



الهيئة المستقلة لحقوق الإنسان "ديوان المظالم"  
The Independent Commission for Human Rights

# The Right Of Persons With Disability To Decent Work In Palestine "Field Study"



2013



To Ensure the Right of Persons with  
Disabilities to Decent Work





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# The Right Of Persons With Disability To Decent Work In Palestine

“ Field Study”

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## Executive Summary

This summary aims to present the main statistical findings from the study carried out by the Independent Commission for Human Rights (ICHR) within the framework of its national inquiry with regard to the rights of persons with disability (PWDs) in the occupied Palestinian territories (OPT). This study sheds light on the impediments and obstacles before integration of persons with disability into the labor market. It also sheds light on the attitudes of employers towards employment of PWDs.

- The study was mainly based on quantitative research conducted with two questionnaires. The first questionnaire covered a sample of (1420) PWDs and the second covered (200) employers<sup>1</sup>.
- The rate of unemployment among the respondents of the PWDs was 78% during the period of the study while the rate of respondents of the same category who are employed amounted to 22%. 57% of respondents from the same category have never worked.
- 19% of the respondents of PWDs worked in the past, but presently have no work. The study indicated that the work of PWDs in the public sector or NGOs is linked to temporary projects. These projects are designated to employ PWDs in NGOs while the public sector employs them on the basis of the terms of unemployment and/or per diem system. Meanwhile, the private sector doesn't link their employment to definite periods or terms.
- The study indicated that one of the main reasons for PWDs to quit their work is due to their only being employed on short-term, contract-based work for a definite period of time. Secondary reasons include absence of tools/mechanisms for assistance, lack of accommodation for their needs in the workplace, difficulty accessing their workplace and lack of opportunity for promotion.

### Type of Disability and Employment

- People with physical disability had the best labor market outcomes

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<sup>1</sup> For more on the study's methodology and selection of the sample, see annex (1).

with a participation rate of 59% while people with mental disability had the lowest participation rate. The findings of the study also indicated that people with seeing or hearing impairments came next to persons with physical disability in regards to finding employment.

- 22% of the PWD respondents are employed at the public sector, 23% are in the private sector, 18% at NGOs, 19% at their own businesses and 18% in other professions such as sewing, agriculture, sales, etc. The study also indicated that the rate of PWDs employed in the private sector is higher than the public sector. The private sector is considered to be the main employer in the Palestinian territory.

## Educational Achievement

- The findings of the study indicated that 3.2% of PWDs participating in the labor force are illiterate. They work as correspondents, cleaners and product lines at the private sector. The main reason why they didn't attend schooling was because schools and universities don't accommodate to their needs. Transportation difficulty and family fears are among other reasons.
- Concerning the educational level of the PWDs, the findings of the study indicated that those with educational qualifications are more likely to participate in the labor market.
- The public sector has the best capacity to absorb persons with low educational achievement among PWDs due to the nature of the available jobs.

## Types of Occupations of PWDs:

- 49% of PWD respondents work for NGOs; 45% of those who work for the private sector said that they do administrative and secretarial tasks. Some of them also said that they work as cleaners, farmers and product line workers.
- In the public sector, PWDs work as administrative staff, teachers, doctors and cleaners. Some of them also said that they do secretarial tasks.

## Mechanisms and Practices of Recruitment and Employment:

- Personal effort of PWDs was the main factor for deciding their employment in any of the three job sectors. The second factor was the personal interview; particularly in the private sector. Nothing was mentioned about the role of the Ministry of Social Affairs, the Ministry of Labor or the General Union of PWDs. This reflects the absence of clear policies, strategies or programs for employing PWDs, besides individual cases, indicating that there are no collective solutions.
- The Ministries of Labor and Social Affairs ensure some job opportunities for PWDs at the youth centers run by them. These opportunities aren't sufficient in terms of quantity or quality. They serve a very limited number of youths with disability. The wages provide for their services are rather low.
- The governmental and non-governmental institutions still turn a blind eye to the Law of the Rights of the Palestinian persons with disability No. (4) of 1999. It binds all institutions to employ at least 5% of its staff from among the persons with disability. Many PWDs were employed during the past years but not with any assistance from a national strategy or government programs. The persons themselves achieved it due to their own personal efforts. The rate of PWDs employed at the public sector was only 3% when this study was conducted.
- Personal relationship and patronage networks play a significant role in employing PWDs, particularly in the private and public sectors. In many cases, employment of PWDs in NGOs depends on projects designated for the employment of PWDs. These temporary projects are funded by foreign donors, especially in the Gaza Strip.
- Vacancy announcements don't take into account the status of PWDs.
- The governmental and non-governmental institutions employ, in coordination with the competent institutions, PWDs. The opinions surveyed indicated that the private sector institutions differ from this. Only 11% of the institutions surveyed said that they do coordinate with other institutions.

