



The project "Margina Obscura"  
is supported by European Union



# TRAVEL FAR

Demystification of the issue  
of disability in the field  
of employment and  
labor relations

**Polio Plus**  
movement against disability





ПОЛИО ПЛУС  
движење против  
хендикеп



Agency for Cooperation, Education and Development

# TRAVEL FAR

## DEMISTIFICATION OF THE ISSUE OF DISABILITY IN THE FIELD OF EMPLOYMENT AND WORKING RELATIONS

The Publication Analysis “**Travel far - Demystification of the issue of disability in the field of employment and labor relations**” was developed within the project: Margina Obscura - the issue of disability in the accession to the European Union. The main goal of the project is to strengthen the influence of the civil sector through the Single Voice of the Organizations of Persons with Disabilities, in creating public policies, decision-making, and strengthening the civil and political dialogue.

The publication was prepared with financial support from the European Union.

The content of this publication is the sole responsibility of Polio Plus and in no way reflects the views of the European Union





The opinions expressed here belong to the authors and do not reflect the views of Polio Plus.

The publication can be reproduced for educational purposes in any way without a refund. When copying for other purposes, for use in other publications or for translation or adaptation, prior permission from publishers should be provided.

The publication is available in electronic form at [www.polioplus.org.mkk](http://www.polioplus.org.mkk)

## “TRAVEL FAR” - DEMISTIFICATION OF THE ISSUE OF DISABILITY IN THE FIELD OF EMPLOYMENT AND WORKING RELATIONS

### **Publisher**

Polio Plus - movement against disability

### **For the publisher**

Zvonko Shavreski

### **Translation, proofreading**

Oz dizajn

### **Print**

HONOR Print

### **Design and graphic technical processing**

Ognjen Fidanoski

**Circulation** 500 copies

Year 2018

CIP - Cataloging in a publication

National and University Library “St. Kliment Ohridski“, Skopje

ISBN 978-608-4608-27-1

© Polio Plus - movement against disabilityen

**TRAVEL FAR**  
Demystification of the issue of disability in the field  
of employment and labor relations

# CONTENT

Introduction and Methodology ..... 6

## **CHAPTER I**

THE RIGHT TO WORK FOR PERSONS WITH DISABILITIES  
IN ACCORDANCE WITH THE CONVENTION ON THE RIGHTS  
OF PERSONS WITH DISABILITIES OF THE UNITED NATIONS ..... 14

1. Convention on the Rights of Persons with Disabilities ..... 15
2. Understanding the right to work of persons with disabilities according to the Convention on the Rights of Persons with Disabilities ..... 17

## **CHAPTER II**

NATIONAL LEGISLATION ..... 22

1. Law on Labor Relations ..... 24
2. Law on Employment of Persons with Disability ..... 28
3. Law on Prevention and Protection against Discrimination ..... 32
4. National Strategy for Equalization of the Rights of Persons with Disabilities 2010-2018 ..... 34
5. National Employment Strategy of the Republic of Macedonia 2016-2020 ..... 35

## **CHAPTER III**

ANALYSIS OF THE SITUATION WITH THE RIGHT TO WORK  
OF PERSONS WITH DISABILITIES ..... 36

1. Findings from the conducted research on demystification of the issue of disability in the field of employment and labor relations ..... 37

Conclusions and recommendations ..... 66

Bibliography ..... 72

# INTRODUCTION AND METHODOLOGY



**TRAVEL FAR**  
Demystification of the issue of disability in the field  
of employment and labor relations

---

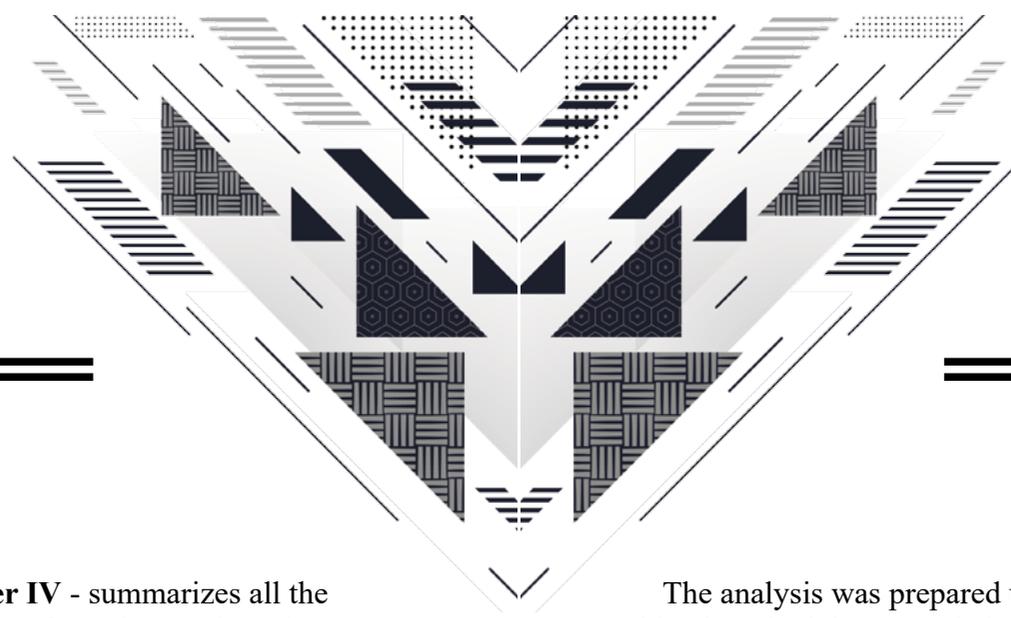
---

## INTRODUCTION

Polio Plus - Movement against Disability, within the framework of the project “Margina Obscura - Disability Issue in the EU Accession” funded by the European Union in the period March-November 2018, prepared the Analysis entitled “Travel far - Demystification of the issue of disability in the area Employment and Labor Relations”, (hereinafter: Analysis). The analysis aims to clarify the issue of disability in practice, i.e. to reflect the current situation regarding the realization of the rights of children and persons with disabilities in the field of employment and labor relations. An additional emphasis is placed on raising public awareness, the knowledge of the Convention on the Rights of Persons with Disabilities (hereinafter: the Convention or the MCRPD), as well as the measures that the state undertakes towards this group of citizens, especially in the area of employment and labor relations.

The challenge for the preparation of the Analysis was at one place to present the analytical review of the concept of employment and labor relations. As well as the situation on the ground, especially with the knowledge of persons with disabilities in their rights in general and the specifics regulated by Article 27 of the Convention, both from material and from technical nature. In order to overcome this disadvantage, the research on this topic was carried out among the target group, whose findings are particularly presented in the Analysis. Namely, the sample included 1000 people, of which 500 persons with disabilities and 500 parents of children with disabilities, while keeping in the sample itself representatives from all forms and types of disabilities. The analysis clarifies the meaning, scope, as well as the open questions and discussions about the interpretation of the right to work under the Convention and national legislation. It presents





---

---

## INTRODUCTION

the views of the United Nations Organization Committee on the Rights of Persons with Disabilities for the interpretation of this article alone and in relation with the remaining articles of the Convention, in particular Article 5, which deals with equality and non-discrimination, and presents the views of persons with disabilities and the parents of children with disabilities, in order to present conclusions and recommendations for the improvement of the situation.

The analysis consists of four chapters:

**Chapter II** - provides overview of the right to employment and labor relations for persons with disabilities in accordance with national legislation, in particular the Law on Labor Relations and the Law on Employment of Persons with disability, as well as national employment policies and the realization of the rights of persons with disabilities.

**Chapter III** - analyzes the situation at the national level on how much persons with disabilities know their rights, in particular the right to work, by presenting the findings of the conducted research.

**Chapter IV** - summarizes all the conclusions from the previous three chapters and gives recommendations for the improvement of the situation in the national context.

The justification for the preparation of the Analysis is the need for analyzing in one place how persons with disabilities know their rights, especially the right to work and how they understand it in the spirit of the Convention on the Rights of Persons with Disabilities or otherwise. This Analysis should serve as tool to understanding this phenomenon and it does not aim to give it comprehensive theoretical development, but to point to the current state. The analysis is conceived as tool in the hands of relevant stakeholders in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention. In addition, the findings from the analysis can serve in the future for implementing programs for strengthening the capacities of persons with disabilities, the parents of children with disabilities and their representative organizations for specific rights deriving from the Convention, especially the right to work on the open labor market.

---

---

## INTRODUCTION

The analysis was prepared using combined methodology consisting of review of literature and documents, analysis of the practice in the applications of the Committee on the Rights of Persons with Disabilities, analysis of the responses to the questionnaires received from persons with disabilities and the parents of children with disabilities, and analysis of the attitudes of the focus groups with persons with disabilities, the parents of children with disabilities, the shelter companies and the relevant institutions.

The implementation was overseen by Polio Plus - movement against disability.



---

---

## METHODOLOGY

The analysis “Travel far – Demystification of the issue of disability in the field of employment and working relations” is being drafted within the framework of the project “Margin Obscura - the issue of disability in the EU accession”, funded by the European Union, and implemented by Polio Plus - Movement against Disability.

National expert whose tasks are as follows will prepare the analysis:

- - Develop draft of the text for the preparation of the Analysis, which will analyze how persons with disabilities know their rights. In particular the right to work, in accordance with the Convention on the Rights of Persons with Disabilities and national legislation, and to interpret it in the light of the obligations of the State for the implementation of the Convention in the national context;
- - Preparation of the text of the Analysis was following the standards set forth in article 27 of the United Nations Convention on the Rights of Persons with Disabilities

(2006) and the Law on Labor Relations and the Law on Employment of Persons with disability.

This text aims to provide overview of the methodology for collecting and processing the necessary data for the preparation of the Analysis and for the approach to the preparation of the text of the same, as well as the limitations of the applied methodology. The methodology consists of the following parts: general remarks, research form, methods of data collection, and methods of data processing and remarks for the preparation of the text of the Analysis.

### **1. General remarks on the methodological approach for collecting and processing the necessary data and for the preparation of the text of the Analysis**

The purpose of the analysis is defined in the abovementioned project, and it is to clarify the issue of disability in practice, i.e. to reflect the current situation regarding the realization of the rights of children and persons with disabilities in the field of employment and labor relations. Thus, the main thematic focus of

---

---

## METHODOLOGY

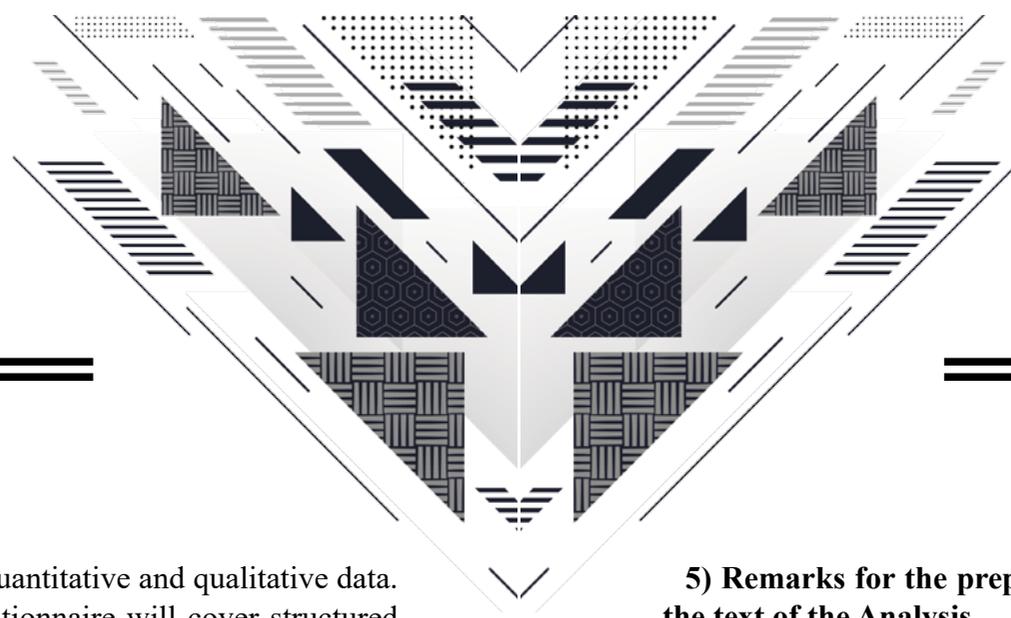
the Analysis is also determined. However, in order better to understand the subject of the Analysis, in addition to the text of the Convention and the Law on Labor Relations and the Law on Employment of Persons with Disabilities, the analysis also takes into account the practice of the Committee on the Rights of Persons with Disabilities and national policies. Additionally, the Analysis will also explore the situation in practice, i.e. reflect the current situation with the knowledge of their right to work by the persons with disabilities and the parents of children with disabilities at the national level in order to provide recommendations for improvement in the future.

The preparation of the text of the Analysis is limited in terms of length due to its purpose i.e. to serve as tool in the hands of stakeholders relevant in this area, in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention. In addition, to serves as guide for capacity building of persons with disabilities, parents of children with disabilities and their representative organizations.

Conceptual constraints should also be defined, when both collecting and processing the necessary data, as well as in the preparation of the text of the Analysis. These constraints stem from the lack of sufficient national practice, which is a serious threat to the conclusion of the general trend conclusions.

### **2. The research form**

The purpose of the Analysis is to help map the current practices at national level, while identifying the factors that influence the current situation. Therefore, the form of the research that will be carried out in order to collect and analyze the necessary data for the preparation of the text is the empirical research. Empirical research aims to test a hypothesis. The hypotheses in this case are: insufficient information to persons with disabilities about their rights, especially the right to work; the failure of a sufficient number of measures to implement Article 27 of the Convention by the State; and the poor development of organizations of persons with disabilities who can represent their members and actively participate in the adoption of policies that affect them at the national level. The



---

---

## METHODOLOGY

aim of the Analysis is through a detailed overview of this phenomenon in practice to give a contribution to the understanding of the law and practice created in its application, but also to give recommendations for its advancement.

### 3) Methods of data collection

Data collection will be done through combined method of collecting existing literature and data, as well as field research. Existing literature and data to be considered can be structured into the following categories: international standards, legal documents, practice of the Committee on the Rights of Persons with Disabilities, national legislation and policies, past resources (surveys, analyzes, guides) made on the same or similar issues, and academic literature (domestic and foreign academic papers).

Literature selection criteria will not be rigorously defined, but the focus will be on literature that has meaning in the European regional context.

Field research will consist of two parts. The first part is collecting data by distributing questionnaire to persons with disabilities and parents of children with disabilities, which will be aimed at ob-

taining quantitative and qualitative data. The questionnaire will cover structured and open questions. For the purposes of the Analysis, a target sample composed of 1000 persons with disabilities and parents of children with disabilities will be created. Based on the feedback received, data on the actual sample will be obtained based on which the data will be processed.

In the second part, focus groups will be carried out with the help of a guide to conducting focus groups, with selected respondents from persons with disabilities, parents of children with disabilities, their representative organizations, shelter companies, and relevant institutions.

### 4) Methods of data processing

Both data collected from existing literature and those collected through field research will be processed through qualitative content analysis. This approach provides flexible, and not very detailed, basic subject that can be descriptively processed, enabling the context to be preserved, as well as the meaning of the text from the perspective of the author, which enables detailed analysis and conclusions.

### 5) Remarks for the preparation of the text of the Analysis

The analysis is conceived as tool in the hands of all stakeholders, especially the institutions, but also the organizations of persons with disabilities in order to improve the practice. In order to make it easier to use, it will aim to limit the length of the text to 50 pages.

The purpose of the Analysis will also be decisive factor in the choice of information and the details in which they will be displayed. It will be decisive for the applied style of writing.

---

---

## METHODOLOGY

# CHAPTER I

## THE RIGHT TO WORK FOR PERSONS WITH DISABILITIES IN ACCORDANCE WITH THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES OF THE UNITED NATIONS

TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

# CHAPTER I

The International Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto were adopted by consensus of the General Assembly of the United Nations (hereinafter: UN) at its 61st meeting held on 13 December 2006 with Resolution A / RES / 61/106 (Resolution adopted by the General Assembly on 13 December 2006, A / RES / 61/106). According to the Resolution, they were opened for signature on March 30, 2007 at the UN headquarters, and entered into force on May 3, 2008.

29, 2011. According to Article 118 of the Constitution of the Republic of Macedonia, the ratified international conventions are part of the national legislation and cannot be amended by law. In other words, the provisions of the Convention are directly applicable, including by national courts, which over time will enable the creation of consistent judicial practice as well as the development of legal institutes that regulate the issues of the protection of the rights of persons with disabilities at equal basis with others (Poposka, 2018, p.8).

Currently, 162 countries have signed the Convention and 177 are its contracting parties, while 93 countries have signed the Optional Protocol and 94 have ratified it.<sup>1</sup> The Republic of Macedonia signed the ICBL on March 30, 2007, and ratified it on December 5, In addition, the country signed the Optional Protocol to the Convention on 29 July 2009 and ratified it on December 5. The instruments of ratification were deposited in the United Nations on December

### 1. Convention on the Rights of Persons with Disabilities

The International Convention on the Rights of Persons with Disabilities is not only the first binding legal act in the field of international human rights law in the twenty-first century, one of the nine human rights conventions that represent the core of international human rights law, official recognition of disability as a matter of human rights in the interna-

<sup>1</sup>[This situation is as of December 5, 2018. For more information on the status of signing and ratification of MIPLP, see: <[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en)> [Accessed on: December 5 2018]]



---

---

## CHAPTER I

tional sphere, that is, it is the first instrument for human rights that embodies the social model of viewing disability.

Namely, the social model views the persons with disabilities as subjects with their own rights, not as objects, and therefore puts emphasis on respecting their rights on an equal basis with other persons in the society.

It focuses on barriers in society and the environment that can hinder the full and effective participation of persons with disabilities in society on an equal footing with others, and not on individual disability or disability per se (Poposka, 2018, p. 20- 21).

The MCRPD has hybrid nature, i.e. it covers wide range of rights, both civil and political as well as economic, social and cultural, and is the highest standard for the protection of the first of persons with disabilities. Additionally, the Convention is by its very nature programmatic, outlining policies in general terms, while not defining in detail the actions that can be taken to embody these policies in practice. It is left to each of the contracting parties to regulate it in accordance with their legal, political and administrative system.

