Policy environment and national systems on inclusive employment in Bangladesh and Kenya
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Introduction
Disability and poverty are known to be linked in a causal and consequential relationship (1, 2). Persons with disabilities and their households suffer multidimensional poverty, and poorer people are more likely to experience impairments.

Exclusion of persons with disabilities from the labour force is a dominant driver of multidimensional poverty (3), generating hardship for households with disabled members. Even when persons with disabilities are engaged in employment, they are more likely than persons without disabilities to experience a range of factors that exacerbate poverty and insecurity (4):

- Self-employment
- Work in the informal sector
- Lower earnings
- Less stable employment

Women with disabilities are likely to experience particularly high barriers to inclusion in employment, due to the double discrimination from gender norms and lack of childcare in many countries.

Excluding persons with disabilities from the labour force has many costs, both to the individual and their family but also to wider society (4). Particularly as economies shift from informal to formal employment, persons with disabilities are likely to be further excluded. The requirement is to achieve economic development, without exacerbating processes of poverty and exclusion for persons with disabilities and their families.

While it is acknowledged that persons with disabilities are excluded from employment, factors affecting access to waged employment are poorly understood. Key barriers may include (5):

- Lack of appropriate policy
- Discrimination amongst employers
- Inaccessible work environments
- Transport to work
- Lack of reasonable accommodation
- Lack of appropriate education and training

Additionally, increasing attention has been paid to extra costs of disability (e.g. assistive devices, personal assistance, workplace accommodations), which may hinder participation in work. Paying out-of-pocket for these items may also lead to less sustainable livelihoods among persons with disabilities who are working (6) or may be perceived as a barrier to employment by employers anxious to avoid extra costs.
Objectives
The current policy analysis aims to describe and critically assess the policy and legal environment related to employment, social protection, and disability in Kenya and Bangladesh.

(1) To describe the policy environment and available programmes related to employment, social protection and disability

(2) To assess strengths and challenges of existing policies and programmes affecting engagement in work among persons with disabilities

Methods
The current policy analysis focuses on legislation and government programmes that may affect inclusion of working-age persons with disabilities in waged employment in Kenya and Bangladesh. The scope covers:

(a) Employment, social protection and other livelihood supports

(b) Disability-targeted and non-targeted policies and programmes

(c) Policies affecting both employers (e.g. tax incentives, quotas) and persons with disabilities directly (e.g. cash transfers to cover extra disability-related costs).

Document review: We began with a literature review to identify relevant policy and programmes regarding employment, social protection and disability. The document review was also informed by contact with key organisations, and with input from local partners. A list of documents consulted is provided in Appendix A.

Key informant interviews: In-depth qualitative interviews were conducted with relevant stakeholders to provide insights into the process, context, and to identify actors involved in the selected policies and programmes. Relevant key informants were identified through the document review and with input from local partners, as well as through snowball sampling.

In Bangladesh, 22 key informant interviews were conducted in Dhaka over a two-week period in December 2018. Key informants included policy and programme staff from the government (n=9) as well as INGO (n=1), NGO/DPO representatives (n=10), and private actors including experts and employers (n=2).

In Kenya, 18 key informant interviews were conducted in Nairobi over a two-week period in January 2019. Key informants included policy and programme staff from the
government (n=8) as well as INGO (n=2), NGO/DPO representatives (n=4), and private actors including employers (n=4).

All interviews were conducted by Shaffa Hameed, and audio-recorded where respondents consented. Many government officials declined to be audio-recorded. The findings presented here are based on analysis of detailed interview notes and audio recordings. In cases where interviews were not possible with the relevant people, meetings were held with others within the organisation. A list of organisations represented among the key informant interviews and meetings is provided in Appendix B.

Analysis
Analysis was guided by the policy triangle framework (1) and examined the following dimensions:

- **Content**: to examine the policies and programme and:
  - Describe relevant policies, their alignment with CRPD, and between policies
  - Describe relevant programmes (e.g. aims, type of support provided, eligibility, enrolment)
  - Review of strengths, weaknesses, priorities for reform and programming gaps
  - Review barriers and facilitators to implementation and service delivery
- **Process**: to examine how relevant policies and programmes were developed, identify challenges, and capture the extent of consultations with DPOs
- **Context**: to examine the social and political climate and identify contextual influences on policy or programme design
- **Actors**: to examine the actors involved in developing and implementing the policies, the roles they play, and opportunities for engagement

Policy and legislative environment
Findings from the context analysis follow below, bringing together critical review of the policy and legislative framework as well as the social and political climate to identify contextual influences on policy and programme design. The processes of policy and programme development were analysed to capture the extent of DPO consultations and to identify opportunities for engagement.