- The coordination mechanisms adopted were as follows: workshops on employment of PWDs; employment agreements (for limited period); preparation of lists and databases of PWDs; field visits; coordination with the General Union of the Palestinian PWDs; implementing joint activities with either the General Union, Ministry of Labor, Ministry of Social Affairs or Associations of PWDs.
- Employers among the three job sectors set a number of conditions for employing PWDs. Some conditions include the following: ability to fulfill the task, the ability to communicate with the colleagues, competence and ability to move and see.

### **Accommodation and Support Tools for PWDs:**

- The study indicated that institutions don't have support tools necessary for assisting persons with seeing and hearing impairments to access work.
- Unemployment rate spiked in the Palestinian territory due to increase in the number of university graduates, rising levels of competition in the labor market as well as factors due to the economic and political situation. All these factors negatively affected the employment of PWDs.
- Employers maintain that PWDs can hardly perform the task assigned to them due to their disability; in particular those with seeing or hearing impairments. This, they say, requires radical environmental accommodation.
- Persons with seeing and hearing impairments seldom have access to work because of the absence of support tools they need at the workplace. Persons with hearing impairment also suffer from other people being unable to understand gesture language. This is one of the major obstacles facing their access to the labor market.
- Satisfaction of PWDs employed in the three sectors increased in regard to relationship and communication with colleagues, content with work, accommodation of workplace and the nature of the profession. But, their satisfaction about the work environment in terms of use of technology, assistance tools, financial incentives and distance from the workplace remained low.

- The findings of the study indicated that one of the reasons that keep PWDs away from the labor market is the difficulty to use transportation service because of lack of transportation accommodation. Additionally, the typically negative attitude towards the employment of PWDs and the spread of nepotism; particularly in the public sector affected the possibility of integrating PWDs into the labor market. The absence of support tools; especially for persons with seeing and hearing impairment also minimizes their participation in the labor market. The strong competition between the PWDs and the persons without disability at the labor market; particularly among those who have education degrees can be added to the factors that affect the participation of the PWDs in the labor market.

### **Women with Disability and Unemployment:**

- Women with disability suffer from several obstacles concerning accessibility to the labor market. These obstacles are related to gender-based attitudes, traditions and customs, low wages, unequal opportunity, increase in unemployment rates among women, women’s work being linked to house-keeping and decreasing women’s participation in the labor sector, 17% in the West Bank and less than that in the Gaza Strip. Women also face strong, gender-based competition and obstacles arising from the general economic crisis.
- Rates of unemployment among women with disability are higher than those among men with disability. They are also less likely than their counterparts of women without disability to join the labor market. Among the respondents, the rate of unemployed women with disability is 73% while that of the employed is 14%. The study also indicated that 12.5% of the female respondents worked in the past, 51% don’t have work at present and 23% of them worked in the past but have no work at the present.
- Women with disability recorded the best labor market outcomes at NGOs with a participation rate of 37% compared with 26% at the public sector and 21% at the private sector.
- The occupations carried out by women with disability in the public

sector are concentrated in the administrative and secretarial field. It was noticed that the public sector employed illiterate women with disability but it didn't employ women with hearing or mental disability.

- The nature of tasks assigned by the three sectors to women with disability included primarily secretarial, professional, sewing, product line and packaging.