The text of the MCRPD consists of preamble and basic text that has 50 articles divided into five groups, namely: introductory (Article 1-2), articles with general application (Article 3-9), substantive provisions (Articles 10-30), provisions governing the implementation and monitoring (Articles 31-40), and articles of technical nature that regulate the issues of signing, accession, ratification and entry into force (Articles 41-50). Something that is particularly innovative in the MCRPD is the provisions that require consultation and active involvement of persons with disabilities and their representative organizations in the elaboration and implementation of the legislation and policies through which the Convention is implemented (Article 4, paragraph 3); the provisions recognizing the importance of international cooperation and development programs for the full realization of the rights of persons with disabilities (Article 32); the provisions for the establishment of a national monitoring mechanism, complementary to the international monitoring mechanism (Article 33); and the procedure for better management of deadlines for reporting (Articles 35-37).

---

---

## CHAPTER I

The Committee for the Rights of Persons with Disabilities is established with the MCRPD in order to supervise the implementation of the Convention. The Committee consists of 18 members who are experts, with a mandate of 4 years with the right to one re-election, experts from which several should be persons with disabilities.

### 2. Understanding the right to work of persons with disabilities according to the Convention on the Rights of Persons with Disabilities

**Article 27** refers to employment and labor relations for persons with disabilities on equal base with others. Its inspiration finds in the International Covenant on Economic, Social and Cultural Rights (Article 6) which stipulates that the right to work includes the right for everyone to have the opportunity to secure their livelihood with the work he has freely chosen and accepted, as well as the Standard rules (rule 7), International Labor Organization Convention No. 142 (Article 1 paragraph 5), the World Program for Disability Activities (paragraph 132), the Talin Guiding

Principles for Action in the Development of Human Resources in the Field of Disability (paragraph 33), and the Declaration on the Rights of Persons with Disabilities (6).

The exercise of the right to work should be viewed in close connection with Article 5 of the Convention, which concerns equality and non-discrimination. It requires Member States to recognize the right of persons with disabilities, equally with others, to use the opportunity to earn living through work, freely chosen and accepted on the open and inclusive labor market. In the list of measures to be taken by states, and in order to effect this right, the first is the prohibition of disability discrimination in all forms, sectors and levels of work. When we talk about equality, General Comment No. 3 of the Committee on the Rights of Persons with Disabilities speaks of inclusive equity as new one (Article 6: Women and girls with disabilities, CRPD / C / GC / 3). a model of equality to which Member States should strive (paragraph 11).

The prohibition of discrimination concerns the prohibition of discrimina-



---

---

## CHAPTER I

tion in selection, engagement and employment, continuation of work, career advancement, as well as safe and secure working conditions (paragraph 1, line a). The same applies to the prohibition of harassment (paragraph 1, line b). Discrimination on grounds of disabilities according to the definition contained in Article 2 implies “any distinction, exclusion or restriction on grounds of disability, which has the purpose or effect of disabling or obstructing the recognition, enjoyment or use on an equal basis with others of all human rights and basic freedoms of political, economic, social, cultural, civic or any other field. It covers all forms of discrimination including the disabling of appropriate adjustment. “As the Committee points out in its jurisprudence, for example in the case *S.C v. Brazil* (*S.C v. Brazil*, Communication No. 10/2013, CRPD / C / 12 / D / 10/2013), as well as in the *Marlon James Noble v. Australia* (*Marlon James Noble v. Australia*, Communication No. 2/2012, CRPD / C / 16 / D / 7/2012) and the case of *Mr. X v. United Republic of Tanzania*, discrimination may arise out of the discriminatory effect of the norm or measure that

it did not have, the *United Kingdom of Tanzania, United Nations of Tanzania*, Communication No. 22/2014, CRPD / C / 18 / D / 22 / intent to discriminate, but still disproportionately affects persons with disabilities (paragraph 6.4 and paragraph 8.3, respectively).

In addition, pursuant to Article 27, the Contracting States are obliged to provide appropriate accommodation for persons with disabilities at the workplace (paragraph 1). Article 2 defines the appropriate adjustment as “necessary and appropriate modification or adaptation necessary in a particular case which does not constitute a disproportionate burden, in order to ensure the enjoyment or exercise of all human rights and fundamental freedoms of persons with disabilities on an equal base with others “. This is an *ex nunc* obligation, which is an individualized reactive obligation for each person with a disability separately and is initiated at the request of the person. To this end, the national legislation should specify the elements of the adjustment, as well as the facts upon which the adequacy / reasonableness of the assessment will be assessed.

---

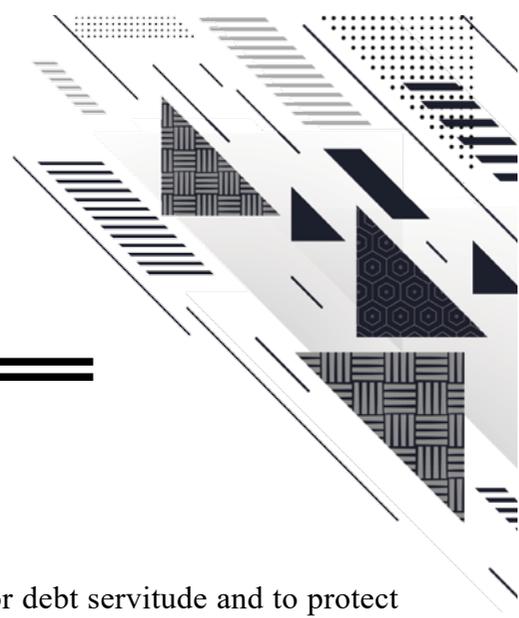
---

## CHAPTER I

Another aspect covered by Article 27 is the protection of workers’ and trade union rights of persons with disabilities on equal base with others (paragraph 1 line c), which creates preconditions for States Parties to ensure that unions are accessible to persons with disabilities and to include the same. According to General Comment No. 2 of the Committee on the Rights of Persons with Disabilities, persons with disabilities can not exercise their rights to work effectively if they are the job itself is not accessible. Therefore, jobs should be accessible, in accordance with Article 9 paragraph 1 of the Convention, and refusal to adapt to the workplace constitutes discrimination. It should be noted that in addition to the physical accessibility of the workplace, persons with disabilities need access to transport, support systems so that they can reach their jobs, as well as job-related information, job advertisements, processes of employment selection and communication at the workplace. All trade union and labor rights should also be accessible as well as training opportunities and work qualifications. For example, foreign language courses or computers for

employees must be implemented in an accessible environment and in accessible forms, ways, means, and formats (paragraph 41).

The essence of this article is the promotion of persons with disabilities in the open labor market, and not their employment in shelter companies. These latter, should only constitute a transitional solution from total isolation to the full inclusion of persons with disabilities in the labor market. For that purpose it is necessary to provide technical and vocational guidance and continuous training (paragraph 1 line e), promotion of employment opportunities and career advancement (paragraph 1 line f), employment of persons with disabilities in the public sector (paragraph 1 line h) as well as introduction of affirmative action programs, incentive measures and other measures for encouraging the employment of persons with disabilities in the private sector (paragraph 1 line i) and promotion of programs for professional and professional rehabilitation (paragraph 1 line l). In the case *Liliane Gröninger v. Germany* (*Liliane Gröninger v. Germa-*



## TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

---

---

# CHAPTER I

ny, Communication No. 2/2010, CRPD / C / D / 2/2010), the Committee considered that the affirmative measures undertaken by the State party to grant subsidy for the integration of the labor market for the applicant's son who is a disabled person has acted as a deterrent to employers rather than as an impetus for the administrative complexity of the procedure. In doing so, the Committee concluded that these measures had not reached the standard provided for by the Convention and therefore found a violation of Article 27 in conjunction with Articles 3, 4 and 5 of the Convention (paragraph 6.3).

An important place in the above-mentioned system of promotion of employment of persons with disabilities is the introduction of opportunities for self-employment, entrepreneurship, and starting their own business (paragraph 1 line f) as important elements for the independence of persons with disabilities and their independent living.

Paragraph 2 specifies the obligation for the Contracting States to ensure that persons with disabilities are not held in

slavery or debt servitude and to protect them on an equal base with others from forced or compulsory labor (Poposka, 2018, p. 73-75).

The right to work should not be viewed isolated because it is closely related to some of the other rights provided for by the Convention, such as the above-mentioned Article 5 concerning equality and non-discrimination, Article 8 that addresses the issue of raising awareness of disability, Article 9 concerning accessibility and Article 24 dealing with the right to education of persons with disabilities.

# CHAPTER II

## NATIONAL LEGISLATION



TRAVEL FAR  
Demystification of the issue of disability in the field  
of employment and labor relations

## CHAPTER II

Regarding the legislation, the Republic of Macedonia in recent years has created legal framework for the employment of persons with disabilities<sup>2</sup>, as well as for protection against discrimination of persons with disabilities in the area of labor relations, which can be taken as basis upon which in the future can be created judicial practice and to be promoted through amendments to the existing legal solutions.

The Constitution of the Republic of Macedonia, in its Article 32 foresees the right to work and its related rights. This right is for general purpose and provides that everyone [including persons with disabilities] has the right to work, free choice of employment, protection at work and material security during the

temporary unemployment (paragraph 1). In addition, it is stated that every job is available to everyone under equal conditions (paragraph 2), and each employee has the right to adequate earnings (paragraph 3) as well as the right to paid daily, weekly and annual leave and from all these rights the employees do not can give up (paragraph 4). Law and collective agreements (paragraph 5) further regulate them. Article 35 paragraph 3 provides that the state should provide special protection to the persons with disability as well as conditions for their inclusion in the social life (Constitution, 1991, Articles 32 and 35).

Article 32, paragraph 2, i.e. the anti-discrimination clause, should be read

<sup>2</sup>[In the legislation, there is multitude of terms referring to this group of persons, persons with disabilities and disabled persons, persons with handicap, as well as persons with mental and physical disabilities, persons with special needs or abilities, and the like. This multitude of terms creates a legal dichotomy that this analysis does not aim to analyze. The author decides to use the term persons with disabilities as the closest to the social model of viewing disability, but in quoting legal texts or policies the original term of the legal document that is referenced is used.]



---

---

## CHAPTER II

in accordance with Article 9 of the Constitution, which contains a general equality clause. Namely, the Constitution in Article 9 stipulates, “citizens ... are equal in freedoms and rights, regardless of sex, race, skin color, national and social origin, political and religious beliefs, property and social status. Citizens before the Constitution and the laws are equal “(Constitution, 1991, Article 9). However, this provision is widely criticized for using the word citizens, which gives the impression that foreigners (stateless persons and persons with foreign citizenship) are not protected against discrimination in accordance with this provision. In addition, Article 9 does not contain any discriminatory grounds that are current in today’s age, such as disability and age, and in addition contains a closed list of discriminatory grounds. Finally, Article 9, since it relates to the rights and freedoms of the individual and the citizen, that is, the natural persons does not envisage the protection against discrimination of legal persons (Poposka and Jovevski, 2017, p. 67).

### 1. Law on Labor Relations

In the field of labor relations of persons with disabilities, a key law is the Law on Labor Relations, which is *lex generalis* in this field, supplemented by the Law on Employment of Persons with disability as *lex specialis*, explained below.

The Law on Labor Relations regulates the labor relations between workers and employers that are established by signing employment contract (Article 1). It should be noted that the law does not distinguish between public and private sector employees (Article 3, paragraph 1), as well as between those employed for indefinite period and fixed time (Article 8 paragraph 3). In doing so, the law does not protect volunteers, which is fully in line with Directive 2000/78 of the European Union.

In addition to the general provisions, the law also provides special protection for inter alia persons with disabilities. Namely, Article 122 stipulates that the worker with part-time due to disability exercise rights from compulsory social insurance as if he would work full-time.

---

---

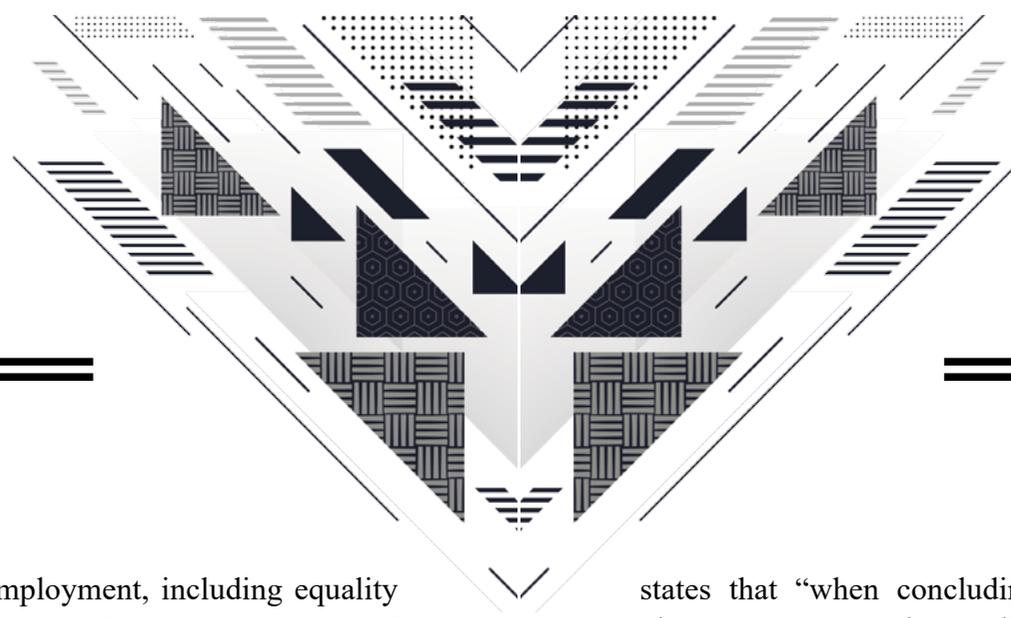
## CHAPTER II

In addition, the measures for special protection of persons with disabilities are foreseen in accordance with Section XII Special Protection (Article 162 paragraph 4 and Article 169) of the Law, which are aimed at protecting the health of these persons. Namely, persons with disabilities are considered as a specific and risky group and the employer should consider this before assigning the work tasks and in the essential change of the working conditions. Additionally, if a risk that cannot be eliminated in another way is determined, the employer is obligated to change the working conditions or working hours or to offer appropriate alternative work to the employee with special risk.

Furthermore, in Articles 177-178 it is envisaged that “the employee with limitations at work place due to aquired disability has right to professional rehabilitation on the basis of a professional incapacity for work, the employer shall be obliged to provide him with the conditions for performing the professional rehabilitation and to deploy him to another job with full working hours in accordance with the regulations on retire-

ment and disability insurance “(Article 178, paragraph 1), which is supplemented by a new paragraph stating” the employee with an immediate danger of disability, the employer is obliged to provide him with other appropriate work and salary compensation in the amount of the difference between the salary paid to the employee prior to the deployment and the salary of the new post “(Article 178, paragraph 2). However, this should not mean that the employer should employ persons who do not meet the basic requirements for the job concerned. Namely, Article 103 prescribes that the employment contract ceases to be valid if the worker has lost his / her necessary working ability.

In addition to the special protection of workers - persons with disabilities, the Labor Law offers protection of workers - parents of children with disabilities. For example, according to the law, one of the parents of a child with developmental problems and special educational needs has the right to work with half of the full working hours, and this part-time job will be considered as full-time employment (Article 169). Also, pursu-



---

---

## CHAPTER II

ant to Article 137 paragraph 3 of the Labor Law, inter alia, "... disabled, worker with at least 60% physical impairment and a worker who nurtures and keeps a child with physical or mental disabilities has the right to another three working days of annual leave".

On the other hand, in terms of discrimination against persons with disabilities, it should be noted that the Labor Law in its Article 6 expressly prohibits discrimination in general, including on grounds of disability carried out by natural and legal persons both in the public and in the private sector. It prohibits all forms of discrimination, including the direct (Article 7 paragraph 2), the indirect (Article 7 paragraph 3) and the harassment of the candidate for employment and the employee. Discrimination is prohibited as regards the conditions for access to certain employment, including the criteria for selecting candidates for employment; progress in work; access to all types of degrees of vocational training, retraining and further qualification; the conditions for employment and work and all employment rights and in rela-

tion to employment, including equality of wages; cancellation of a contract of employment; the rights of members and the action in the associations of workers and employers or in any other professional organization, including the benefits deriving from that membership (Article 7 paragraph 4).

Criticism is that the law does not provide for the instruction for discrimination as a separate legal institute. Another criticism is that it does not prohibit explicitly any discriminatory advertisements or statements based on a disability. Namely, the Law in its Article 24 paragraph 1 prohibits explicitly discriminatory advertisements or statements based on sex only, stating that: "The employer must not publish the vacancy only for men or for women only, unless the specified sex is a necessary condition for doing the job". This in the future should be amended and aligned with international anti-discrimination standards.

Particularly interesting for consideration is the provision of the law which

---

---

## CHAPTER II

states that "when concluding an employment contract, the candidate is not obliged to submit proof of his / her health ability, unless the employer sends him to a health check on his / her account" (Article 25, paragraph 7), which shall be supplemented with the following paragraph which states: "the examination of the knowledge, that is, the ability of the candidate or the determining of the health skills of the candidate must not relate to circumstances that are not directly related to the work on the work th place which concluded the employment contract "(Article 25, paragraph 8). These provisions fully satisfy the standards for the protection against discrimination of persons with disabilities, but they are derogated by taking into account the provisions of a number of other laws, in particular those relating to public sector employment where general health fitness is envisaged as one of the conditions for employment.

This provision, although seemingly neutral, has a disproportionate negative effect on people with disabilities because the entire a priori group is dis-

abled in the job placement. Although for some groups of people with disabilities this criterion would be valid, however, for persons with physical or sensory impairments who have psycho-social readiness to perform the essential tasks at the job, this criterion is irrelevant and thus extremely discriminatory. Therefore, a distinction should be made between the state of health and ability of the working status and ability of persons with disabilities, and they should not be equated.

The same provisions can be noted in the Law on Courts, the Law on Lawyers, the Law on Police, the Law on Army Service of the Republic of Macedonia, the Law on Foreign Affairs and others. This criterion does not always mean that it will be discriminatory, but it should be challenged and put under judicial control. Courts are those who, based on legislation and social values, should make a distinction between the differences that are reasonable and justified and those resulting from pure stereotypes against persons with disabilities and should be eliminated. Therefore, the author sug-



---

---

## CHAPTER II

gests re-examining the criterion that limits the access of persons with disabilities to the positions in the state administration, the judiciary, and the legal profession and its full individualization in the other enumerated laws in accordance with Article 25 of the Law on Labor Relations, i.e. placing this condition in the context of the profession / function itself.

The law also provides for procedural provisions, such as the provision for transferring the burden of proof (Article 11, paragraph 1 and paragraph 2), and the judicial procedure for the protection of the right to employment. In addition, the Law stipulates that in cases of discrimination the candidate for employment or the employee is entitled to claim damages (Article 10). It is positive that there is no legal restriction on the amount that the court can impose, that is, the employee has the right to compensation for damages in the amount that the court will freely assess, which is in accordance with the judgment of the Court of Justice of the European Union in the Marshall case No.2 (Case C-271/91).

