing, brain injury and possibly others. Along with multiple disabilities, they can also exhibit sensory losses and behavior and / or social problems. Children with multiple disabilities also referred to as multiple exceptionalities will vary in severity and characteristics.

Employment opportunities with Disability

Work is regarded as the basic human rights of people with disabilities. The International Labour Organisation (ILO) adopted in 1983, international standards, ILO Convention 159 and Recommendation 168, are concerned with vocational rehabilitation and employment of the disabled persons. The Convention stresses that "the government policy should aim, appropriate employment opportunities and at promoting employment opportunities for disabled persons in the open labour market". The ILO Recommendation also states that "disabled persons should enjoy equality of opportunity and treatment in respect of access to, retention of and advancement in employment which, wherever possible, corresponds to their own choice and takes account of their individual suitability for such employment"¹(UN General Assembly Resolution).

The current quota for private-sector employers is 1.6 percent, while the quota for national and local government agencies is 2.0 percent depending on the type of work activities. An employer who fails to meet the legally set quota must pay a "levy" based upon the difference between the number of disabled workers he is mandated to employ and the actual number of disabled workers employed. Whilst the quota system for the employment of disabled persons seeks to establish "equalization as the result".

Table 1: Particulars of disabled employees - type wise in percentage

Types of disability	Percentage of total disabled employees
Visual impairment	9.87%
Loco-motor impairment	70.57%
Speech and hearing impairment	8.26%

Types of disability	Percentage of total disabled employees
Mental retardation	0.66%
Other disabilities	1.87%

Table 2: Sector wise employment particulars of disabled persons

Types of Sector	Percentage of disabled persons employed
Public sector	0.54% of the total workforce
Private sector	0.28% of the total workforce
Multinational sector	0.05% of the total workforce

Trends for persons with Disability

More than 18.5 million population of the disabled live in India; where they feel hamstrung by the pathetic attitude of society. Moreover, in the developing world, the persons with disabilities are quite often the poorest of the poor in terms of income, but in addition their need for income is greater than that of their able-bodied counterparts, as they need money and assistance to try to live normal lives and to attempt to alleviate their handicaps.

The disabled women are one of the most neglected, if not almost totally ignored, segment of the population. According to Census-2001, there are 93.01 lakh women with disabilities, which constitute 42.46 percent of total disabled population. Women with disabilities require protection against exploitation and abuse. Even where the laws are not discriminatory, disabled women and girls face a host of abuses at the hands of their families, communities, and the state. Though definitive data is rare, there is some evidence that disabled women and girls face higher rates of violence and discrimination than non-disabled women. However, the departments and organizations have set mechanisms for grievance redressal.

The level of awareness about its existence amongst the target group is not very high. The level of awareness about these initiatives was not found to be high. Though centrally sponsored anti-poverty programmes have reservations for people with disabilities, various studies have shown the numbers who have benefited are well below the minimum laid down. The new National Rural Employment Guarantee Act has dropped reservations for the disabled entirely. Moreover, implementation of the reservation quota is not being observed to the fullest as envisaged.

There are some hindrances in implementation of 3% reservation quota.

The most common of these hindrances are-

- Discriminatory attitude of society
- Paternalistic attitude of society
- Lack of literacy
- Lack of social awareness
- Lack of political and administrative will power

The performance of public sector organizations is quite abysmal with regard to implementation of three percent reservation provision for the persons with disabilities in jobs of government establishments. Several factors are identified for bedeviling the process of implementation of reservation provisions and certain major recommendations are also offered. It is required more than anything else is to promote an enabling and disabled- friendly environment. Secondly, there is also need for changing the mindsets of society and also all those involved in recruitment/ appointment process. Only then the employment avenues could be enhanced for the persons with disabilities.

- The policies should consciously take into account the needs of the persons with disabilities. There are examples of legislations enacted at the international and national levels for ensuring equal rights for the persons with disabilities to participate in formal employment.
- Employment opportunities for the persons with disabilities must be contextual to their socio-cultural set-up in order not to further jeopardize their integration within the community.
- At the same time there is also necessity of community education to counter discrimination and isolation faced by the persons with disabilities. Ironically, even the three per cent reservation provided for the persons with disabilities against the identified posts in Government Departments, is not implemented sincerely.
- Hence, there is need for amending the provisions of the PwD Act so as to extend the reservation facility to all category posts.
- It is necessary that at every selection committee, there should be one member/ expert mandatory from among the disability sector (preference be given to the expert who himself or herself is afflicted with disability) with vast knowledge and experience as representative of the Chief Commissioner for Persons with Disabilities.
- The persons with disabilities should, thus, be given a say in the selection process to make it more transparent and remove the possibility of misuse by appointing authorities.
- Generally many people including potential employers are still prejudiced against the disabled who are often stereotyped as incapable and have no abilities to manage work.
- Another common phenomenon is social stigmatization. Many disabled who are stigmatized are seen as not normal.
- The transportation problem is one of the major issues facing the disabled. Without a customised transportation system, many disabled who will otherwise be able to join workforce will be confined to their homes.