### **Inclusion of PWDs in Vocational Training:**

- The rate of PWDs who have no vocational training is very high. The findings of the study indicated that 79% of the respondents, especially males, have received no vocational training. 81% of them said that they never received vocational training while 23% of women respondents said that they received vocational training. Women with disability were more likely to join training centers.
- The main reasons that hindered PWDs from enrolling at training centers were as follows: financial hardships on their families, existence of these centers in areas that are faraway from their residential areas, costs of training and lack of information about the existence of these centers. The respondents answered that they neither benefitted from these centers nor from the programs they provided.
- 46% of PWDs who participated in this study believe that the vocational training provided for PWDs help them join the labor market. It enables them to enhance their capacities and acquire new skills and experience. It also contributes to their rehabilitation to join the labor market.
- Concerning the contribution of the Vocational Training Centers to enabling PWDs to join the labor market, 49% of the respondents said that the centers don't contribute. However, 59% of women respondents said that vocational training helps them join the labor market.
- Findings from the study indicated that vocational training failed to improve PWDs access to the labor market due to the design of the training program (remedial rehabilitation programs only), the

difference between labor market requirements and training content, weak financial capacities of the training centers and lack of information about the requirements of the labor market. Furthermore, the training provided for PWDs is not enough to enable them to get integrated into the labor market and the training centers themselves aren't well equipped. The experts and specialists of the training programs, according to PWD respondents are not sufficiently qualified.

- The three job sectors don't focus on vocational training upon employing PWDs.

## Work Injuries

- Findings from the field study indicated that 3% of injuries were caused by work incidents (4.4% in Gaza Strip and 2% in the West Bank).
- Disabilities received from work incidents were mainly physical disabilities, seeing disabilities and hearing disabilities.
- Injuries were concentrated in persons working in the private sector with a rate of 54% (51% in WB, 58% in GS). Meanwhile, 4% of the injuries were concentrated in the governmental and non-governmental sectors. 38% were in other workplaces, including construction, carpentry and in Israel.
- The rate of disabling injuries in the private sector was high because it is the main employer in the Palestinian territory and its work is largely comprised manual labor and/or technical maintenance and packaging. This area of work poses risks in light of the absence of public safety precautions.
- Work injuries were concentrated in the male respondents only while the majority of disabling injuries among girls and women were caused by traffic accidents, diseases or others.
- The findings of the study indicate that 45% of the PWDs were working in the private sector before sustaining a disabling injury while 14.5% were working in the public sector, 4% in NGOs and 36% in other places (Israel, construction, agriculture and private projects).

## Individual Private Projects (Free Business):

- Individual projects or free businesses contribute much to the participation of PWDs in the labor market in terms of the source and reliability of the project's funding, source or idea of the project, nature and operation of the project, role of the funding and specialist organizations as well as monitoring and sustainability of the project.
- PWDs who organize these projects are males. These projects are mostly industrial, agricultural or crafts-related. A few of them are commercial (groceries, electrical shops, husbandry, etc.).
- The idea to start a project was primarily started either by the friends or the family or inherited from the father. The governmental institutions (MoL, MoSA) and organizations concerned with PWDs, lending organizations and centers of rehabilitation and vocational training also contribute to such projects.
- The funding sources of the projects of PWDs were primarily: the person himself or herself, donors, family, UNRWA, payment in advance, friends, loans by Christian Youth Association or bank loans.
- Besides the Ministry of Agriculture and some other lending organizations, implementation of projects for PWD are not monitored by a responsible authority.
- Answers of the respondents were close to the results of the employing institutions in regard to the nature of the occupations and functions they occupy in the three job sectors. They were also very close with regard to questions about the reason why they quit working. The primary reason for that was limited duration of the work contract, distance from the work place, unsuitability of qualifications and feeling of inactivity or failure to perform the tasks of the job.
- Main reasons for having no PWDs in the three job sectors were: lack of accommodation in the workplace, valid mechanisms and procedures of recruitment, lack of confidence in the ability of PWDs; especially in the private sector.
- The government and non-government sectors paid more attention than the private sector to providing accommodations in the workplace with a view to ensure physical access for PWDs.

## Recommendations:

In light of the findings of the study and the legal, ethical and humanitarian responsibility of the duty-bearers, the employers at the three job sectors should be bound to ensure good and healthy work environment for PWDs. They should ensure protection for them from discrimination and harassment. They should also ensure for them equal wage and equitable opportunity-based fair entitlements.

