EUROPEAN UNION DISABILITY POLICY IN THE AREA OF EMPLOYMENT AND THE CHALLENGES FOR REPUBLIC OF MACEDONIA

BILJANA CHAVKOSKA, PHD
INTERNATIONAL BALKAN UNIVERSITY
INTITUTE FOR RESEARCH IECE
EUROPEAN UNION DISCRIMINATION LAW AND POLICY

- EU ANTI DISCRIMINATION LAW
  - Article 119 regulating equal pay
  - Directive 75/117/EEC obligates the Member States to take additional measures for implementing the principle of equal payment in accordance with the national law systems
  - Direct/Indirect discrimination and case law
  - Positive actions
DISABILITY LAW AND POLICY

- Adoption of the Amsterdam Treaty, article 13 now includes ethnic origin, religion or belief, age, disability or sexual orientation basis for forbidding discrimination
- Directive 2000/78/EC on establishing a general framework for equal treatment in employment and occupation
  - The Directives does not define the term “disability” so practically the European Court of Justice interpreted through the case law.
UN CONVENTION

- The United Nation Convention on the Rights of the People with Disability defines the disability. Thus, with the adopting of the Convention, European Union law has a concrete definition of what disability really means.

- The Convention on the Rights of the Persons with disability deepens the action of the country party of the Convention in the area of education, health, participation in political and public life, participation in cultural life, recreation, leisure and sport, access to justice.
EU/UN CRPD

- The EU becomes the 97th party to this treaty.
- The Convention sets out minimum standards for protecting and safeguarding a full range of civil, political, social, and economic rights for people with disabilities.
- It reflects the Union's broader commitment to building a barrier-free Europe for the estimated 80 million people with disabilities in the EU by 2020, as set out in the European Commission's disability strategy.
In the area of employment

- EU Action will support and supplement national efforts to analyze the labor market situation of people with disabilities, fight those disability benefit cultures and traps that discourage them from entering the labor market, help their integration in the labor market use of the European Social Fund, develop active labor market policies, make workplaces more accessible, develop services for job placement, support structures.
MACEDONIA CASE STUDY

- The new antidiscrimination law in Republic of Macedonia is approximated with the international regulation, especially UN and EU antidiscrimination law.
- Changes were made in the Labor Law, Law for equal treatment of women and men.
The country has problems in taking concrete steps in implementing the UN Disability Convention. The area of employment is one of the crucial sphere where further affords are very important for the people with disability to be included.

To improve the situation in employment of the people with disability, Republic of Macedonia adopted special Law on Employment of Disabled Persons

In August 2009, the Law on sign language was adopted
Republic of Macedonia has to improve the accessibility and education of the disabled people in order to include this people in employment. In the area of the Internet connections, the education of the disabled person should be more accessible.
NATIONAL STRATEGIES

- The National Strategy for disability policy 2010-2018 aims to:
  - unify the policies in the area of the protection of the rights of the people with disabilities with the domestic and international standards;
  - including the trends in the accessibility of the disabled persons in all areas of living and acting;
  - continuing of the development of the international standards such as creating the best protection model based on the principle of non discrimination;
  - improving the domestic legal framework for protection of the people with disabilities
  - taking measures for implementing the legislation and monitoring the effectiveness of its implementation.
RECOMENDATIONS

- The major recommendations for the Republic of Macedonia when implementing the UN Disability Convention are in regard to:
  - transforming protected employment into the open labor market;
  - implementing the antidiscrimination law and antidiscrimination clauses in the labor law;
  - using the affirmative action to improve the position of the disabled persons in the area of employment;
  - increasing the accessibility of the disabled persons to the educational system, such as the qualification and prequalification programs;
  - increasing the project under the EU funds and other international organizations;
RECOMENDATIONS

- Republic of Macedonia is one of the Western Balkan countries that ratified the UN Disability Convention. The challenges for the Western Balkan countries in implementing the UN Convention on the Rights of the Persons with disability are in direction to:
  - raising awareness and improve the understanding at both governmental and non governmental institutions about the Conventions;
  - bring out new perspectives on policy approach on disability in participating countries in the framework of the Convention;
  - generate fresh insights into the activities of Governments, the UN system and international non governmental organizations in addressing issues related to disability. Creating and strengthening local and national cross-disability umbrella bodies in Western Balkans countries is therefore a necessary step to create a new environment in which NGOs can successfully promote the rights and interests of people with disabilities.
THANK YOU FOR YOUR ATTENTION

BILJANA CHAVKOSKA