



*Achieving Equal Employment Opportunities for People with Disabilities through Legislation
An Education and Training Guide*

Drafting Legislation and Policy

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Learning Objectives

- Define the importance of consultation in developing legislation.
- Identify key partners in consultation in developing equal employment and disability non-discrimination legislation and policy.
- Describe typical consultative legislative process.
- Highlight examples of experiences in consulting with specific targeted stakeholders in the process of developing legislation.

Why Consult?

- Widespread consultation enables law and policy makers to:
 - profit from the expertise that exists in the community; and
 - help to ensure the effectiveness of any law and policy which is eventually adopted.
- Key consultation partners:
 - employers' organizations;
 - workers' organizations;
 - organizations of persons with disabilities.

Individuals with Disabilities

- Consultation with individuals with disabilities can be arranged in two primary ways:
 - Through organizations made up of and for individuals with disabilities;
 - Through contact with individuals with disabilities themselves.

Special Considerations

- Organizations should be representative of the disability community.
- Organizations should be encouraged to take on board the concerns of women and other disadvantaged and under-represented groups of disabled persons.
- Assume that people with disabilities are able to represent themselves, and do not require non-disabled people to represent their interests.
- Representation can occur through family member or advocates in the case of some people with disabilities that cannot represent themselves.

Additional Considerations

- People with disabilities and their organizations, may not be used to being consulted on legal/policy issues, and need time to reflect and establish the expertise required to respond.
- Special efforts may have to be made in order to promote the involvement of organizations of people with disabilities.
- Any written or oral information on the consultation should contain a sufficient amount of background information which clearly sets out the perceived problem and the tools which are proposed for addressing that problem.
- The fact that the opinions of people with disabilities are valued and welcomed should also be stressed especially given that organizations of people with disabilities may not be used to being asked their opinions.

Additional Considerations (continued)

- If written information is provided, alternative formats may be needed to reach people with certain types of disability such as Braille; text written in a large print; and, easy-to-read texts and short summaries.
- Where it is not financially feasible to provide such alternative formats, or where they are not relevant the report should remind readers of the need to involve people who are blind or have intellectual disabilities in the information and consultation process.

Additional Considerations (continued)

- State representatives could be sent to different parts of the country to discuss the legal and policy issues with people with disabilities and their organizations - reaching many people who would be unable to receive or read written consultative documents.
 - Alternatively, public authorities could train people with disabilities to report to and chair such meetings, and to report the opinions they heard.
 - Sign language interpretation may be needed at such meetings to facilitate the participation of deaf people who use sign language.
- If it is not possible to hold meetings, radio chat programmes may be used to stimulate debate on the legal/policy issues.

Employer Considerations

- Many countries have a central employer's organization which represent a large number of employers.
- Don't confine consultation to a single employer body.
- Consultation should occur with bodies which represent particular kinds of employers, such as rural and industrial employers, employers in different sectors, and large and small employers.
- A public position paper, which invites comments, may be one means of securing a widespread and informed response.

Barriers to Employer Investment

- Employers frequently prefer a voluntary code of good practice to binding legal obligations concerning the employment of people with disabilities.
- Governments of European and North American countries, frequently after trying a voluntary approach, have generally rejected such an approach and imposed binding obligations on employers.
- To minimize barriers, make a 'business case' for employing persons with disabilities and establish a far-reaching public information campaign.

Union Considerations

- Take into account whether trade unions are generally supportive of the employment of workers with disabilities.
- Note that some trade unions may perceive their membership to be made up of non-disabled workers and may therefore feel “threatened” by greater efforts to promote the employment of workers with disabilities.
- On the other hand, trade unions may already be actively involved in the promotion of the employment of people with disabilities, and be able to provide a valuable insight into problems and effective policies.