### **I. Laws and Legislations for the Palestinian Legislator and Decision-Maker:**

1. Drafting, developing and amending national laws and legislations, particularly Law Number (4) of 1999 concerning the Rights of the Disabled, Labor Law No. (7) of 2000, Civil Service Law No. (4) of 1998 and its regulations. Any legal provisions discriminating against the persons with disability should be abolished.
2. Amendment of the Civil Service Law to include employment of all PWDs regardless of the cause of disability without giving priority to those whose disability is caused by Israeli occupation forces. It should cover all types of disabilities with more emphasis on congenital ones, which are the main cause of disability in the Palestinian territory. All relevant legislations should be seen as one package and contradiction between the Civil Service Law and its regulation, which relates to employing a percentage of PWDs, should be eliminated. Also, the provision regarding physical soundness and the condition that the applicant should be free from any impairment should be eliminated.
3. International human rights standards and regional conventions should be taken into consideration upon drafting relevant legislations and laws. Additionally, the rights of PWDs should be emphasized and recognized as being inclusive in the development process. This vision should be the guideline of the state in reviewing and amending relevant legislations to ensure their compliance with international human rights standards, particularly the International Convention on the Rights of Persons with Disability.

## **II. Policies and Practices For Palestinian Ministries, Official Institutions and Duty-Bearers:**

### **Within Their Respective Areas, Competent Government Ministries and Institutions, Should:**

1. Activate mechanisms necessary for implementing legislations and regulations relevant the employment of PWDs. Government institutions should start the implementation process without any let or delay.
2. Activate the employment fund in the event that the institutions don't implement legal provisions providing for employing a percentage of PWDs.
3. Develop national strategies, plans and programs to mainstream the rights of PWDs into the programs of all the Palestinian Ministries and official institutions and build their national policies on the basis of the human rights based approach (HRBA). They should also mainstream the administrative and legislative measures for the rights of PWDs into the decent work programs and development plans and the activities of the different ministries and official institutions in a way that is compatible with the principle of equality and equal opportunity. This would encourage integration of PWDs into the labor market.
4. Include gender standards and disability into the state's policies, regulations, government and non-government institutions to ensure the highest possible level of participation for women with disability in the Palestinian labor market.
5. Make available technological means at the workplaces to make them accessible to PWDs, particularly to those who suffer from seeing and hearing impairments.
6. Issue a decision by the Council of Ministers in regard to the PWDs working in the governmental institutions pursuant to the terms of unemployment and per diem system to directly appoint them in completion of the percentage provided for under the law (5%).

## Recommendations for the General Personnel Council:

1. Retaining the rights of PWDs to employment in the public sector through creation of job opportunities that match their professional and educational qualifications in compliance with the provision of the law (5%).
2. Drawing policies and setting strategies that ensure employment of PWDs within the framework of human rights-based national strategy. Not on the principle of sympathy and charity. This comes within the framework of the positive measures to prepare and accommodate workplaces for PWDs.
3. Obliging every governmental institution, within its respective area, to include the issue of PWDs and gender into its policies and strategies.
4. Taking different types of disabilities, including seeing and hearing impairments, when designing job announcements for PWDs.

## Recommendations for the Ministry of Labor:

1. The Department of Employment should nominate a number of PWDs to work in the private sector to ensure implementation of the quota of at least (5%), allocated under the law for PWDs in holding public office. It also comes within the framework of MoUs and agreements aimed at employing PWDs in the private sector.
2. The Department of Monitoring and Inspection at the Ministry of Labor should make sure that each institution of the private sector, which employs more than (20) workers is committed to the quota of at least (5%) allocated under the law for PWDs.
3. Activating joint cooperation between the government, represented by the Ministry of Labor, and the private sector to give PWDs access to decent work.
4. Making available job opportunities for PWDs through communication, coordination and cooperation among institutions relevant to PWDs and businessmen to ensure job opportunities for them.