### 2. Law on Employment of Persons with Disability

When talking about persons with disabilities in the sphere of labor relations, that is, the special conditions for employment and work of these persons, it is necessary to mention the Law on Employment of Persons with disability, which is *lex specialis* in this area. The definition of what constitutes a person with disabilities according to the law is a reflection of the purely medical model and does not correspond with today's perceptions of disability in terms of the social model. Namely, Article 2 paragraph 1 of the Law stipulates that "a person with disabilities, within the meaning of this law, is a person with impaired vision, impaired hearing, with speech impediments, speech and language, a physically disabled person, a person with intellectual disabilities and a person with combined obstacles which due to the degree of disability have specific needs in the work "... as well as" unemployed disabled person with residual or reduced working ability "(Article 2, paragraph 2). An additional remark is the need to prove and determine the disability according to Article 2, paragraph

---

---

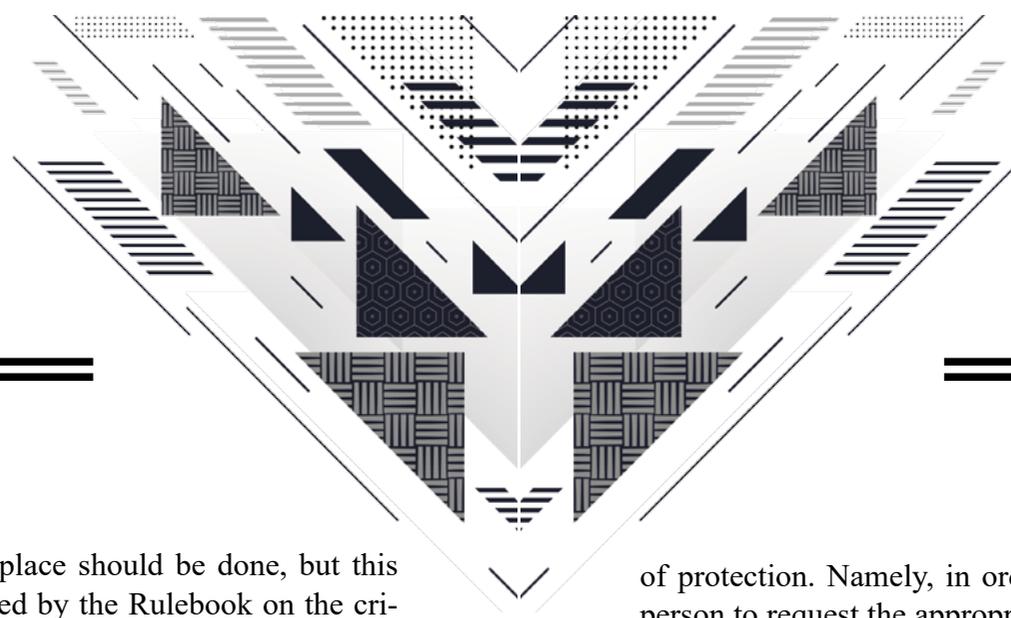
## CHAPTER II

3 of the law, which is contrary to its purpose. It states that "the disability on the basis of a submitted application from a disabled person, his parent or guardian is determined by the Commission for assessment of the working ability of the Pension and Disability Insurance Fund of Macedonia, unless the person's disability is determined by another competent law ".

An additional dilemma is that Article 1 of the Law states that "this law regulates the special conditions for employment and work of disabled people when performing their profession or activity independently, with an employer or as an employer, in the state administration, the units of local self-government, public enterprises, institutions, agencies and funds and other state institutions, as well as the conditions for establishment and benefits for the operation of the company for employment of persons with disability - protective company ". From the analysis of the provision it is concluded that the article itself is quite unclear because it lists categories of persons that the Company Law does not know because an individual sole proprietor is a physical person who performs a trade activity in the form of an occupation and

it is not clear how a person who performs an activity independently may perform the same with an individual sole proprietor. For these reasons, it is necessary to authentically interpret this provision with a view to clarifying it, and possibly its alteration and harmonization with the categories that the Company Law recognizes.

It is positive that Article 4 of the Law provides for a number of stimulative measures for improving the conditions for employment of persons with disabilities, such as granting irrecoverable funds for employment for an indefinite period of time for an unemployed person with a disability, the person with a disability will work if necessary, procurement of equipment, tax exemptions and provision of funds for contributions, and financial support in the work. The stimulative measures are valorized in the number of monthly salaries, which are paid as non-repayable funds from the Special Fund established in accordance with this law. These generally good solutions are classified as affirmative measures. However, they should be able to be reviewed by the court in a specific case in order to assess their suitability, especially considering that there is serious concern



---

---

## CHAPTER II

about possible abuse by employers, in particular to the shelter companies.

The creation of employment opportunities for persons with disabilities inevitably involves providing the appropriate adjustment for this group of people in the process of interviewing for employment as well as at the workplace. Accordingly, Article 5 paragraph 2 of the Law provides for the appropriate adjustment for persons with disabilities, stating “when employing a disabled person, the employer is obliged to create appropriate working conditions and adaptation at the workplace depending on the workplace, type and level of education and the type and degree of disability of the disabled person employed “. The legislator does not explain this norm more in detail, without specifying what conditions the employer needs to create. For example, would they include adapting the interviewing process to employment, adjusting working time, and practices, to providing a professional vocational coach. Without specifying the provision, the legislator left through the judicial practice to set the boundaries of this legal institute.

Additionally, the legislator does not explain in detail or what adaptation of

the workplace should be done, but this is specified by the Rulebook on the criteria and method of granting non-refundable funds from the special fund for improving the conditions for employment and working of persons with disability. Namely, according to Article 7 paragraph 2 of this Rulebook it is stated that the adaptation includes adjustment to the working and auxiliary premises, as well as to the equipment, means of work, devices and other technical means of operation. It is good that in addition to the obligation for proper adjustment, it envisaged financial resources provided by a special fund for improving the conditions for employment and working of persons with disabilities (Article 8 and Article 20). However, the concern that these funds contained in the special fund are constantly decreasing, while creating a shortage of means of employment and appropriate adjustment for persons with disabilities. In addition, the author believes that the Special Fund should be singled out as a separate legal entity in order to strengthen its role and responsibility in the system and to reduce the possibilities for any abuse. Lastly, what is clearly predicted by the legislator is the limited possibility of using this legal institute, ie limiting the personal scope

---

---

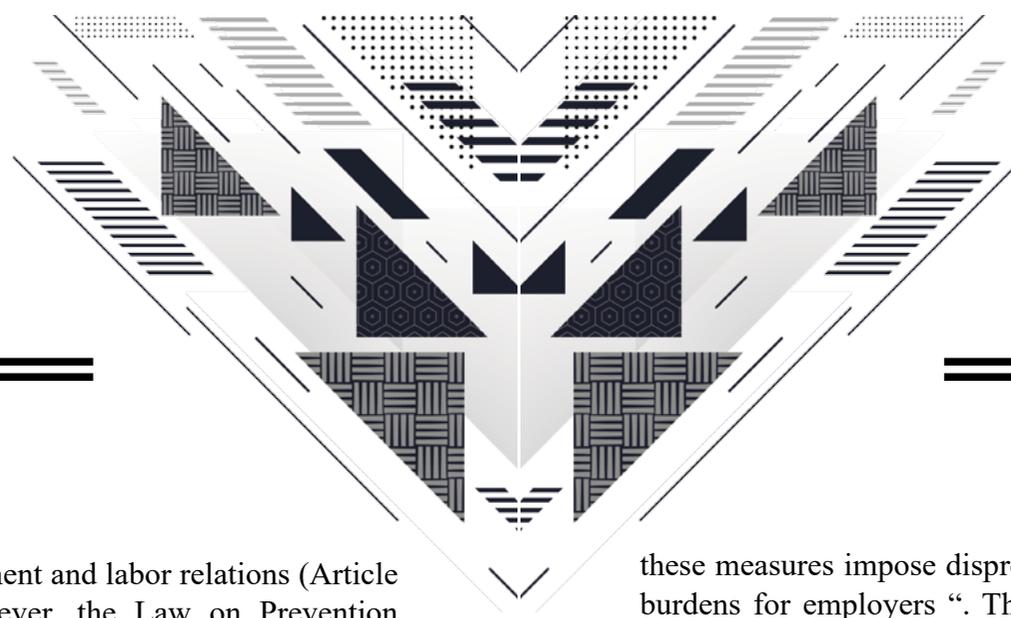
## CHAPTER II

of protection. Namely, in order for one person to request the appropriate adjustment, the same should be employed in the private sector and recognized the existence of a disability according to the law.

From the aspect of anti-discrimination, the definition in Article 4-a paragraph 5 is questionable, namely, the same prediction that “a disabled person can be an employer or work for a responsible person with an employer, if he receives a positive opinion from the Commission at the Ministry of Labor and social policy ... “. Although the author considers that the legislator’s goal was not to discriminate against persons with disabilities, but acted safely against them (especially against persons with mental disabilities) and wanted to protect themselves from possible abuses, however, a provision requiring finding and an opinion on the ability of a person with a disability to perform managerial functions is discriminatory and should be abandoned. It is a school example of discrimination based on law.

Lastly, the question of the shelter companies is especially interesting for consideration. The law and the two rule-

books deriving from it regulate the issue of employment of persons with disabilities in protective societies. Namely, Article 9 of the Law defines the protective company as “a commercial company that employs at least ten people for an indefinite period, if at least 40% are persons with disability out of the total number of employees, of which at least half are persons with a defined disability”. Shelter companies are exempted from income tax and all profits from the profits, and employees of the non-disabled protection company are exempted from paying personal income tax and the funds for contributions for pension and disability insurance are provided by the state. It is worth mentioning that engaging in shelter companies is considered regular employment in accordance with national legislation. However, it should be remembered that according to Article 27 of the Convention on the Rights of Persons with Disabilities, employment in shelter companies should be a transitional solution to the employment of persons with disabilities on the open labor market and should not derogate this latter and employment in the public sector.



---

---

## CHAPTER II

### 3. Law on Prevention and Protection against Discrimination

Employment of persons with disabilities is inevitably related to the creation of opportunities for the same, while guaranteeing this right for persons with disabilities on an equal base with others. That is why every right, including the right to work, is related to anti-discrimination clauses and should also be analyzed from that aspect. Although anti-discrimination clauses exist in the Labor Law, analyzed above, however, when talking about discrimination based on disability, it is extremely important to mention the Law on Prevention and Protection against Discrimination.

In addition to the stated grounds of discrimination, such as: inter alia mental and physical disability, as well as the state of health, the law provides for an open list of grounds, citing a phrase or another basis. The law prohibits all forms of discrimination, including direct and indirect discrimination (Article 6), harassment (Article 7), the instruction on discrimination (Article 9) and victimization (Article 10), carried out by natural and legal persons in the public and in the private sector in the area of: inter alia

employment and labor relations (Article 4). However, the Law on Prevention and Protection against Discrimination, as well as the Law on Labor Relations, does not prohibit explicitly discriminatory announcements or statements based on disability. Additionally, Article 12 of the Law provides for a more severe form of discrimination and multiple discrimination, that is discrimination based on a certain person simultaneously on multiple discriminatory grounds, including disability. This is extremely important because all people have different personal characteristics that in many cases can lead to cumulative or inter-sectional discrimination. Persons with disabilities are no exception to this, especially women and children with disabilities, as well as the elderly with disabilities.

Particularly important for persons with disabilities is Article 5 paragraph 1 item 12 and Article 8 paragraph 2, which provides for the provision of appropriate adjustment. Namely, the Law stipulates “the adjustment of infrastructure and services is taking appropriate measures necessary in a particular case to enable the person with mental and physical disabilities to have access, participate and advance in the work process, unless

---

---

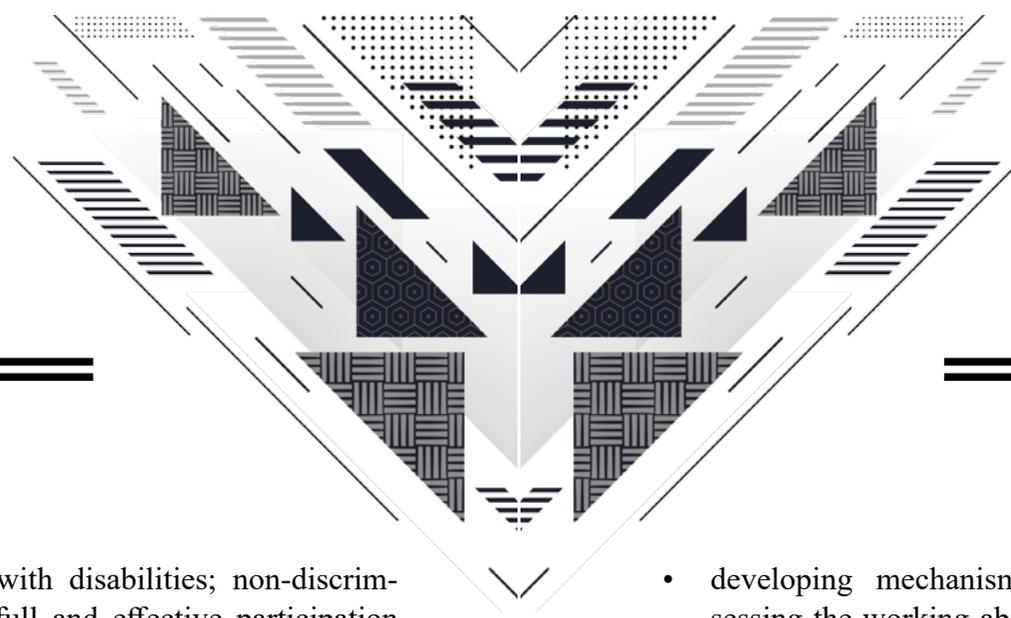
## CHAPTER II

these measures impose disproportionate burdens for employers “. The criticism of this provision is referred to because it is limiting, that is, it refers only to the adjustment of infrastructure and services. Furthermore, the Law does not define the term “appropriate measures” for persons with disability; except that it explains that they are individualized, that is, needed in the appropriate case. In addition, the law does not distinguish between the important and the basic functions of the workplace and those marginal and irrelevant functions, which is a significant deficiency of this provision. Lastly, as far as the issue of disproportionate burden is concerned, according to our law: disproportionate burdens, the legislation of the Republic of Macedonia does not analyze and condition it, as in other countries, with the size and status of the legal entity (state or private) , the financial costs, the scope and financial resources of the employer, as well as the ability to obtain funds from public sources or any other assistance. The author considers that when amending the law this clarification should be explicitly inserted. Progressive in Article 8 paragraph 2 and is fully in line with the Convention on the Rights of Per-

sons with Disabilities is that the unjustified absence of appropriate adaptation is considered a form of discrimination. (Poposka, 2012, p. 302-303).

Articles 13-15 provide for the exceptions from discrimination, and for the persons with disabilities the following are related: no action shall be considered discrimination if it is a measure prescribed by law, and in order to encourage employment (Article 15 paragraph 1 item 2); when foreseeing the essential and decisive condition for employment (Article 14 paragraph 1 item 2); in case of special cases of taking affirmative measures (Article 13); when there is a different treatment of persons with disabilities in the realization of training and receiving education in order to meet the special educational needs, and in order to equalize the chances (Article 15, paragraph 1, item 3); and in the exercise of the special protection provided by law for inter alia persons with disabilities (Article 15 paragraph 1 item 7).

In addition to the procedural provisions included in the Act, such as the provision for transferring the burden of proof (Article 38) and the special court procedure for protection against discrimina-



## CHAPTER II

tion (Article 34-37), it provides for the establishment of a body for equality - Commission for Protection against Discrimination discrimination and regulates the procedure before it (Article 16-33).

We would conclude that anti-discrimination legislation, with the exception of some of the weaknesses outlined above, is a relatively solid framework for the protection against discrimination based on disability, on which case-law can be created, helping to define the boundaries of the new legal institutes covered by it (Poposka , 2013, pp. 27-30).

### 4. National Strategy for Equalization of the Rights of Persons with Disabilities 2010-2018

In 2010, the Government adopted the revised National Strategy for Equalization of the Rights of Persons with Disabilities 2010-2018. The overall goal of the National Strategy is to promote the position of persons with disabilities to the position of equal citizens who enjoy all rights and responsibilities. The basic principles and determinations of the Strategy are: respect for the inherent dignity, individual autonomy, including freedom of choice and independence of

persons with disabilities; non-discrimination; full and effective participation and involvement in all spheres of social life; respect for differences and acceptance of persons with disabilities as part of human diversity and humanity in the common living; equal opportunities; accessibility; gender equality; and a concept for children with disabilities.

It covers seventeen separate activities, including the area of professional and work orientation and employment of persons with disabilities (area 6), which aims to provide equal opportunities for work and employment of persons with disabilities with the development and application of system solutions that are based on needs and abilities.

The measures envisaged for achieving this goal are as follows:

- Strengthening the capacities of all the institutions concerned;
- developing mechanisms and resources for professional rehabilitation, development of vocational and professional training;
- the motivation of persons with disabilities;

## CHAPTER II

- developing mechanisms for assessing the working ability of this group of workers; and
- promotion of information systems for employment (National Strategy for Equalization of the Rights of Persons with Disabilities, 2010, p. 23-24).

### 5. National Employment Strategy of the Republic of Macedonia 2016-2020

The basic document and framework in which the employment policies are defined is the National Employment Strategy 2016-2020, which, unfortunately, among the defined priority goals is not expressly covered by the increase in the employment rate of persons with disabilities in the Republic of Macedonia. Namely, if we consider that persons with disabilities as a group are characterized by a high unemployment rate and a low activity rate on the labor market, their non-inclusion directly in the Strategy creates room for concern.

These individuals would be covered in the Strategy only by broadly defining the notion of vulnerable categories of citizens. Namely, persons with disabili-

ties are mentioned only in the outcomes of goal 1: Increasing the effectiveness and efficiency of the employment policy with special support for the vulnerable categories of the population, especially 1.2 Increased participation of the vulnerable categories in the active labor market measures (the unemployed over 2 years, beneficiaries of social financial assistance and household members, women victims of domestic violence, persons with disability and persons with reduced working ability) (National Employment Strategy, 2015, p. 74).

From the above, it can be concluded that in the absence of essential criteria, affirmative measures and other mechanisms for support and coverage of persons with disabilities, active employment policies will not be able to achieve the desired general goals defined in the National Employment Strategy, and with it marginalized this group of citizens even more..