**Bangladesh**
According to the World Bank, Bangladesh has a population of 165m (2017) (2). In 2011, World Bank estimated that 16.2% of working age people had a disability (3). More women and more people in rural areas have disability. GNI per capita...
PPP is $4,040, but the lowest 20% have 8.6% of the income share: more than 24% of the population live below the national poverty line. 88 out of every 100 people have a mobile phone, and 18% of the population have internet access (2). Persons with disabilities on average have only completed two years of schooling. Most rehabilitation centres are in urban areas and do not reach people in rural areas, and a minority of disabled people receive rehabilitation. Several government banks provide micro-credit schemes for eligible persons with disabilities. Since 2002, the Government has run several vocational rehabilitation centres, one employment rehabilitation centre for people with physical impairments, one national centre for special education and one industrial unit. A 2008 survey of women with disabilities found that the vast majority were unaware of any services, laws or policies for persons with disabilities (4).

The Bangladesh constitution provides the basis for non-discrimination. Efforts to include persons with disabilities in Bangladesh have been in operation for many years, with the first National Policy for the Disabled in 1995, and the comprehensive Bangladesh Person with Disability Welfare Act (2001), which was to be implemented by District Disability Welfare Committees. The recent Rights and Protection of Persons with Disabilities Act (2013) represents a strong move away from the welfare-based model of the Disability Welfare Act:

Prior to this government, prior to 2009, most of our activities had been charitable activities. Not compulsion under the purview of law. This is the mentionable achievement of this government. Our mind-set is transforming from charitable to compulsion work. Regarding disabilities, our activities are now developing. Most of the activities for disability are not at best now, but we are hoping, in course of time… we have just started this mission, so in course of time, we will be able to finish.

Government key informant

The Act provides for inclusive education, reservation of seats on public transport, equal opportunities in employment and protection of inherited property rights. Persons with disabilities have to obtain identify cards to track their enrolment in education and access to jobs. It also sets up a National Coordination Committee to fulfil implementation of the law.

The Bangladesh legislative and policy environment is now considered supportive for advancing rights of persons with disabilities. Despite noting several gaps and barriers
to implementation, many key informants described the environment as an enabling framework within which advances can be made.

There is great anticipation for an action plan to implement the Disability Act - one of the commitments made by the government at the Global Disability Summit 2018 - as it is expected to provide definitions of roles and time-bound targets. There is consistent definition of disability between the Act and the Convention on the Rights of Persons with Disabilities (CRPD, ratified 2009):

‘Disability’ means the results from the interaction between persons with long-term and/or permanent physical, mental, intellectual or sensory impairments and the attitudinal and environmental barriers that hinders their full and effective participation in the society on an equal basis with others (5).

However, the Labour Act 2006 and the National Skills Development Policy 2011 reflect definitions from the repealed Disability Welfare Act 2001 (6, 7). At the time of data collection, the Labour Law was undergoing revisions and a draft was not available for review.

In addition, the Neuro-Developmental Disability (NDD) Protection Trust Act also came into effect in 2013, focusing on autism spectrum disorders, intellectual disability, Down syndrome and cerebral palsy (8). The fact that the NDD Act and the Disability Act, as well as respective policies and strategies, exist in parallel provides unique opportunities for drawing lessons about what works in policy advocacy and engagement with the government. The disassociation between the NDD and disability movements was apparent from many interviewees, particularly government officials. This is sometimes attributed to the involvement of the Prime Minister’s daughter in the NDD movement, however, key informants in the NDD movement also describe a key difference in their approach: recognising stigma as a major barrier, the NDD activists successfully advocated to include sensitisation modules in the Bangladesh Civil Service (BCS) exams. The difference in awareness of barriers faced by persons with neurodevelopmental disorders was notably higher among government key informants. Since nearly all senior government officials declined to have interviews recorded, quotes cannot be presented.