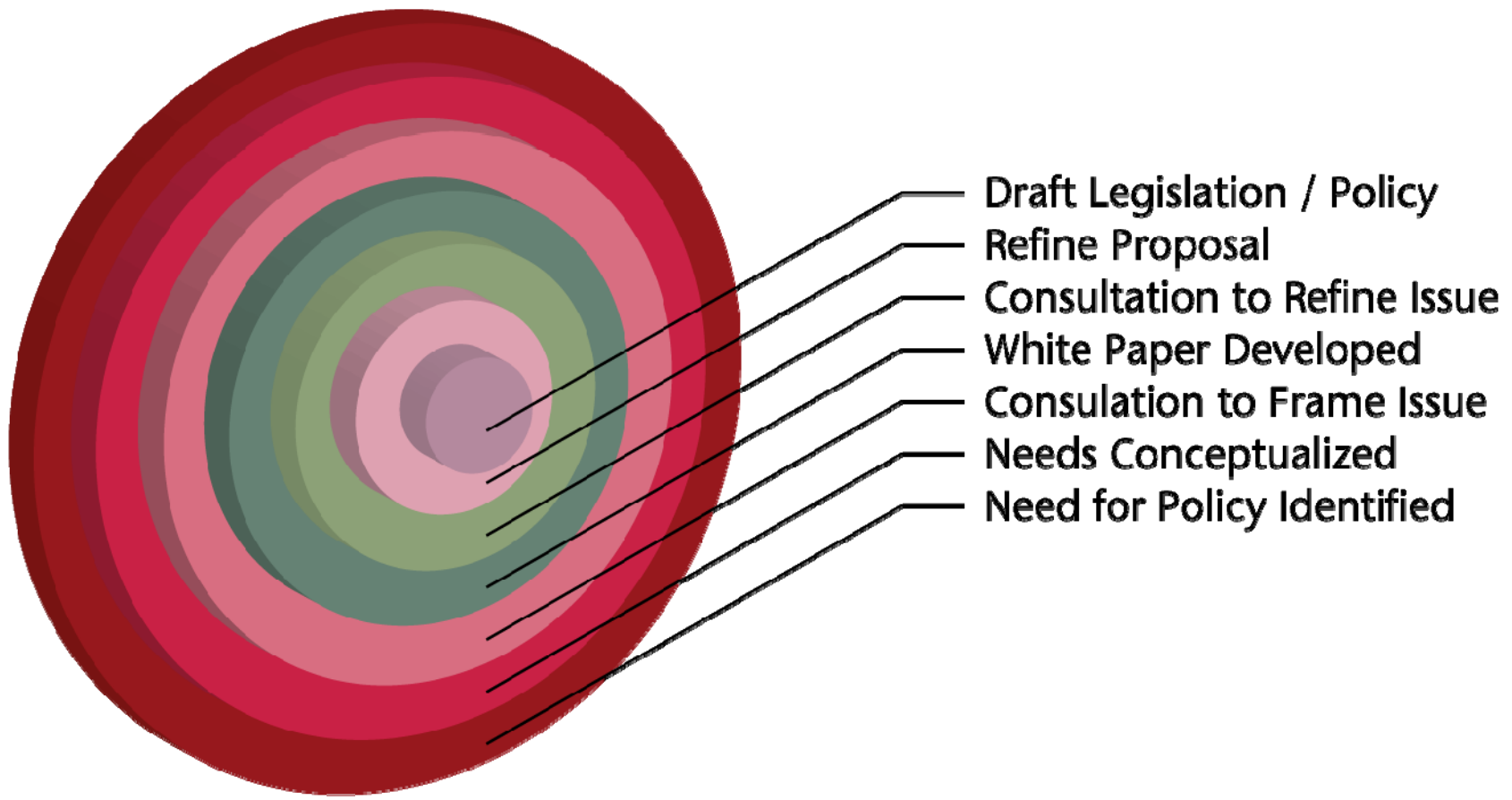
Provider Considerations

- Consider how the experience and expertise of service providers and their organizations could best be used to promote the open employment of people with disabilities.
- Take note that some specialized service providers will see demand for their services decrease if more people with disabilities are able to enter the open employment market and will be obliged to adapt and change.
- Some specialized services may already be actively supporting the employment of people with disabilities in the open labour market.

Consultation Tips

- Make sure to consult with a vast array of persons and organizations, especially people with disabilities and organizations representing them.
- Independent expert consultants might also be able to play a role, as can bodies already involved in administering quota schemes or monitoring non-discrimination legislation.
- Soliciting organizations of people with disabilities requires using alternative means of communication to ensure the experience and knowledge of these persons is fully acknowledged when drafting/revising legislation or policy.
- Public authorities should endeavour to use the experience and insight of the social partners to help them develop appropriate legal and policy measures.

The Drafting/Consultation Process



Task Force Approach

- Australia – National Disability Advisory Council
- Cambodia – Disability Action Council
- China – Chinese Federation of Disabled Persons
- Kenya – Disability Task Force
- Mauritius – Training and Employment of Disabled Persons Board
- Tanzania Mainland – National Advisory Council
- United Kingdom – Disability Rights Task Force

Social Partner Considerations

- Organize your need for consultation by examining the process of labour law development and reform in your specific country.
- Such consultations take place through existing tripartite bodies, and in other cases through bodies set up specifically for the purpose or through more informal arrangements.
- The Ministry of Labour's direct contacts with the social partners and the issuing of White Papers can be another consultation route.
- Sometimes the consultation process is enhanced by national or international consultants, who are hired to assist in the drafting of the law.