# CHAPTER III

## ANALYSIS OF THE SITUATION WITH THE RIGHT TO WORK OF PERSONS WITH DISABILITIES



TRAVEL FAR  
Demystification of the issue of disability in the field of employment and labor relations

# CHAPTER III

The analysis of the situation, explained below, is based on the findings from the survey and the analysis of the responses to the questionnaires of 1000 persons with disabilities and parents of children with disabilities in the Republic of Macedonia, developed and implemented within the project.

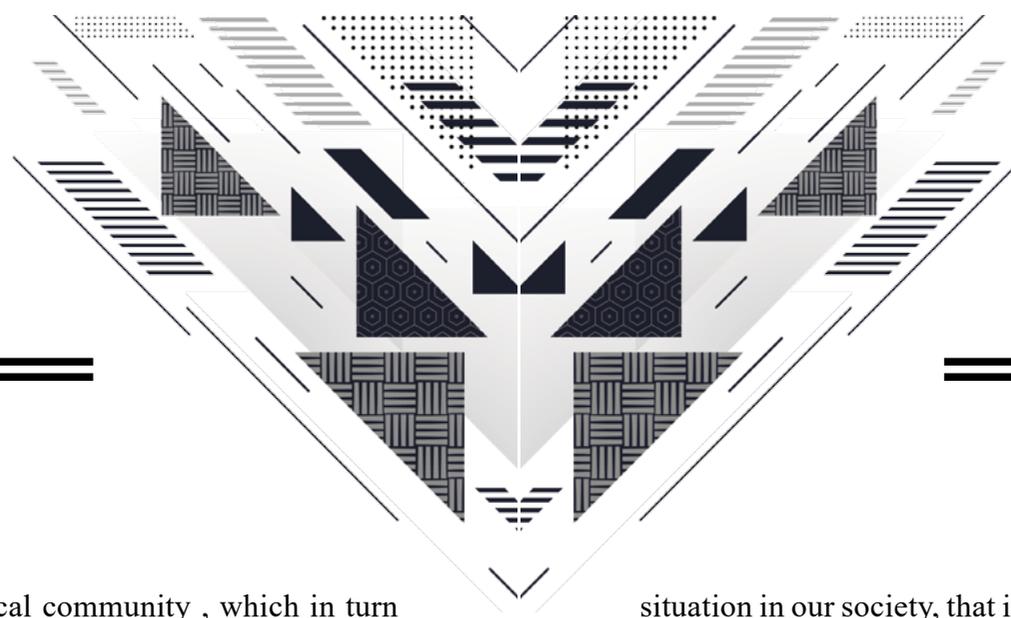
### 1. Findings from the conducted research on demystification of the issue of disability in the field of employment and labor relations

#### 1.1. Purpose and subject of the research

This analysis provides an image of the knowledge of their rights by persons with disabilities and the parents of children with disabilities, especially the right to work, in accordance with the standards set by the Convention on the Rights of Persons with Disabilities. In the same direction it is analyzed whether the institute for reasonable accommodation is understood and what is meant by its provision. In addition, the

perceptions of the respondents about the efficiency and the validity of the measures taken by the state for the realization of the right to work of persons with disabilities on an equal basis with others are analyzed. At the same time, it detects the profile of persons with disabilities (type / degree of disability, gender, age, education / vocational training, priorities when it comes to exercising rights and whether their rights were ever endangered). In addition, it is analyzed whether persons with disabilities were discriminated against in the field of employment and labor relations. The analysis also explores the attitudes of the target group for employment on the open labor market or the segregated market, that is, in the shelter companies, then the possibility of using with their right to trade union on an equal base with other workers, whether professional rehabilitation is properly implemented and whether persons with disabilities have sufficient opportunities for self-employment and starting their own business. Finally, the analy-





---

---

## CHAPTER III

sis indicates which topics people with disabilities and the parents of children with disabilities consider that they need more information in order to be able to exercise their right to work.

The analysis is conceived as a tool in the hands of stakeholders relevant in this area, in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention and the improvement of national practice.

In order to get deeper into the situation, the reasons and needs of persons with disabilities are taken into account both, at the national and local context, as well as the national and local policies and legislation directed towards persons with disabilities. At the same time, during the qualitative analysis of the received data from the conducted questionnaire, the current positive trends, which growth can be expected in the next period, through activities at the local level, and bringing the obligations of all stakeholders to the full inclusion of persons with disabilities

in the local community, which in turn stems from the measures and policies of the state at the national and local level. For example, the obligations for countries stemming from ratified international instruments, i.e. The Convention on the Rights of Persons with Disabilities, as well as the National Strategy for Equalization of the Rights of Persons with Disabilities (revised) 2010-2018 and the National Employment Strategy 2016-2020. Qualitative analysis takes into account the economic, social, and cultural context of the local community itself, as well as the place of residence, as an important factor in the implementation of the current national and local strategies and action plans, as well as translating international standards into practice.

Lastly, the institutions themselves are an important factor in the process of creating and implementing policies aimed at persons with disabilities. For these reasons, as a secondary target group of the research, the state institutions, and through the analysis of the answers received, can also see an overview of the

---

---

## CHAPTER III

situation in our society, that is, the small number of persons with disabilities in the social and political life, the low level of knowledge of their rights, a reality that incompletely reflects the social model of viewing disability from the aspect of human rights, the challenges of ensuring appropriate adjustment and inclusion of persons with disorders in the open market of labor and the like.

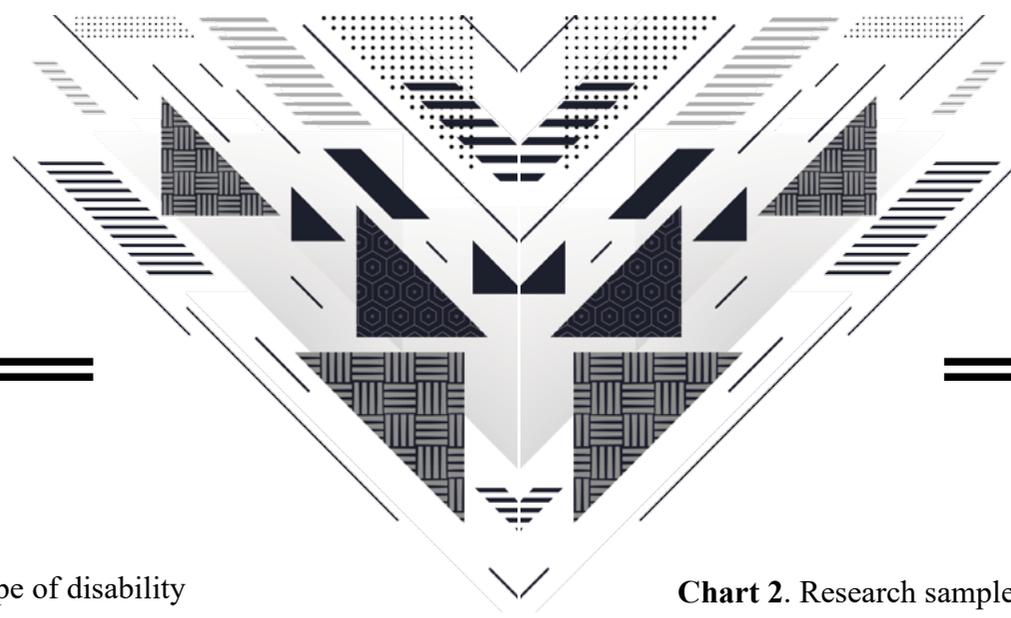
The research tools are the Questionnaire for persons with disabilities and parents and caregivers of children with disabilities (q-pd / 2018) and the Guide for discussion in focus groups with different categories of respondents from the aspect of the right to work (g-pd / 2018).

### 1.2. Research sample

The total number of respondents is 1000 persons, of which 500 are persons with disabilities, and 500 are parents of children with disabilities, taking into account all types of disability. The complete sample is stratified by type of disability, gender, ethnicity, age, level

of education, and place of residence / municipalities. Below are the data for each of the sub-groups accordingly, shown in tables and charts.

In this regard, the target sample of persons with disabilities is divided as follows: 185 persons with physical disability (37%), 145 persons with impaired vision (29%), 140 persons with impaired hearing (28%) and 30 persons with intellectual disability (6%). From the parents of children with disabilities, feedback was received from 120 parents of children with physical disabilities (24%), 35 parents of children with impaired vision (7%), 60 parents with children with hearing impairment (12%), 105 parents of children with combined disability (21%) and 180 responses by parents of children with intellectual disability (36%) (see Chart 1).



CHAPTER III

CHAPTER III

Chart 1. The research sample according to the type of disability

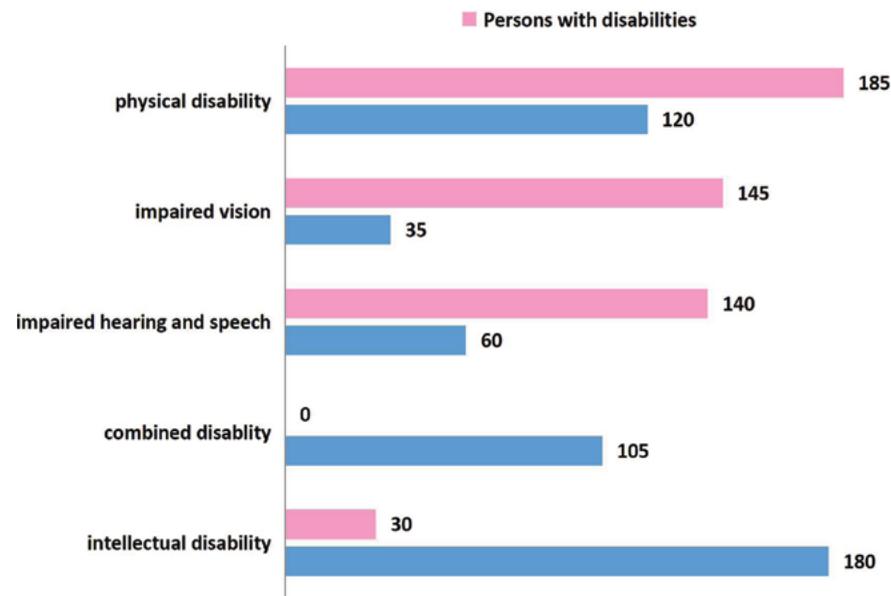


Chart 2. Research sample by type of disability and gender

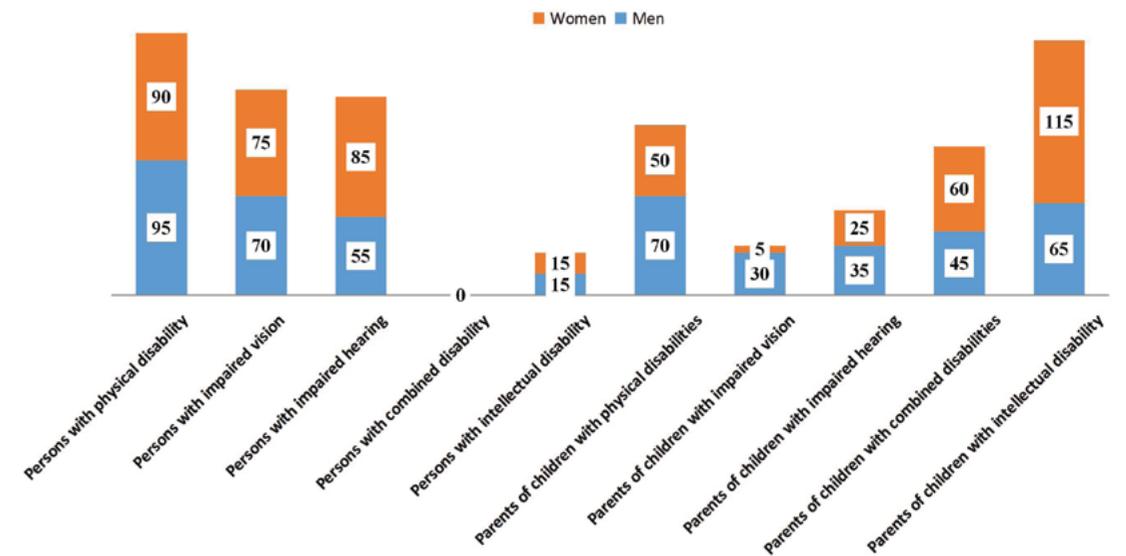
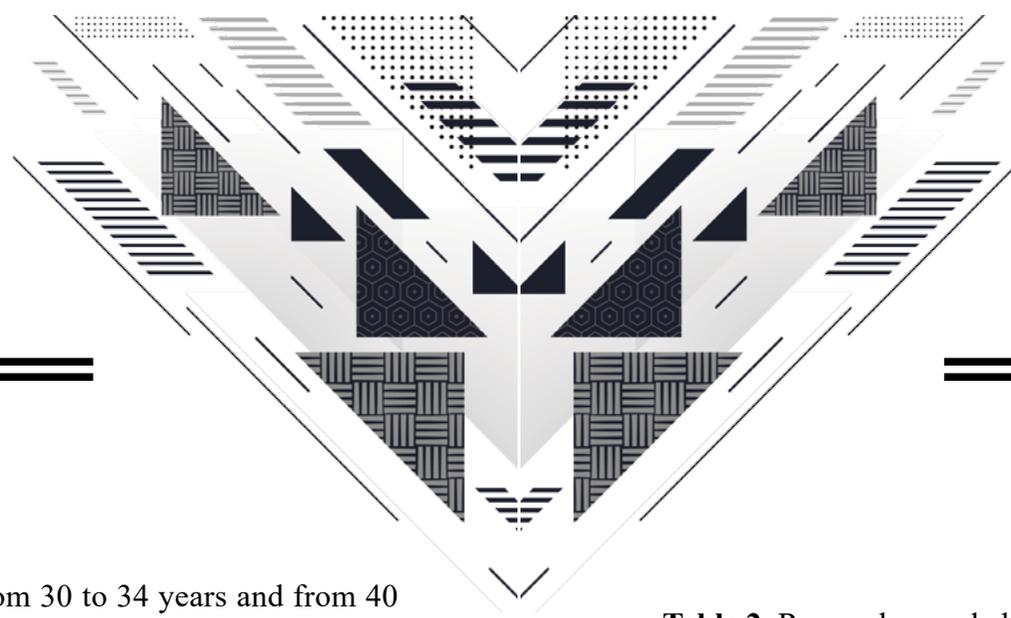


Table 1. Research sample by type of disability and ethnicity

Ethnicity	Persons with physical disabilities	Persons with impaired vision	Persons with hearing impairment	Persons with combined disabilities	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with hearing impairment	Parents of children with combined disabilities	Parents of children with intellectual disability
Macedonians	110	80	100		25	80	20	50	70	110
Albanians	75	45	20		5	25	10		30	60
Bosniaks		5	10			5			5	
Turks		10	5			10	5			
Vlachs			5							5
Roma		5						10		5

The research sample by gender is divided into 520 female respondents, i.e. 52%, and 480 male respondents, i.e. 48%. Chart 2 gives a cumulative presentation of the sample according to gender crossed with the type of disability. Namely, from persons with disabilities 265 are female respondents versus 235 who are male, while from the parents of children with disabilities 255 women are versus 245 who are men.

Table 1 gives a cumulative sample of the sample according to ethnicity and type of disability. Namely, 645 participants declared themselves as Macedonians (64.5%), 270 Albanians (27%), 30 Turks (3%), 25 Bosniaks (2.5%), 10 Vlachs (1%), while 20 participants stated that are from the Roma community (2%).



**TRAVEL FAR**

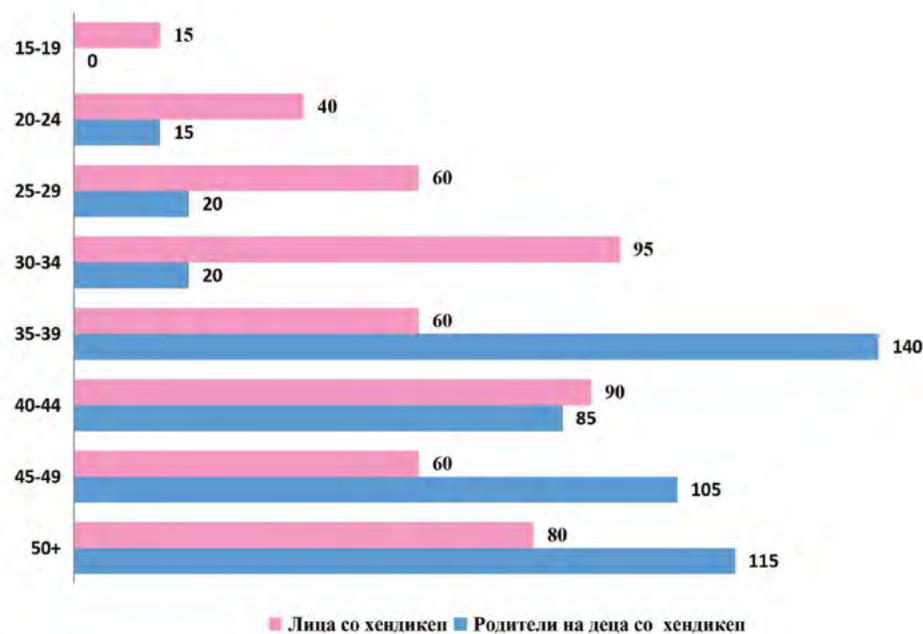
Demystification of the issue of disability in the field of employment and labor relations

**CHAPTER III**

Chart 3 gives a cumulative sample of the sample by age, divided into eight age groups. It can be concluded that most of the respondents are persons with disabilities or parents of children with disabilities belonging to the age group above 30 years with a total percentage of 85% and at least an age group of up to 30 years with a total percentage of 15%. The largest numbers of respondents with disabilities are from the age

group from 30 to 34 years and from 40 to 44 years of age, accounting for 37% of the research sub-sample of persons with disabilities. On the other hand, the largest numbers of interviewed parents of children with disabilities are from the age groups from 35 to 39 years and from 50+ years of age, which accounts for 51% of the research sub-sample of parents of children with disabilities.