5. Rehabilitating workers who sustain a disabling injury at the workplace and moving him/her to a work that suits his/her capacities. This should be emphasized in the private and non-governmental sectors.
6. Assisting in creating job opportunities for PWDs who received vocational training. The Ministry of Labor should shoulder its responsibility for creating job opportunities for PWDs through a systemic employment plan aimed at integrating persons with disability into the labor market instead of depending merely on their personal efforts.
7. Ensuring occupational safety and health at the workplace and accommodating the offices of the Ministry of Labor to enable PWDs to have access to them. It should also take immediate measures to ensure occupational safety and health. These measures include installation of guiding signs and notice for PWDs at workplaces and making the adjustment necessary for averting any possible danger.
8. Designing a manual for employers concerning PWDs who look for a job. This manual should include information about the following: type of disability, rate of disability, skills, capacities and qualifications they have. This shall help employers analyze and designate the targeted profession in a way that matches the type and severity of the disability. Raising awareness among employers about the right of PWDs work should be achieved to convince them to employ PWDs in their establishments and factories.

### **Recommendations for the Ministry of Local Government and Municipalities in regard to accommodation and elimination of obstacles and barriers obstructing access of PWDs:**

1. Renovating all workplaces, streets, roads, governmental buildings, markets, educational institutions and other facilities to ensure physical access for PWDs and ensure their participation in public life.
2. Providing appropriate transportation and freedom of movement to facilitate movement of PWDs.

3. Providing ramps, elevators and handrails at workplaces to enable persons with disability, especially those with motor and seeing disability.

### **Recommendations for the Ministry of Education:**

1. The Ministry of Education should take all positive measures to ensure equal opportunities for PWDs to join educational institutions (both primary and higher education).
2. Adjustment and accommodation of the facilities of the educational institutions to allow PWDs to join educational institutions on equal footing with others.
3. Realizing the principle of integration of PWDs through facilitation and promotion of integrating them into the educational process.
4. Preparing and designing educational programs and curricula that take into account human rights in general and the rights of PWDs in particular.
5. Holding educational courses and programs for illiterate PWDs who didn't get the chance to enroll in educational institutions.

### **Recommendations for the Ministry of Information**

The Ministry of Information should draw plans and programs aimed at raising awareness about the rights of PWDs in general and their right to decent work in particular. The purpose of that is to change the typical image and negative society culture towards PWDs. This could be achieved through audio-visual and print media. Media should be guided to emphasize importance to these issues and make known the International Convention on the Rights of Persons with Disability and international standards and agreements issued by the International Labor Organization and other agreements relevant to the right of PWDs to decent work.

## Recommendations for the Ministry of Social Affairs

The Ministry of Social Affairs shoulders many responsibilities as the competent duty-bearer. It is expected to fulfill its obligations towards enforcement of the rights of PWDs in accordance with the law and development policy, which is based on the human rights-based approach.

In light of the findings of the study conducted by ICHR, the Ministry of Social Affairs should:

1. Include the rights of PWDs into the social protection policy.
2. Activate the strategic plan for PWDs by engaging civil society organizations with policy drawing and plan-adopting.
3. Develop training programs aimed at empowering PWDs to get integrated into the Palestinian labor market. This could be achieved by assisting them to build their income-generating micro-businesses, reducing their dependency on in kind and financial aids “Disability Salary” and progressive transformation towards self-reliance and independence. These programs should also aim to transform the protection and relief strategy for empowerment and development.
4. The Ministry should contribute, through applicants of PWDs, for aids and in cooperation with the Ministry of Labor in particular and other Ministries, including the General Personnel Council for elaborating a comprehensive strategic plan aimed at creating suitable job opportunities for PWDs in the three main job sectors. These job opportunities should match the type of disability and the competences and potentials PWDs have.
5. Develop and update the database of the Ministry in coordination and cooperation with the Palestinian Central Bureau of Statistics, other Palestinian Ministries and General Personnel Council with a view to benefit from it in drawing and designing future policies and strategies and to upgrade the status of persons with disability and their right to decent work, in particular.

## Recommendations for the Higher Council for Disability

1. The Higher Council for Disability should promote its powers and exercise its role in enforcing and protecting the rights of PWDs through proposals to amend the relevant laws, legislations and regulations. It should also take all necessary measures to monitor to what extent the concerned authorities are committed to the implementation of the rights of PWDs, particularly the right to decent work.
2. Engaging PWDs, sectorial institutions, rights institutions and all relevant civil society organizations with public policy-drawing, plans and programs aimed at integrating persons with disability into the labor market.
3. Including the issue of disability into the policies and programs of the different sectors. This issue should be handled as an indivisible cross-sector rights and development issue.
4. Raising public awareness about the rights of PWDs through publications and workshops that shed light on the importance of employing PWDs.