Main challenges faced by the Disabled in getting employment

Disabled people are large minority groups, starved of services and mostly ignored by society, live in isolation, segregation, poverty, charity and even pity. Disability includes visual impairment, hearing impairment, loco-motor disability and mental retardation. Due to discrimination they don't go to public places and not free to get those rights which a normal person gets. They are deprived of education and employment.

Governance and rule of law issues are relevant for employment of persons with disabilities in the public sector. In some places the consent of a person's supervisor is required in order to file a complaint against someone, which, for example, makes it difficult for a person with a disability to file a complaint against his or her supervisor. Good accountability mechanisms and fair processes in public sector employment are needed to create a safe and healthy work environment for persons with disabilities, among all others.

- Conceptually, the message quota systems send is that people with disabilities are employed because they have a disability, while the rest of the employees are employed because of their abilities. It is important that States design any positive action systems in a way that this potential negative element is minimized and instead work to increase recognition of the value of diversity.
- A lot of emphasis is put on the employment, but not so much on ensuring equal opportunities for career development. This can lead to an overrepresentation of staff with disabilities among the less skilled and less paid employees.
- Employees with disabilities, who might not want to inform about their disability, are encouraged by employers to do so, so that employers can account for them when reporting on their quota obligations. This goes against the right of privacy of persons with disabilities.
- There is a risk of excluding persons with more severe disabilities or whose employment might require heavier types of support.
- Some employers may simply opt to pay a fine instead

of employing persons with disabilities where there is an obligatory quota.

Recommendations

- First and foremost fact is that the disabled must be adequately trained with a vocational skill and then placed in suitable employment.
- A comprehensive public relation exercise to publicize successful disabled in various occupations could be undertaken. The positive aspects of their human potentials must be emphasized.
- Agencies dealing with disabled should reach out to more potential employers who can be enlisted to become friends of the organizations.
- Physical barriers in work settings in which the employers are interested in employing the disabled have to be reduced and better incentives to modify buildings should be considered.
- In order to meet point to point transportation to work for the disabled, it is necessary to expand the present customized transport service.
- Should be increased additional grants by the support of the Govt.
- The Co-operative Workshops certainly generate more gainful employment for the disabled.
- States should enact legislation specifying that employers are required to provide reasonable accommodation, healthy and safe working environments, fair wages, and good working conditions for persons with disabilities among all others.
- Employment laws should specify what can (very narrow) or cannot (very broad, including most things) be asked in job interviews related to disability and should set forth reasonable accommodation guidance, including how requests should be collected, handled and stored, and data protection obligations, and employee rights related to reasonable accommodation and privacy of confidential data.
- States should encourage good employment policies and benefits taking persons with disabilities and their needs into account.
- States and other stakeholders should enact a broad range of positive action measures to increase employment of persons with disabilities and equal opportunity to find employment, including, financial incentives; systems to increase numbers of persons with disabilities in good employment; pro-active targeted recruitment and outreach; good hiring, retention and promotion policies; employee and management development, including skills and leadership development, continuing education opportunities and training; and mentoring.
- States and stakeholders including UN WOMEN should pro-actively promote the hiring, retention, and promotion of women with disabilities and ensure nondiscriminatory, safe and healthy work environments, and ensure that women with disabilities are included in all gender mainstreaming, in consultation with women with disabilities.
- Large companies should increase the number of women with disabilities on their governing bodies and offer significant training and development opportunities to female employees with disabilities.
- States should increase the provision of, and ensure the inclusiveness of, employment benefits designed to make better and healthier workplaces, such as leadership development, self-defense courses, free and confidential outside counseling, financial counseling, stress reduction, coping strategies, healthy lifestyles, work-life balance programs and wellness initiatives to benefit all employees that will also especially benefit women with disabilities.
- States and all stakeholders should ensure that all vocational training, employment services and volunteer opportunities for persons of all ages that are available to the public are inclusive of and accessible to persons with disabilities and that they are non-discriminatory, provide specific services to address the needs of young persons with disabilities and those entering employment at a later age.

- States need to increase public sector employment of persons with disabilities in a significant way and serve as a model to the private sector, and should collect statistics on persons with disabilities in public sector employment; improve their recruitment, hiring, retention and promotion policies; and provide training to all employees; and ensure good accountability mechanisms and fair processes in public sector employment to create a safe and healthy work environment for persons with disabilities.

Conclusion

It must be realized that despite all these programmes and the legislation, administration, technical assistance and funds devoted to them, large numbers of people with disabilities have not yet found working opportunities that meet their basic social and economic needs.

While employer attitudes are without doubt an important factor in many cases and there is much room for improvement in this area, other considerations are also decisive to many disabled individuals. Among those problems frequently observed are - insufficient or inappropriate education and training or experience, transportation problems in reaching the place of work, demands or constraints imposed by family members,

unrealistic job aspirations, social and cultural problems, and personality complications. In short, people with disabilities are liable to all of the problems that affect everyone.

We will not solve the problems of employment for disabled people in an acceptable fashion, unless and until we find ways to create significantly large numbers of work opportunities that are accessible to them and that are socially and economically viable.

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