**Chart 3.** The research sample by age



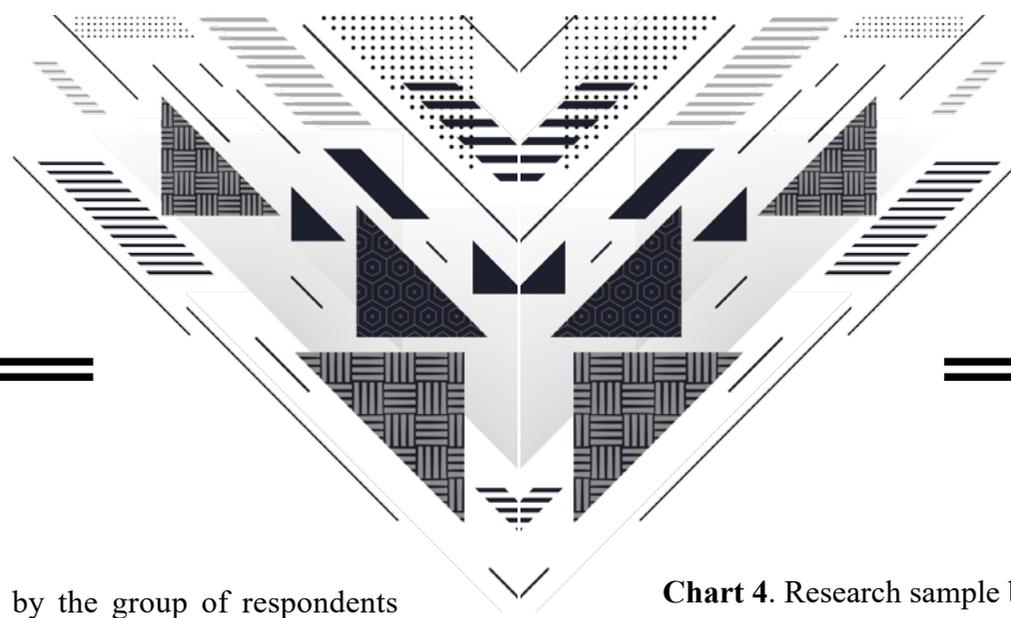
**TRAVEL FAR**

Demystification of the issue of disability in the field of employment and labor relations

**CHAPTER III**

**Table 2.** Research sample by type of disability and municipality of residence

Town	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing and speech	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with impaired hearing and speech	Parents of children with combined disabilities	Parents of children with intellectual disabilities	Total
Bogovinje	5				5			10	0	20
Brvenica	5								0	5
Berovo		5			10				0	15
Veles	15	5			10	5		30	15	80
Vinica		5							10	15
Valandovo			5						0	5
Gevgelija		5	20		5			5	0	35
Gradsko	10				15			5	0	30
Gostivar		30	20			5		10	5	70
Debarca					5				0	5
Dojran		5	5						0	10
Kriva Palanka	15								0	15
Kichevo	5	5	5					5	0	20
Kavadarci	5		5				10		0	20
Kumanovo		10							0	10
Kratovo			10						0	10
Kochani	5	5							0	10
Negotino		5							10	15
Ohrid	5								10	15
Prilep	10	10	10	5			15		30	80
Probishtip									10	10
Resen			15						10	25
Radovish									15	15
Skopje	40	15	40	20	30	10	35	5	25	220
Struga	15								0	15
Strumica	5	5		5					0	15
Tetovo	30	30	5		35	5		35	25	165
Shtip	10	5							5	20



## CHAPTER III

Namely, Table 2 gives cumulative sample of the sample according to the municipality in which the respondents live. Observed from the aspect of territorial coverage, the survey covered both urban and rural areas. The largest representation is in Skopje, where 200 respondents were covered, while Tetovo - 165 respondents, followed by Veles with 80 respondents, Prilep with 75 respondents, Gostivar with 70 respondents, Gevgelija with 35 respondents / Struga, Struga, Radovish, Ohrid, Negotino and Vinica all 15 respondents, Gradsko with 30 respondents, Resen with 25, Probishtip, Stip, Kicevo, Kriva Palanka and Bogovinje all with 20 respondents, Kocani, Kratovo, Kumanovo and Dojran with 10 respondents, Bitola and Brvenica, Valandovo and Debarca with 5 respondents.

Chart 4 gives overview of the level of education of the research sample, from which it can be concluded that most of the respondents, a significant number have completed secondary education with 98% cumulative percentage (47% of persons with disabilities and 51% of parents of children with disabilities),

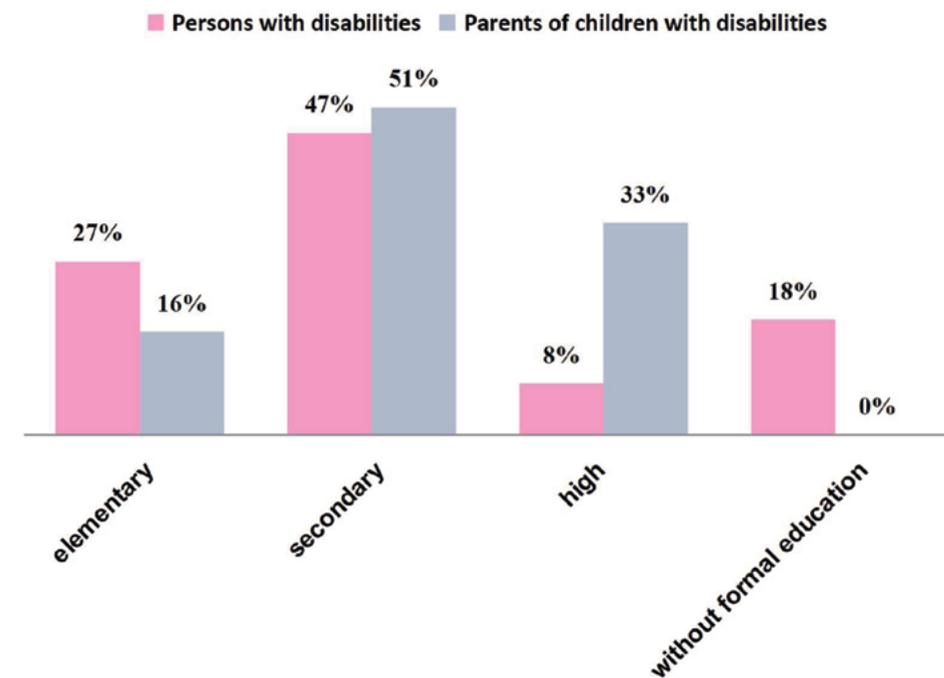
followed by the group of respondents with completed primary education with 43% cumulative percentage (27% of persons with disabilities and 16% of parents of children with disabilities), and higher education with 41% cumulative percentage (only 8% of persons with impediments) and 33% of parents of children with disabilities). The fact that 18% of respondents from persons with disabilities are without formal education is worrying

### 1.3. Quantitative and qualitative analysis of the answers to the questionnaires

The first part of the questionnaire collects data on the experiences of persons with disabilities and the parents of children with disabilities to exercise the right to work on an equal basis with others and analyzes the knowledge of this right and its scope. The perception of the target group on the opportunities for work of persons with disabilities on the open labor market, self-employment and professional rehabilitation, the provision of appropriate adjustment, as well as the use of the right for trade union association are analyzed in greater detail.

## CHAPTER III

Chart 4. Research sample by the level of education



Namely, in Chart 5, a sample of the sample is given according to whether the respondents consider that the open labor market is accessible for persons with disabilities, and in Chart 6 there is overview of the answer to the same question crossed with the type of disability. Of the total number of respondents, 71% think that it is not at all accessible, 23% think it is partially ac-

cessible, while 6% answered, "I do not know". All persons with disabilities, with the exception of persons with intellectual disability, consider that the open labor market is not accessible to persons with disabilities. On the other hand, only 41% of parents of children with disabilities consider that the open labor market is not available in general to their children, while 29% think it is

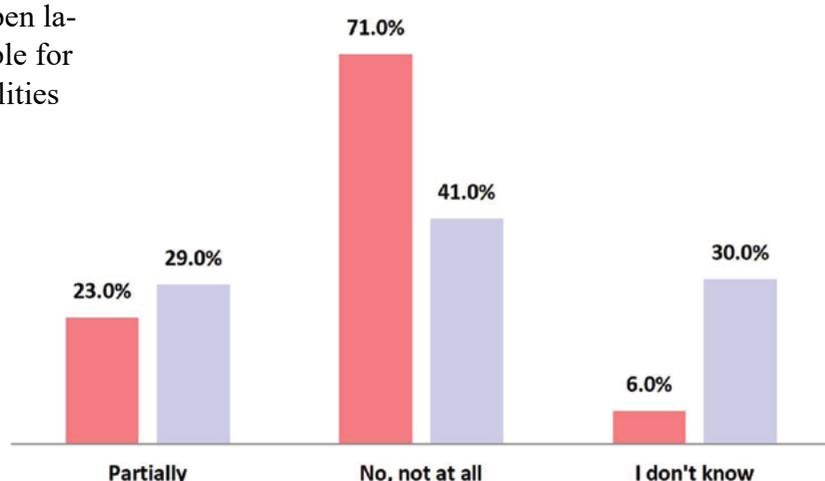


CHAPTER III

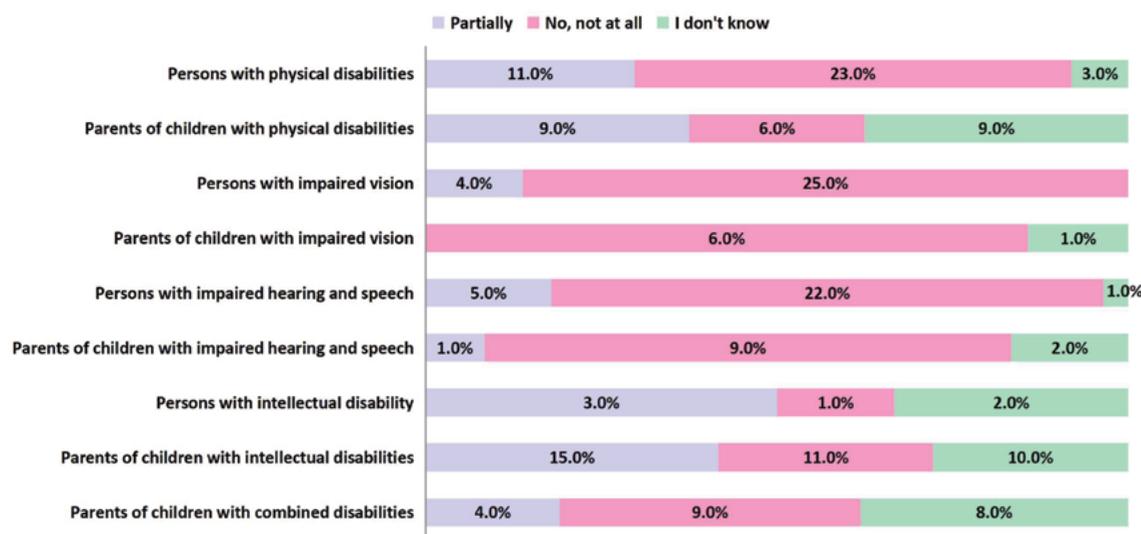
CHAPTER III

■ Persons with disabilities ■ Parents of children with disabilities

**Chart 5.** Is the open labor market accessible for persons with disabilities according to you?



**Chart 6.** The survey sample according to the type of disability and whether they consider that the open labor market is accessible for persons with disabilities



partially accessible. Only the parents of children with physical and intellectual disability consider that the open labor market is partially accessible for persons with disabilities.

One in three parents of children with disabilities (30%) answered, “I do not know”, which is a high percentage and should be subject to additional analysis. Differences in seeing this issue by gender are insignificant and are not processed for these reasons.

Chart 7 gives overview of the sample’s attitude as to how persons with disabilities have been asked to provide appropriate workplace adjustment. Two out of three persons with disabilities did not ask for adequate adjustment to the workplace, ie 60%, and only 6% asked for adequate adjustment. Of those who asked, the largest numbers were people with physical disabilities. This does not lead to the conclusion that persons with disabilities and the parents of children with disabilities do not understand institute for reasonable accommodation and what it involves. There is a tendency of its replacement with accessibility in general..

It is necessary to produce written material in which it will be explained in detail what constitutes the appropriate adjustment as an anti-discrimination legal institution and its delineation with accessibility as a human right, in accordance with Article 9 of the Convention.

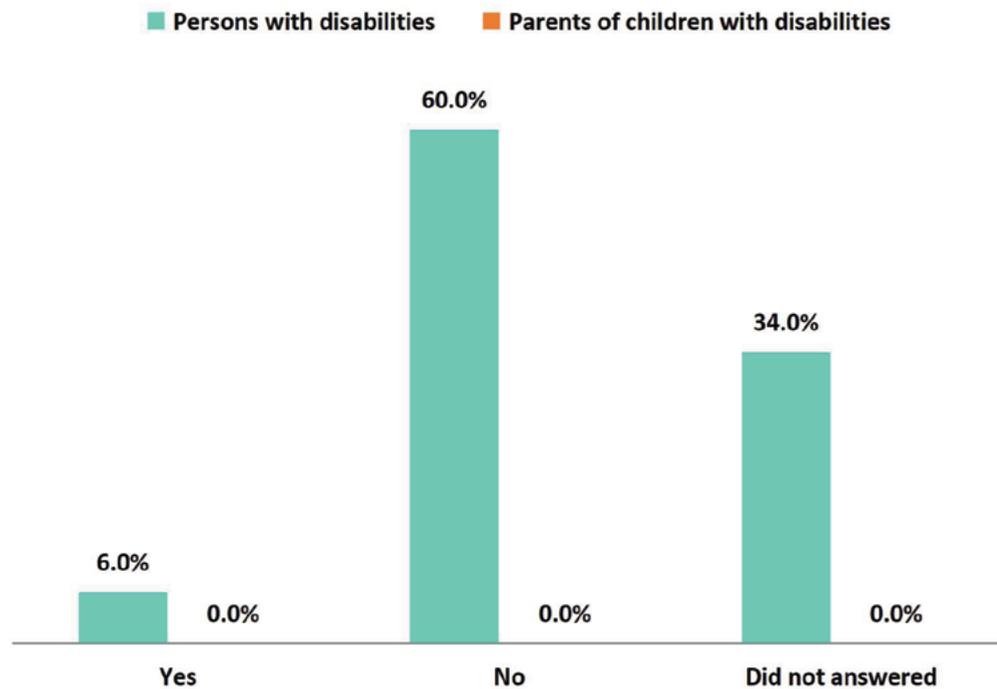
Additionally, there is an alarmingly high part of the sample that did not respond (34%), i.e one of three persons with a disability. The differences in seeing this issue by gender and type of disability are insignificant and are not processed for these reasons.

Regarding whether persons with disabilities are discriminated against in exercising their right to work, in contrast to persons with disabilities, including in the part of employment, work, safe working conditions, career advancement, equal pay and pension, a high percentage considers discriminated (a total percentage of 72%), there is no negative response, but a significant proportion of the sample who did not respond is noticed (total percentage of 28%). The difference in the answers between the respondents who are persons with disabilities and those who are



## CHAPTER III

**Chart 7.** Have you ever asked for reasonable accommodation at the workplace as person with disabilities?



### Statements from participants in the focus group

“The company did not have a proper entrance, nor did I have the opportunity to go to the bathroom. I told them to do me and they made me “- person with disability.

“I asked for a part-time job, I cannot spend a lot of time” - person with disability.

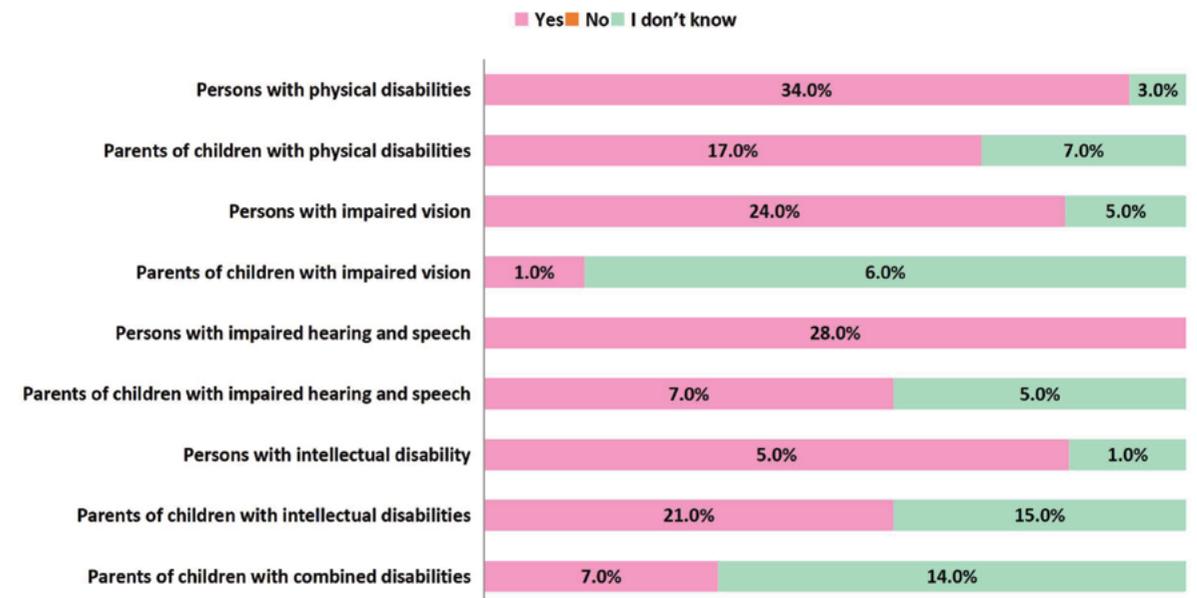
“It is necessary to adjust jobs, to open up social enterprises” - parent of child with a disability.

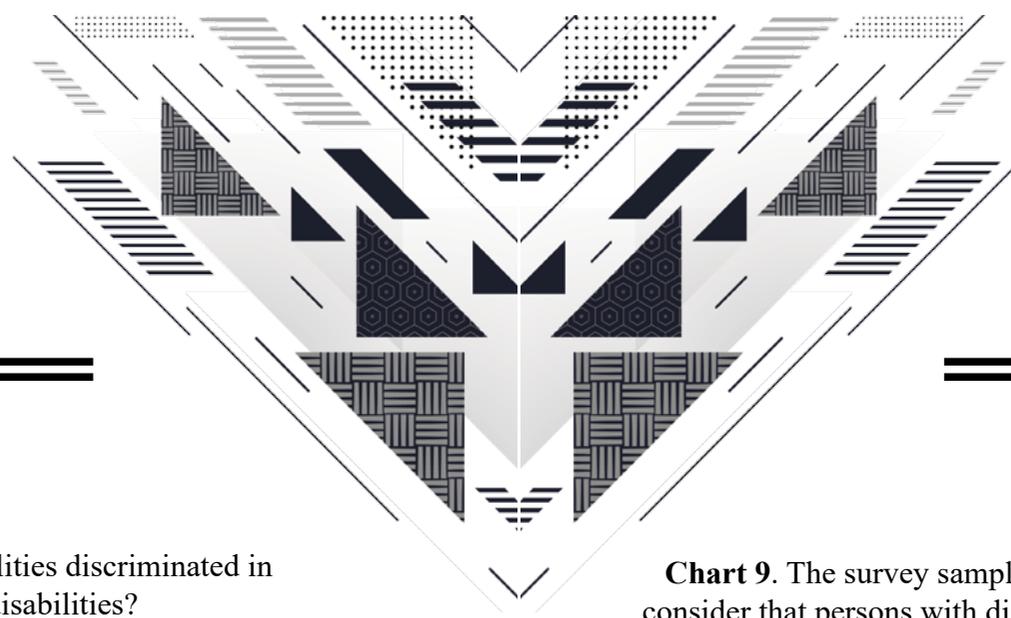
## CHAPTER III

The high percentage of respondents who answered with “I do not know” are due to parents of children with disabilities, who responded like this in 47%. The differences in seeing this issue by gender and type of disability are insignificant and are not processed for these reasons. (Table 3 and Chart 8).