## III. Recommendations Regarding Employment of Women with Disability

1. Enactment of laws and legislations relevant to women with disability. This is very important, as the current relevant laws don't include any reference to women. Also, the law should allocate a percentage of the 5% quota for women with disability.
2. Promotion of job opportunities for women with disability, taking into account positive development policies, plans and programs which allow women with disability to participate in public life and economic activities.
3. The Ministry of Social Affairs and the Ministry of Women's Affairs should play a leading role to ensure the rights of women with disability and mainstream their issues into the national policies, development plans and social protection programs.

4. Empowering women through obligatory and higher education, vocational training programs, capacity-building programs and integration into development programs.

#### **IV. Recommendations for The Ministry of Labor and Civil Society Organizations Regarding Vocational Training for PWDs:**

1. The Ministry of Labor should pay particular attention to PWDs. It should train and habilitate them in an environment where active integration and participation can be achieved.
2. Qualifying experts and specialists should play a role in the field of vocational rehabilitation for developing the vocational training processes in line with the vocational attitudes and inclination of PWDs.
3. The governmental institutions should support and equip training centers with modern equipments and tools.
4. The training and rehabilitation centers should prepare studies about the needs of the labor market to direct future training programs towards fulfilling the needs of the labor market. They should contribute to creating decent job opportunities for PWDs.
5. The training and rehabilitation centers should prepare joint work agreements with the job sectors to integrate PWDs into the labor market.
6. The training and rehabilitation centers should keep pace with the technological development of the tools and systems they use.

#### **V. Recommendations for The Palestinian General Union of People with Disabilities:**

1. The Palestinian General Union of People with Disability should cooperate with trade unions and give greater attention to employing PWDs through holding cooperation agreements and partnerships

aimed at ensuring creation of job opportunities for them.

2. The General Union of People with Disability should develop a database for PWDs. It should implement that in cooperation with CBOs and specialist institutions to ensure necessary information concerning PWDs, especially about those who are registered with it and those who suffer from unemployment and difficulty to get integrated into the labor market. It should be able to provide information relevant to their qualifications, specializations and type of disability.
3. The General Union of People with Disability should encourage PWDs to join professional associations and trade unions to defend their rights. This could be done in cooperation and coordination with concerned authorities. It should also discuss with them the means of cooperation to improve work conditions of persons with disability and hold collective agreements to protect their rights in workplaces; especially in industrial establishments.
4. The rights organizations, ICHR and Professional Associations should receive complaints from PWDs with regard to violations of their rights at workplaces. These complaints should be followed up with the competent authorities to do justice to them.
5. Civil society organizations, particularly organizations concerned with issues of PWDs, professional associations and trade unions and the General Union of People with Disability should unify their efforts of pressure and advocacy to push official Palestinian duty-bearers to amend laws and draw policies, plans and programs that ensure active participation of PWDs in the labor market and their right to decent work.
6. Civil society organizations, especially rights organizations and those specialized in the field of the rights of PWDs should develop educational programs to raise awareness of the different levels to promote the rights of PWDs, particularly their right to decent work. Such programs are necessary for changing the typical attitude of the society towards PWDs.
7. Asking rights organizations and civil society organizations to benefit

from the findings of the field study conducted by ICHR. They should together intensify their efforts to implement educational programs about the rights of PWDs, particularly their right to decent work. Additionally, they should coordinate lobbying and advocacy campaigns through active partnership with all concerned parties to promote the rights of PWDs, particularly the right to decent work. Efforts should be promoted to activate coordination and build alliances in order to urge governmental institutions, relevant ministries and duty-bearers to promote and protect the rights of PWDs, particularly the right to decent work.

8. Developing training and educational programs, which target duty-bearers of the official institutions to promote the human rights based approach and raise their awareness about their legal obligations towards PWDs in general and their right to decent work in particular.