When asked if people with disabilities can be used with their right to union association on an equal base with others, two out of three respondents answered, “I do not know”, which is an extremely high percentage and should be subject to further analysis. 30% of the total research sample responded negatively, and

**Chart 8.** The survey sample according to the type of disability and whether they consider that persons with disabilities are discriminated in exercising their right to work





CHAPTER III

CHAPTER III

**Table 3.** According to you, are people with disabilities discriminated in exercising their right to work, unlike persons with disabilities?

	Yes	Did not answered
Persons with disabilities	91%	9%
Parents of children with disabilities	53%	47%

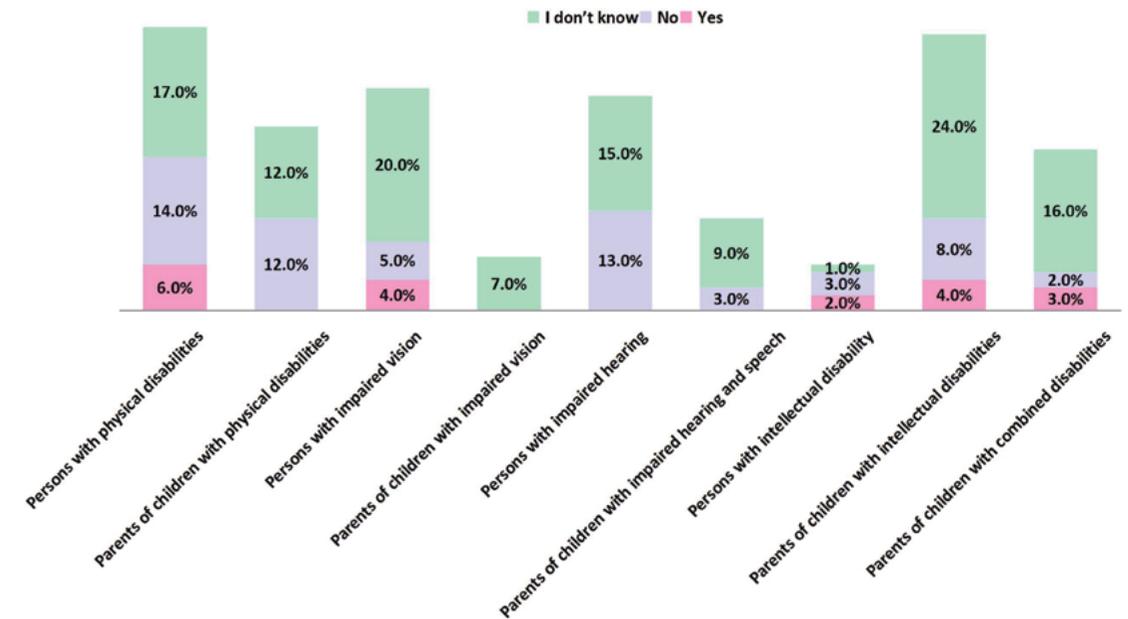
only a small number (9,5%) answered affirmatively on this issue (Chart 9 and Table 4).

The differences in seeing this issue by gender and other socio-demographic characteristics is insignificant and are not processed for these reasons. From the analysis of the responses to the focus groups, it is concluded that persons with disabilities have a low level of knowledge about the scope of the right to work and the right to trade union as crucial in the effectuation of the right to work.

The views of the respondents on how the professional rehabilitation of persons with disabilities is carried out in the Republic of Macedonia are presented below in Chart 10 and Chart 11. Namely, on the question whether the professional rehabilitation of persons with

disabilities is adequately implemented in the Republic of Macedonia allowing competitiveness of persons with disabilities (Question No. 05), persons with disabilities in 68% responded negatively, as opposed to the parents of children with disabilities (51%). The percentage of respondents who answered with “I do not know” on this issue is high, 32% for persons with disabilities and 47% for parents with children with disabilities. In the case of people with disabilities, only persons with physical disabilities answered in an insignificant number with “I do not know”, unlike all other persons with disabilities, while in people with intellectual disability the number of answers is “I do not know”, rather than negative ones.

**Chart 9.** The survey sample according to the type of disability and whether they consider that persons with disabilities can use their right to trade union on equal base with others.



**Table 4.** According to you, can persons with disabilities use their right to union association on an equal base with others?

	Yes	No	I don't know
Persons with disabilities	12%	35%	53%
Parents of children with disabilities	7%	25%	68%



## CHAPTER III

### Statements from participants in the focus group

“There is no need for trade unions, it can be done by disabled organizations” - person with disability.

“Of course, we need to organize ourselves syndicate. But how and who will lead us, we do not understand it” - person with disability.

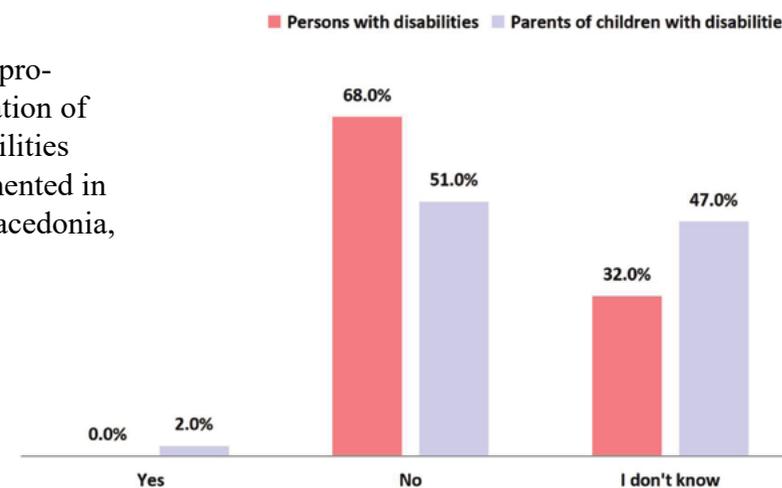
On the other hand, the percentage of answers “I do not know” is high among the parents of children with disabilities, with the exception of the parents of children with physical disabilities and impaired vision. Only 2% of parents of children with disabilities responded positively to this issue and no one with a disability. It is interesting to note that the differences in seeing this issue on all socio-demographic characteristics, especially gender, are insignificant, and are not processed for these reasons.

Regarding whether persons with disabilities have sufficient opportunities for self-employment and starting their own business (Question No. 06), half of the respondents consider that they

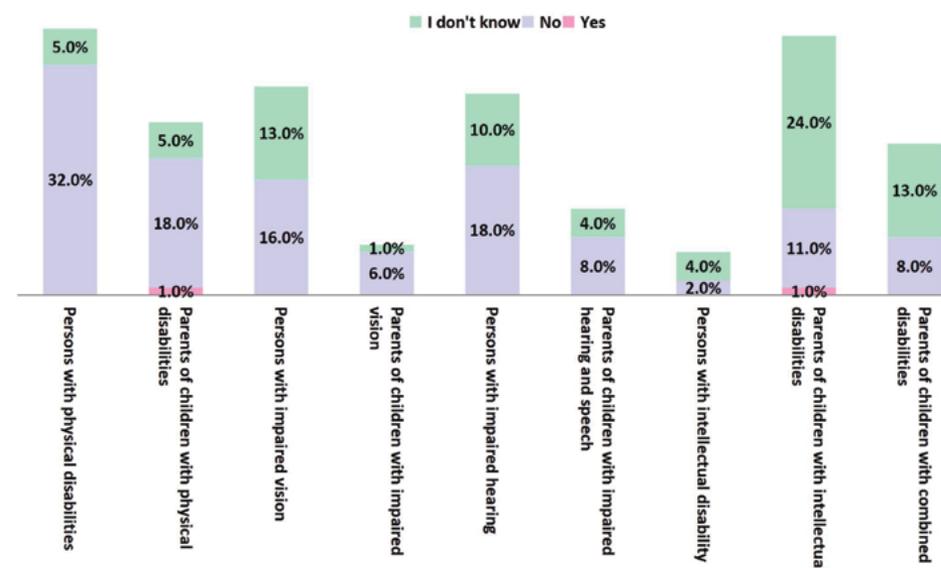
do not have, 9% answered positively, but a significant portion of the sample is again registered who answered with “I do not know” (a total percentage of 38%). The difference in viewing this issue according to the type of disability is insignificant, except for persons with physical disabilities, with equal answers being divided between the three options. (Table 5 and Chart 12).

## CHAPTER III

**Chart 10.** Is the professional rehabilitation of persons with disabilities adequately implemented in the Republic of Macedonia, according to you?



**Chart 11.** The survey sample according to the type of disability and whether they consider that the professional rehabilitation of persons with disabilities is adequately implemented in the Republic of Macedonia





## CHAPTER III

## CHAPTER III

### Statements from participants in the focus group

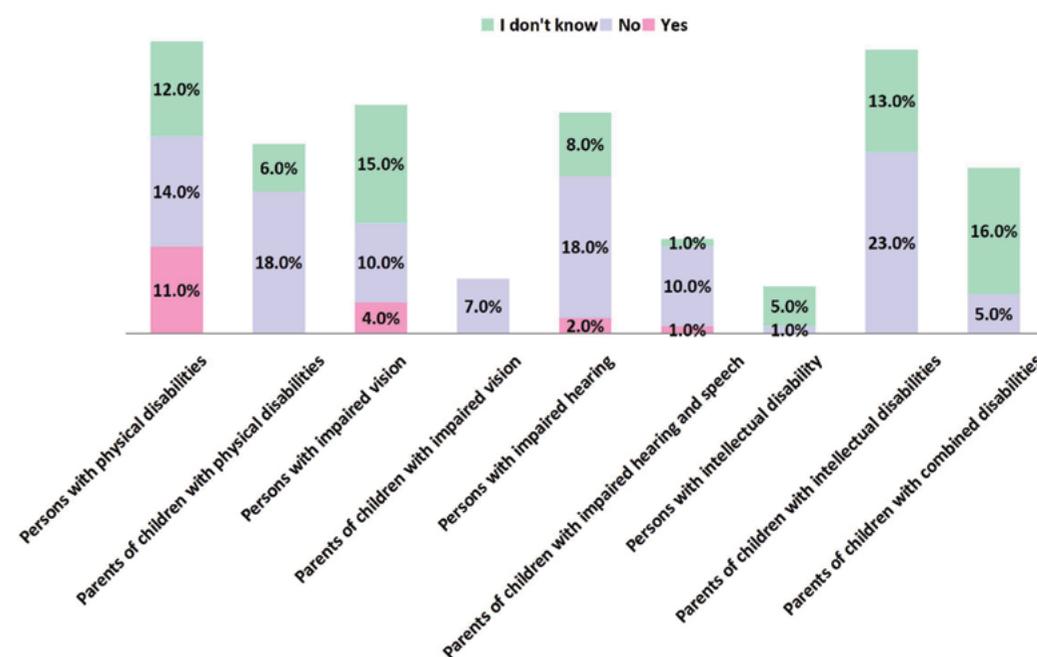
“I do not know if there is a professional rehabilitation. But EARM and MLSP have insufficiently trained staff and ESA has no conditions for us “- person with disability.

“We do not have professional rehabilitation. From the MLSP they speak only, but there is nothing “- person with disability.

“Policies for inclusion should be kept as a child not to marginalize persons with disabilities; a special rehabilitation program should be made in relation to individual needs” - parent of child with disability.

“It was nice with the Center for Employment of Persons with Disabilities, explained me nicely how and where, where to go. They gave me and I try to work in one company. It was nice. Now they have closed it and I have no opportunity to try again “- person with disability.

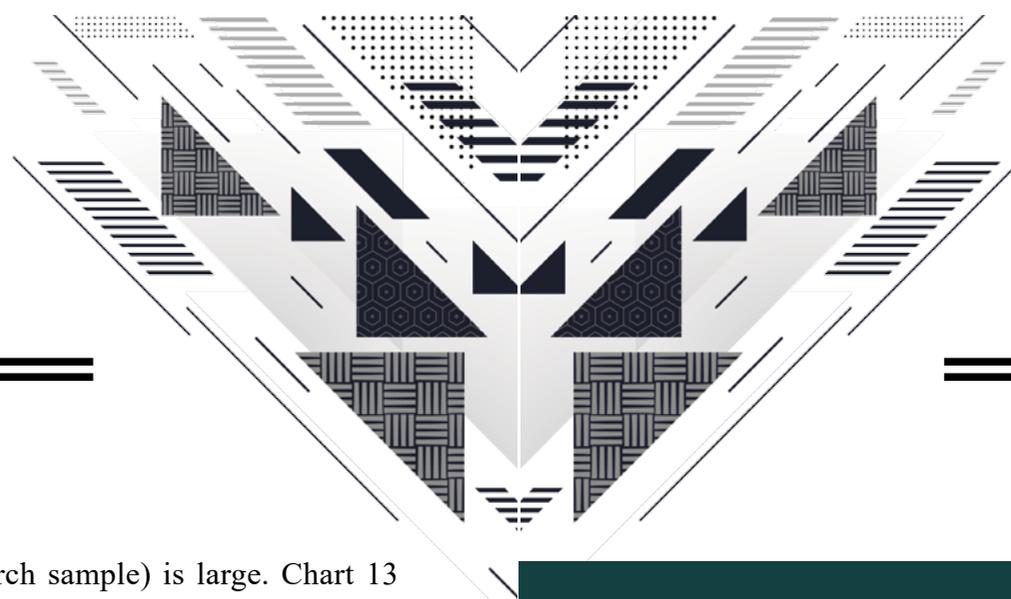
**Chart 12.** The survey sample according to the type of disability and whether persons with disabilities have sufficient opportunities for self-employment and starting their own business



**Table 5.** According to you, do people with disabilities have sufficient opportunities for self-employment and starting their own business?

	Yes	No	I don't know
<b>Total sample</b>	<b>9%</b>	<b>53%</b>	<b>38%</b>
Persons with disability	17%	43%	40%
Parents of children with disability	1%	63%	36%

In the second part of the questionnaire, the answers of the respondents are analyzed as to whether persons with disabilities should be employed in shelter companies or on the open labor market, and in that direction is the Law on Employment of Persons with disability most suitable for employment of persons with disabilities disability, then the benefits deriving from the Employment Fund for Persons with disability, as well as its transparency and accountability, as well as the protective mechanisms in violation of labor rights and the introduction of a system of employment quotas It is for persons with disabilities (07-13), presented below.

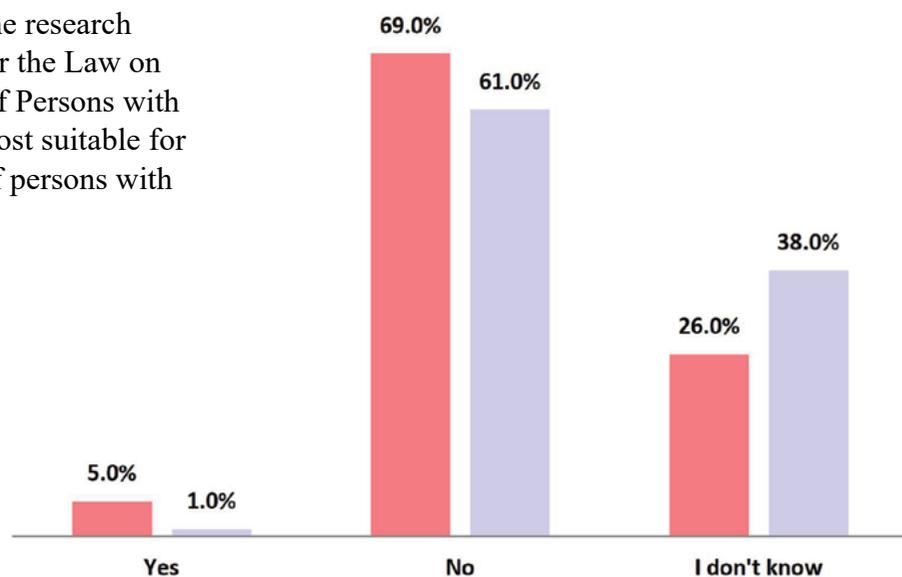


## CHAPTER III

When asked if the Law on Employment of Persons with disability is most suitable for employment of persons with disabilities, two out of three respondents, ie 65% of the total research sample, answered negatively. Additionally, only 3% think that this law is most suitable for employment of persons with disabilities. Worrying is the fact that again, the percentage of respondents who answered with “I do not know” on this issue (32% of the to-

tal research sample) is large. Chart 13 shows the difference between the responses of persons with disabilities and the parents of children with disabilities, from which it is noticed that the parents responded with “I do not know” (a difference of 12 points [Percentage points (pp) are a unit of measure for the arithmetic difference between two percent.] and in a smaller number responded negatively (difference of 8 pp).

■ Persons with disabilities ■ Parents of children with disabilities



**Chart 13.** The research sample whether the Law on Employment of Persons with Disability is most suitable for employment of persons with disabilities

## CHAPTER III

### Statements from participants in the focus group

“You do not need a separate law. The Law on Labor Relations may not include us “- person with disability.

“I do not know, but more control is needed on the employer and parents and more communication with persons with disabilities for protection against abuse” - person with disability.

“It’s not that way. Legal aid to persons with disabilities is required, and not only to the employers “- person with disability.

Table 6 represents the answer of the respondents whether they are known or have ever used the benefits deriving from the Employment Fund for Persons with disability established in accordance

with the Law on Employment of Persons with disability. From the answers it turns out that only one in three people is familiar with or used with these benefits..

**Table 6.** Are you familiar with or have you ever used the benefits deriving from the Disability Employment Fund?

	Yes	No
Persons with disability	29%	71%
Parents of children with disability	24%	76%



## CHAPTER III

The answers to the above-mentioned questions are closely related to the attitude of the respondents whether there is transparency and accountability in this Fund. According to the respondents, there is no transparency and accountability of the Employment Fund for Persons with disability (71.5% of the total research sample). All responses are illustrated in Table 7 and Chart 14. There is no significant concession in the responses of respondents depending on their type of disability. Additionally, the difference in viewing this issue in all socio-demographic characteristics, including the gender of the respondents, is insignificant..

Asked whether they were known or used the mechanisms for protection in the exercise of their labor rights, almost half of the respondents in a cumulative sample, i.e. 47.5% answered negatively, and only 32% positively, while one in five respondents replied with “I do not know.” Chart 15 shows the difference between the responses of persons with disabilities and the parents of children with disabilities. Worrying is the fact that 70% of persons with disabilities responded negatively to this issue with 45 pp. the difference between them and the parents of children with disabilities..

### Statements from participants in the focus group

“Let’s not lie ... we all employ disabled people because of the money that the state gives. However, with that we do a good job. In addition, humanely, the most important thing ... and these people have to make a piece of bread “- representative of shelter company.

“We are a protective company. We always need disabled people to work. However, in the employment office there is no reported “- representative of shelter company.

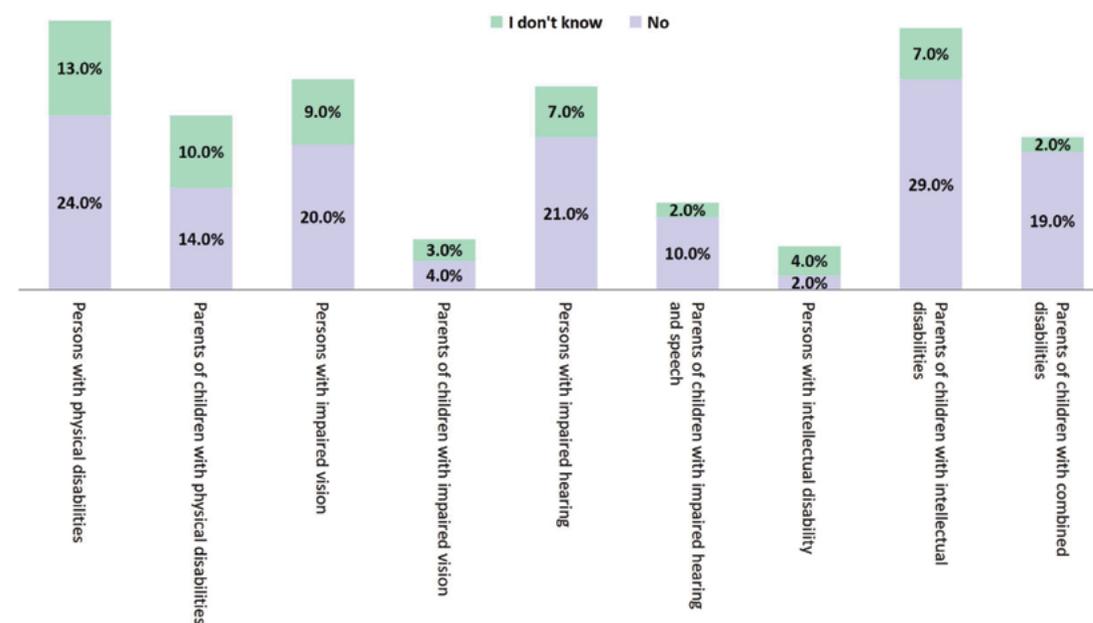
“Why do I spend a healthy person on a workplace packing or sticking with a tape, when that work can be handled by a person with disabilities. Healthy people can perform more difficult and more complicated tasks. Persons with disabilities are not able to perform work tasks that imply expertise in a particular area. Most often they are not educated or cannot perform harder things “- representative of shelter company.

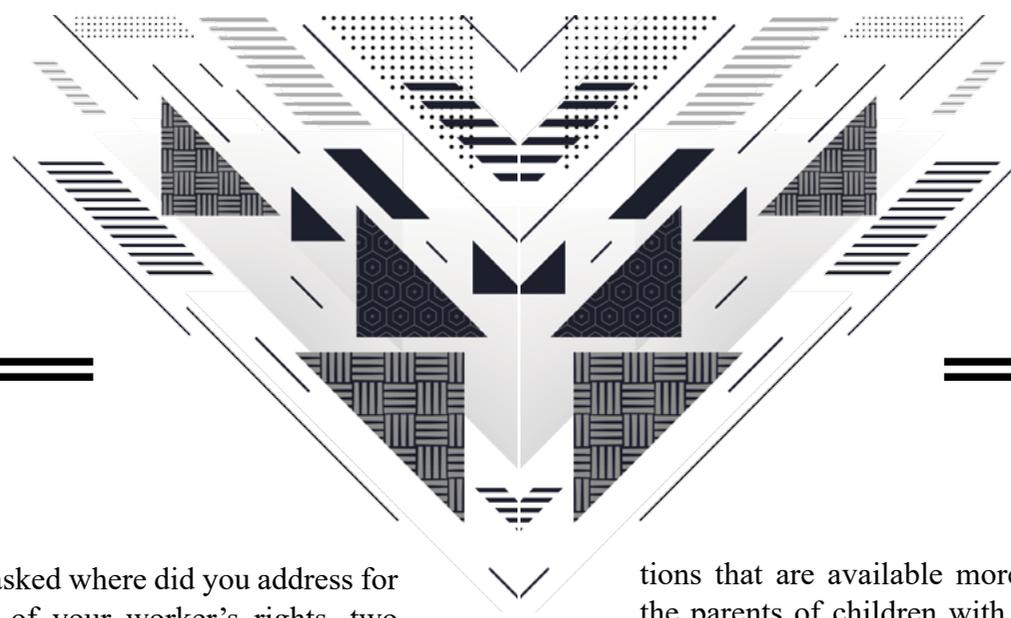
## CHAPTER III

**Table 7.** Do you think there is transparency and accountability in the Employment Fund for Persons with Disabilities?

	No	I don't know
<b>Total sample</b>	<b>71,5%</b>	<b>28,5%</b>
Persons with disability	67%	33%
Parents of children with disability	76%	24%

**Chart 14.** The research sample of whether there is transparency and accountability in the Employment Fund for Persons with Disabilities





## CHAPTER III

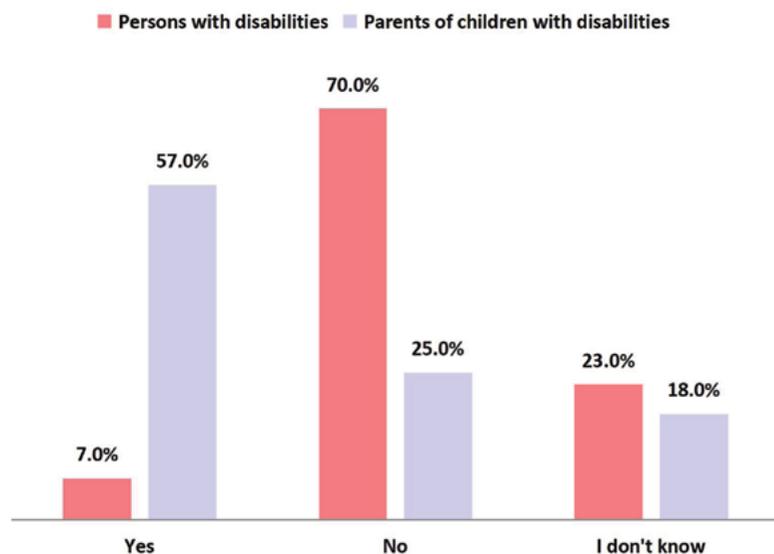
The same difference of 50 pp. it is noticed in the positive answers, where the parents of children with disabilities answered affirmatively in 57%, unlike the persons with disabilities who answered affirmatively in only 7%. High answers with “I do not know” can be seen in both groups of respondents, from whom persons with physical disabilities and the parents of children with impaired hearing are singled out as the most numerous..

The difference in viewing this issue in the other socio-demographic characteristics is insignificant and it is not further elaborated.

When asked where did you address for violation of your worker’s rights, two out of three respondents, or 68%, turned to the organizations of persons with disabilities, followed by the Ombudsman with 16.5%.

Only 6% turned to the Commission for Protection against Discrimination, 5% to the Employment Agency, only 4.5% to the State Labor Inspectorate, and no one addressed the trade unions. Chart 16 and Table 8 show the difference between the responses of persons with disabilities and the parents of children with disabilities according to the type of disability from which it is noted that the institu-

**Chart 15.** The research sample and whether they have known or used the mechanisms for protection in exercising their labor rights



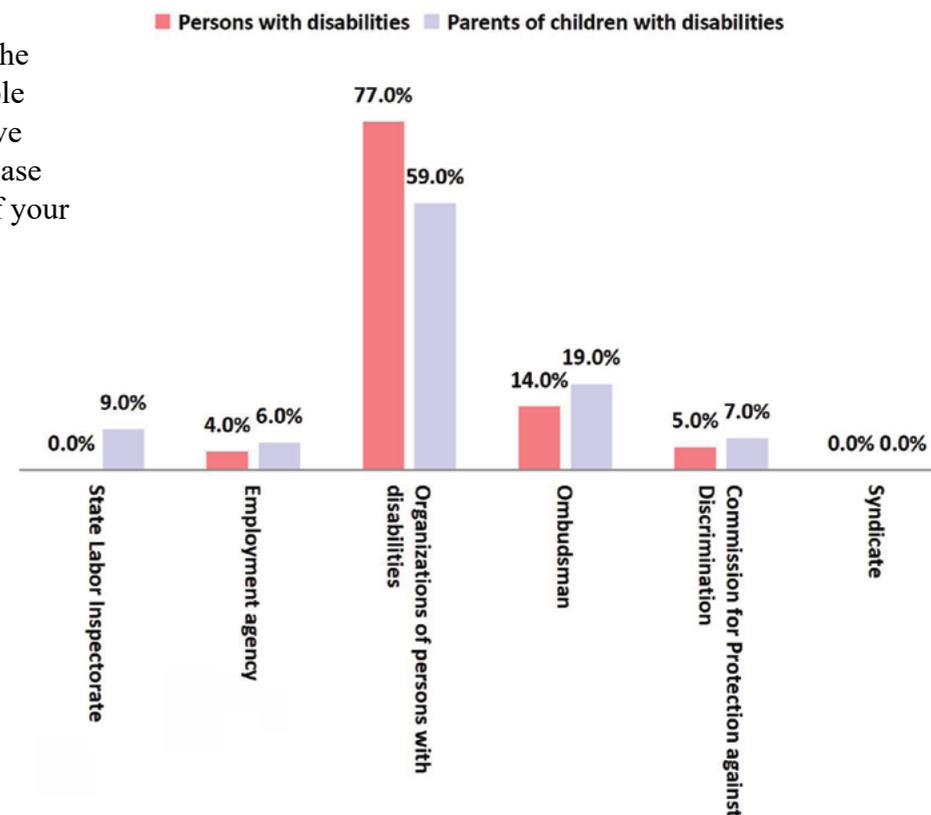
## CHAPTER III

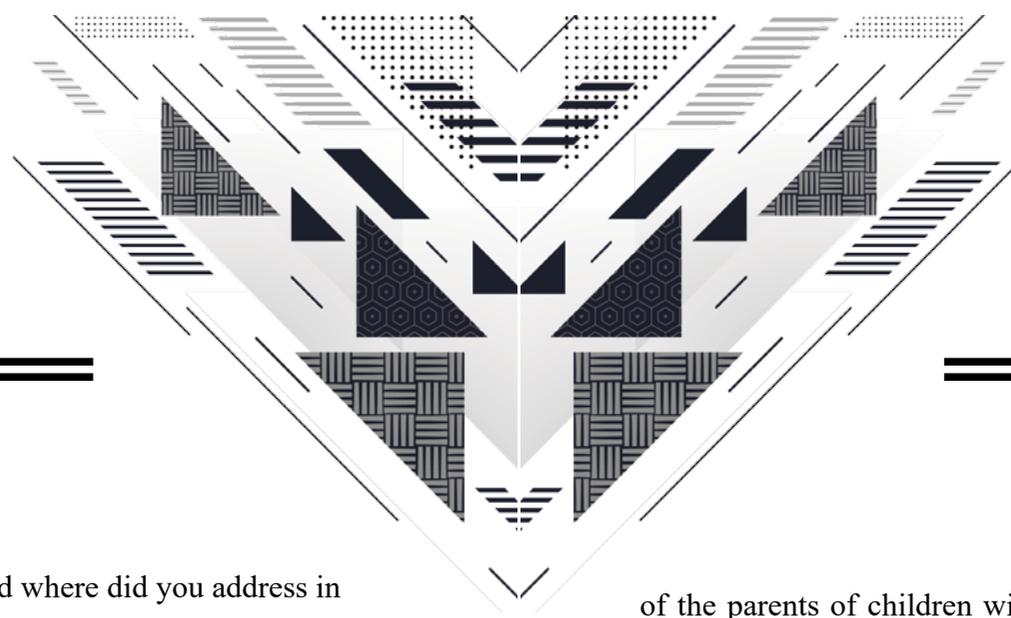
tions that are available more often use the parents of children with disabilities than the persons with disabilities with a difference of 18 pp (aggregate percentage of 41% for all institutions addressed by the parents of children with disabilities versus 23% addressed by persons with disabilities..

In analyzing the answers to the question of whether persons with disabilities

should be employed in shelter companies or on the open labor market (Question no.12), there is a significant difference in attitudes between persons with disabilities and the parents of children with disabilities. Namely, the majority of persons with disabilities (82%) believe that they should be employed on the open labor market, and only 13% in shelter companies. On the other hand, only half

**Chart 16.** The research sample where you have addressed in case of violation of your labor rights





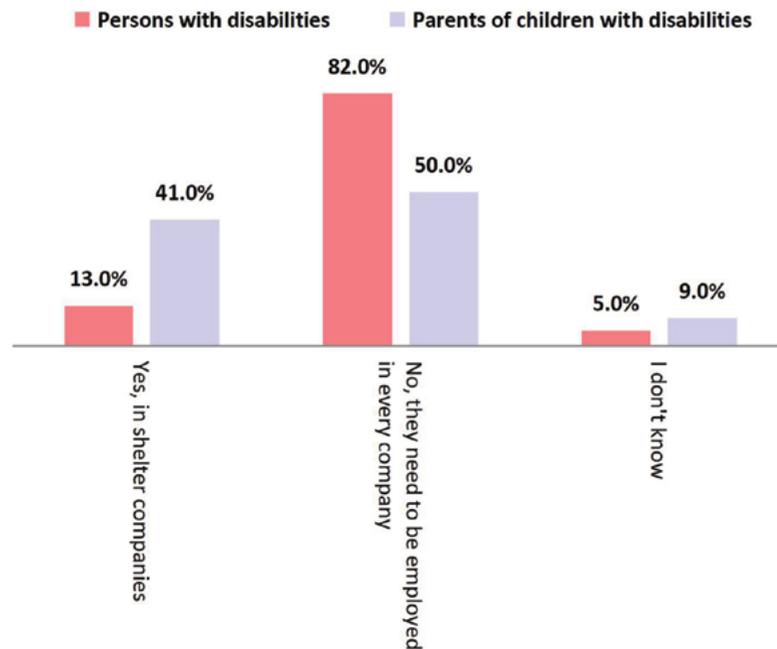
CHAPTER III

CHAPTER III

**Table 8.** Research sample by type of disability and where did you address in case of violation of your labor rights

Where did you address in case of violation of your labor rights	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing and speech	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with impaired hearing and speech	Parents of children with combined disabilities	Parents of children with intellectual disability
State Labor Inspectorate	0,0%	0,0%	0,0%	0,0%	3,0%	0,0%	0,0%	1,0%	5,0%
Employment agency	0,0%	1,0%	1,0%	2,0%	1,0%	0,0%	2,0%	3,0%	0,0%
Organizations of persons with disabilities	30,0%	21,0%	22,0%	4,0%	18,0%	4,0%	6,0%	12,0%	19,0%
Ombudsman	5,0%	5,0%	4,0%	0,0%	1,0%	2,0%	2,0%	3,0%	11,0%
Commission for Protection against Discrimination	2,0%	2,0%	1,0%	0,0%	1,0%	1,0%	2,0%	2,0%	1,0%
Syndicate	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%

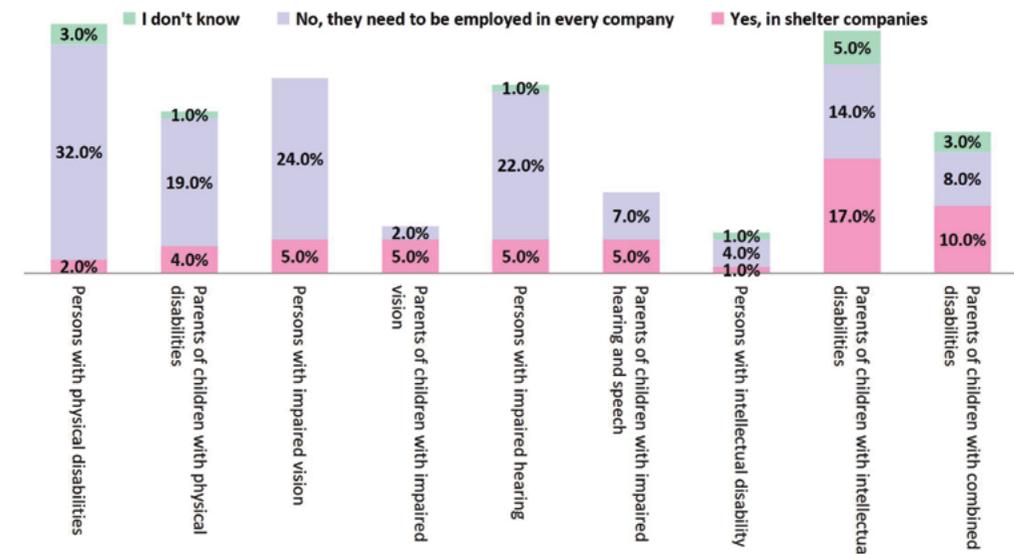
**Chart 17.** The research sample whether persons with disabilities should be employed in shelter companies or on the open labor market



of the parents of children with disabilities, that is, 50% think that persons with disabilities should be employed on the open labor market, and 41% that their children should be employed in shelter companies (Chart 17). The percentage of respondents from the two groups who answered with “I do not know” on this issue is small. There is no gender difference between the respondents, but there is a difference in the parents of children with different disabilities.

Namely, Chart 18 illustrates this difference, especially that the parents of children with physical disabilities and impaired hearing more believe that their children should be employed on the open labor market than in the shelter companies. The same is not the case with the parents of children with intellectual disability, impaired vision, and a combined disability..

**Chart 18.** The research sample according to the type of disability and whether persons with disabilities should be employed in shelter companies or on the open labor market





## CHAPTER III

### Statements from participants in the focus group

“A new law should be adopted to have employment in all companies for persons with disabilities, not only in certain companies” - person with disability.

“Need to raise public awareness, every child should have the opportunity to be hired and to feel that he belongs in society” - a parent of a child with a disability.

“It is necessary to change the choice of occupations for high school students. Not only locksmith, but also modern professions “- person with disability.

“First increase the amount of allowance for foreign care and child allowance, and then the state should focus on employment” - parent of child with disability.

“A quota system should be introduced, at least 3% of employees to be persons with disabilities” - person with disability.

“To create better conditions for employment and to add more funds” - parent of child with disability.

“To employ persons with disabilities in the public administration of jobs according to their ability” - person with disability

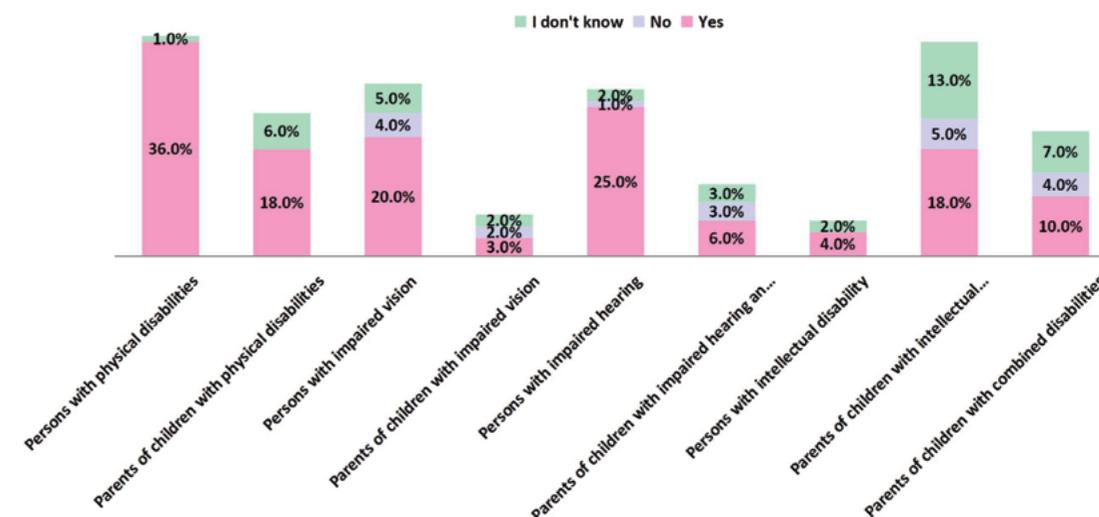
Asked the respondents whether to introduce a quota system for employment of persons with disabilities in the public and private sector, a high percentage of persons with disabilities, i.e. 85% responded positively, only 5% answered negatively and 10% answered, “I do not know”. Table 9 shows the difference between the responses of persons with

disabilities and the parents of children with disabilities, from which it is easy to see that only half of the parents of children with disabilities (55%) support the introduction of a quota system, making the difference in 30 pp. with people with disabilities. Additionally, 14% of parents of children with disabilities declare negative for introducing this affirmative

## CHAPTER III

measure, while one in three respondents from this group answered with “I do not know”. The difference in viewing this issue in all socio-demographic characteristics is insignificant; therefore, it isn't further developed, except in terms of the type of disability, which is illustratively illustrated below in Chart 19..

**Chart 19.** The survey sample according to the type of disability and whether a quota system for employment of persons with disabilities in the public and private sector should be introduced



**Table 9.** According to you, should the quota system for employment of persons with disabilities in the public and private sectors be introduced?

	Да	Не	Не знам
<b>Total sample</b>	70%	9,5%	20,5%
<b>Persons with disability</b>	85%	5%	10%
<b>Parents of children with disability</b>	55%	14%	31%

# CONCLUSIONS AND RECOMMENDATIONS



**TRAVEL FAR**  
Demystification of the issue of disability in the field  
of employment and labor relations

## Conclusions

- The Convention on the Rights of Persons with Disabilities makes one important step forward in understanding the rights of persons with disabilities in terms of the social model, as well as their wide interpretation by the Committee on the Rights of Persons with Disabilities.
- The State undertakes substantial efforts to harmonize legislation in full with the obligations under Article 5 and Article 27 concerning the right to equality and non-discrimination, as well as the right to work undertaken with the ratification of the Convention on the Rights of Persons with Disabilities, but it is nevertheless necessary significant improvement in order to effectively realize this right of persons with disabilities as a whole in practice, including the provision of appropriate adaptation and the introduction of affirmative measures.
- In the absence of essential criteria, affirmative measures and other mechanisms for support and coverage of persons with disabilities, active employment policies will not be able to achieve the desired general goals defined in the National Employment Strategy, thereby marginalizing this group of citizens even more.
- From the findings of the survey, it is concluded that persons with disabilities in a significant number (71%) believe that the open labor market is not available for them, while that percentage among the parents of children with disabilities is 41%. On the other hand, two out of three respondents, ie 65% of the total research sample, believe that the Law on Employment of Persons with disability is not the most suitable for employment of persons with disabilities, but the open labor market.
- There is a broad consensus among people with disabilities that they should be employed on the open labor market (82%). On the other hand, only half of the parents of children with disabilities (50%) consider that persons with disabilities should be employed on the open labor market, and especially this attitude is expressed in the parents of children with physical disabilities and





## TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

---

---

# Conclusions

- impaired hearing, versus 41 % who consider that their children should be employed in shelter companies, a view shared by more parents of children with intellectual disability, impaired vision and combined disability.
- Two out of three people with disabilities did not ask for adequate workplace adjustment, ie 60%, and only 6% asked for appropriate adjustment. Of those who asked, the largest numbers were people with physical disabilities. This shows that persons with disabilities and the parents of children with disabilities do not understand institute for reasonable accomodation and what it involves. There is a tendency of its replacement with accessibility in general.
- High frequency of responses “I do not know” among all respondents in a large number of analyzed issues, which indicates a tendency of ignorance of the scope of the right to work, and this tendency, should be subject to additional analysis.
- According to the survey, persons with disabilities consider that they are discriminated against in the field of work (91%), that professional rehabilitation is not adequately implemented while allowing competitiveness of persons with disabilities (68%) and that they do not have sufficient opportunities for self-employment and starting their own business (43%).
- From the analysis of the responses to the focus groups, it is concluded that persons with disabilities have a low level of knowledge about the scope of the right to work and the right to trade union as crucial in the effectuation of the right to work.
- From the findings of the survey, it is concluded that the respondents are not familiar with and never used the benefits deriving from the Employment Fund for Persons with disability (74%) established in accordance with the Law on Employment of Persons with disability, nor do they consider it transparent and accounted for in its operations (71.5%).

## TRAVEL FAR

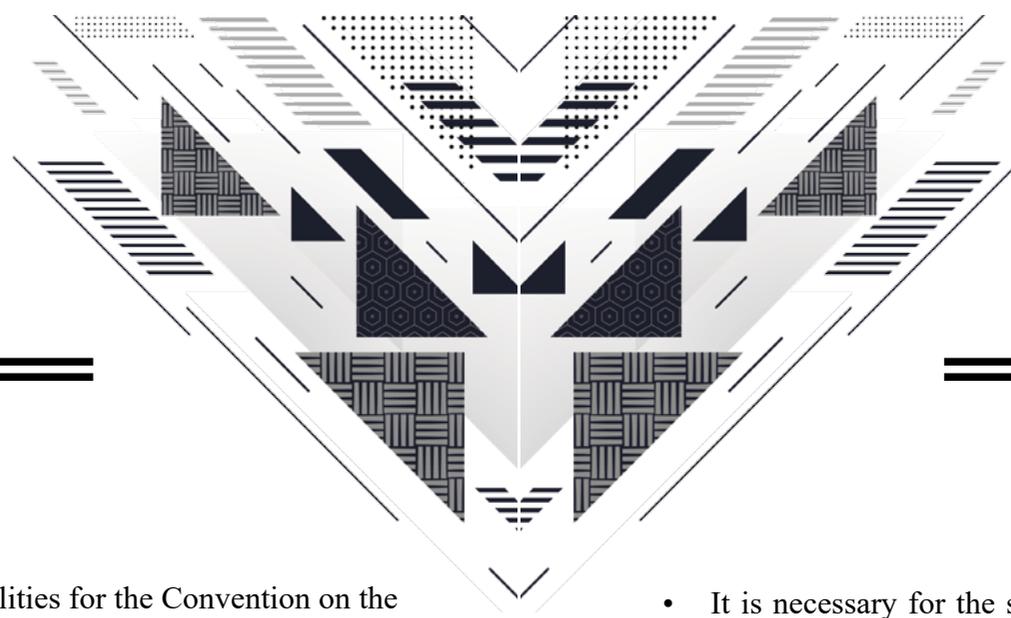
Demystification of the issue of disability in the field of employment and labor relations

---

---

# Conclusions

- From the findings of the survey, it is concluded that persons with disabilities do not know or use the mechanisms for protection in exercising their labor rights (70%) and in their violation, 77% would address the organizations of persons with disabilities. There is difference in the answers of the persons with disabilities and the parents of the children with disabilities, from which it is noted that the available institutions (the Ombudsman, the Commission for Protection against Discrimination, the Employment Agency, and the State Labor Inspectorate) are using the parents of the children with disabilities, rather than the persons with disabilities themselves. The most common institution to which the respondents address in case of violation of the rights from the employment relation is the Ombudsman.
- There is a widely accepted attitude among persons with disabilities that support the introduction of a quota system for their employment in the public and private sectors (85%), which is not the case with the parents of children with disabilities, where the difference is 30 percentage points.



## TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

---

---

# Recommendations

- Raising awareness among persons with disabilities for the Convention on the Rights of Persons with Disabilities, their rights and obligations of the state undertaken with the ratification of the Convention, especially in the direction of full exercise of the right to work only in relation to the right to equality and non-discrimination.
- Creation of national practice in order to clarify anti-discrimination standards against persons with disabilities, as well as a clear reference to persons with disabilities as one of the target groups in national employment policies.
- From the findings of the survey, it is recommended that there is a need to increase the capacity of the organizations of persons with disabilities to represent and participate in the adoption of policies that affect persons with disabilities.
- From the findings of the research, it is recommended that it is necessary to initiate innovative approaches to increase the capacities of persons with disabilities, especially the youth and their representative organizations. It is useful to produce written material analyzing in particular the right to work only in relation to the right to equality and non-discrimination provided for in the Convention on the Rights of Persons with Disabilities.
- It is necessary for the state to undertake proactive measures for protection against discrimination of persons with disabilities in the field of work.
- The segregated labor market through the protection companies should represent a transitional solution to the full inclusion of persons with disabilities in the open labor market, as an approach that enjoys great support from persons with disabilities.
- From the findings of the survey, it follows that persons with disabilities and the parents of children with disabilities do not know what the appropriate adjustment is, so it is recommended to prepare a Guide for appropriate adaptation with examples of this in different spheres of social life.

## TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

---

---

# Recommendations

- It is necessary for the state to undertake proactive measures to increase the confidence of persons with disabilities and the parents of children with disabilities in the efforts of the state for the promotion of the position of this group of citizens.
- □It is necessary for the state to consider adopting a separate law on the dignity and rights of citizens with disabilities and to intervene with larger finances for families and persons with disabilities. In addition, in order to increase the participation of persons with disabilities in the public administration and in general the labor market, consideration should be given to introducing a quota system, as a measure that enjoys great support from persons with disabilities.
- From the findings of the survey, it is recommended that organizing promotional events, fairs and events for networking of persons with disabilities and their representative organizations in the local communities and at the national level.



---

---

## Bibliography

1. Council Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupations (Council Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and Occupation), [2000] OJ L 303/16.
2. Law on Employment of Persons with disability, “Official Gazette of the Republic of Macedonia”, no. 87/2005 (consolidated text), 113/2005, 29/2007, 88/2008, 161/2008, 99/2009, 136/2011 , 129/15, 147/15 and 27/16. Available at: <<http://www.mtsp.gov.mk>> and <<http://www.slvesnik.com.mk>> [Accessed on: December 16, 2018].
3. Law on Labor Relations, Official Gazette of the Republic of Macedonia, No. 62/2005, 106/2008, 161/2008, 114/2009, 16/2010 (consolidated text), 50/2010, 52/2010, 124 / 2010, 158/2010 (consolidated text), 47/2011, 11/2012, 39/2012, 52/2012 (consolidated text), 13/2013, 25/2013, 170/2013, 187/2013, 113/2014 , 20/2015, 33/2015, 72/2015, 129/2015, 167/2015 (consolidated text) and 27/2016. Available at: <<http://www.mtsp.gov.mk>> and <<http://www.slvesnik.com.mk>> [Accessed on: December 16, 2018].
4. Law on Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, “Official Gazette of the Republic of Macedonia”, No. 172/11.
5. National Employment Strategy of the Republic of Macedonia 2016-2020, Ministry of Labor and Social Policy, 2015. Available at: <<http://www.mtsp.gov.mk>> [Accessed on: December 18, 2018].

---

---

## Bibliography

6. National Strategy for Equalization of the Rights of Persons with Disabilities (revised) 2010-2018, Ministry of Labor and Social Policy, 2009. Available at: <<http://www.mtsp.gov.mk>> [Accessed on: December 18, 2018].
7. Poposka Z., Discrimination on the basis of disability in international human rights law, University “St. Cyril and Methodius” - Skopje, Faculty of Law “Justinian I”, 2012.
8. Poposka Z., Employment of Disabled People in the Republic of Macedonia, Legal Analysis, Polio Plus, Skopje, 2013.
9. Poposka Z., Discrimination on the basis of disability in international human rights law, Macedonian Center for International Cooperation, Skopje, 2015.
10. Poposka Z., Interpreter of the International Convention on the Rights of Persons with Disabilities of the United Nations Organization, Polio Plus, Skopje, 2018.
11. Rulebook on the criteria and the manner of granting non-refundable funds from the special fund for improving the conditions for employment and working of persons with disability, Official Gazette of the Republic of Macedonia, no.156 / 2008.
12. Rulebook on Working Qualification of Persons with Disabilities, “Official Gazette of the Republic of Macedonia”, no.54 / 2004.
13. Constitution, “Official Gazette of the Republic of Macedonia”, no.52 / 1991, dated November 22, 1991.



---

---

## Bibliography

---

---

## Bibliography

14. Committee on the Rights of Persons with Disabilities, General Comment No.2 on Article 9: Accessibility, CRPD / C / GC / 2, 22 March 2014. Available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement>> [Accessed: February 12, 2018].
15. Committee on the Rights of Persons with Disabilities, General comment No.3 on women and girls with disabilities, CRPD / C / GC / 3, 25 November 2016. Available at: <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en)> [Accessed: February 20, 2018].
16. Committee on the Rights of Persons with Disabilities, General Comment No.6: Article 5: Equality and non-discrimination, Committee on the Rights of Persons with Disabilities, CRPD / C / GC / 6, 9 March 2018. Available at : <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6&Lang=en)> [Accessed on: April 2, 2018].
17. Committee on the Rights of Persons with Disabilities, Liliane Gröninger v. Germany, Communication No. 2/2010, CRPD / C / D / 2/2010, Views adopted on 7 July 2014.
18. Committee on the Rights of Persons with Disabilities, Marlon James Noble v. Australia, Communication No. 2/2012, CRPD / C / 16 / D / 7/2012, Views adopted on 10 October 2016.
19. Committee on the Rights of Persons with Disabilities, X v. United Republic of Tanzania, Communication No. 22/2014, CRPD / C / 18 / D / 22/2014, Views adopted on 31 August 2017.
20. Committee on the Rights of Persons with Disabilities, S.C v. Brazil, Communication No. 10/2013, CRPD / C / 12 / D / 10/2013, Decision of 28 October 2014.
21. ECJ, M. Helen Marshall, Southampton and South-West Hampshire Area Health Authority (Marshall No.2), Case C-271/91, 2 August 1993. Available at: <<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-271/91>> [Accessed on: December 20, 2018].
22. International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. Really. 2200A (XXI), U.N GAOR, Supp. No.16 at 49, U.N. Doc. A / 6316 (1966).
23. Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly, A / RES / 48/96, 4 March 1994.
24. UN Convention on the Rights of Persons with Disabilities, Resolution adopted by the General Assembly on 13 December 2006, UN Doc. A / RES / 61/611, 24 January 2007. Available at: <[https://treaties.un.org/doc/source/docs/A\\_RES\\_61\\_106-E.pdf](https://treaties.un.org/doc/source/docs/A_RES_61_106-E.pdf)> [Accessed on: February 1, 2018]



## TRAVEL FAR

Demystification of the issue of disability in the field of employment and labor relations

---

---

# Bibliography

### Интернет-извори (online sources)

1. UN portal

<http://www.un.org>

2. OHCHR portal

<http://www.ohchr.org>

3. FRA portal

<http://infoportal.fra.europa.eu>

4. European Network of Legal Experts in the Non-Discrimination Field portal

[www.non-discrimination.net](http://www.non-discrimination.net)

5. Academic Network of European Disability Experts portal

<http://www.disability-europe.net>

6. EU portal

<http://ec.europa.eu>

## Polio Plus – movement against disability

Polio Plus is Macedonian, multiethnic, multi-confessional civic organization of people with and without disability which works on re-connection and establishment of essential relationships and full recognition of basic human rights and fundamental freedoms of people with disabilities.

Our mission is to increase the self-esteem of people with disabilities and to design a society with equal opportunities for all.

We are accomplishing our mission through advocacy and lobbying for legislative changes and improvement, education, employment and independent living, as well as awareness rising, promoting creativity and contribution to the society of the people with disabilities.

“Polio Plus doesn’t travel alone”. We are accomplishing our mission together with all stakeholders into society.

### Contact

Polio Plus – movement against disability

Blvs. Avnoj 64 local 2

1000 Skopje Macedonia

Telephone / Faks : +389 2 2400 544

E - mail: [polioplus@polioplus.org.mk](mailto:polioplus@polioplus.org.mk)



# MARGINA OBSCURA

## THE ISSUE OF DISABILITY IN EU ACCESSION



Agency for Cooperation, Education and Development



**Polio Plus**  
movement against disability