Analysis indicates that civil society members are engaged and active in the policy formulation process. Around 300 NGOs focus on disability rights to some extent, with the National Forum of Organisations Working with the Disabled (NFOWD) acting as
an umbrella organisation including Bangladesh Protibandhi Kailayan Somity (BPKS) as the national cross-impairment DPO (9). A typical policymaking process would involve a committee that included NGO representation, with wider consultations held later at draft validation stages. Several NGOs described key roles they had played in policy formulation, most notably drafting the Disability Act 2013, and drafting the upcoming action plan for its implementation. However, as with many contexts, it was apparent that some non-government actors were more centrally involved than others: two DPOs that were interviewed confirmed being involved in the policy process, but it is unclear how some of the smaller DPOs fare.

As with Kenya, the policy process was described as slow. Following enactment of the Disability Act in 2013, the action plan for its implementation was drafted in 2015 but has still not been approved. However, in contrast to Kenya, key informant narratives indicate that disability rights advancements are heavily dependent on the political climate. Data collection took place just prior to national elections, and many key informants speculated about a potential negative impact of a change in government. There is explicit support for disability rights among politicians: the Prime Minister makes frequent references and commitments in speeches, many of which were echoed and praised by government officials interviewed. Several key informants referred to a personal link for the Prime Minister, and that her daughter is an advocate for rights of persons with neurodevelopmental disorders.

Bangladesh was among the first ten countries to ratify the CRPD, a point of pride among all key informants. As some explained further, the ratification was made during the time of a ‘caretaker government’. Many non-governmental actors described this time as extremely opportune for advocacy, during which great strides were made for disability rights, mainly because it was felt to be relatively removed from political allegiances.

**Kenya**

According to the World Bank, Kenya has a population of nearly 50m people. GNI per capita is $3,250, but the lowest 20% have just 6.2% of the income share, and 36% of the population are below the local poverty line (13). 86 out of every 100 have a mobile phone subscription, and nearly 17% of the population have access to the internet.

Recent surveys have estimated that 3.5% of the Kenyan population has some form of disability (10). But this is likely to be an underestimate, with the accurate prevalence being as high as 15%, according to the World Health Organisation/World Bank estimates (3). As such, approximately 6.6 million Kenyans may have a disability. Many working-age Kenyans with disabilities are believed to experience unemployment or under-employment, or are in unstable work (11). For example, in a recent
study that involved a household survey in four counties (Kiambu, Machakos, Nakuru and Bungoma), people without disability were much more likely to be engaged in work for pay (82.2%) as compared to those with disability (17.8%). Furthermore, households with at least one person with a disability were more likely to have engaged in unskilled jobs and were less likely to have been engaged in professional, technical or service jobs as compared to households with a person with disability (11).

The Kenyan legislative framework was generally regarded as a supportive environment for inclusive employment, and contained non-discriminatory clauses providing the basis for equal access to labour and employment. The Persons with Disabilities Act was enacted in 2003, predating the current Constitution (2010) and ratification of the Convention on the Rights of Persons with Disabilities in 2008. As a result, many of the definitions and provisions in the Disability Act (2003) are outdated - ‘disability’ means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation (12). Revisions have reportedly been underway since 2009 and are referred to as an overhaul by many and also as a repeal by some. Despite revisions in 2012, the current Disability Act is considered ‘soft’ by many key informants and identified this characteristic as a reason for gaps in implementation.

The biggest problem we have is putting this legal framework into effect. For instance, when you talk of the quota system provided for in the law, there are no sanctions. And when there are no sanctions people rarely take it seriously, because even if you don’t, nothing will happen and that is a big loophole.

Expert key informant

The Social Assistance Act (2013) states that ‘a person with disability shall be eligible for social assistance under this Act if—(a) the person suffers from severe mental or physical disability; (b) the person’s disability renders them incapable of catering for their basic needs; and there is no known source of income or support for the person’ (13). The Social Protection Policy 2011 details the benefits available for persons with disabilities, though is lacking a clear definition of disability (14).

As a result of the mandatory public participation clause in the Constitution, formulation of the Acts and policies involve extensive consultations with non-governmental actors and DPOs. However, a few non-governmental actors stated that revisions to
the Disability Act 2003 seemed to progress past the validation stage despite their objections and their refusal to validate the draft. It appears from key informant interviews that, similar to many other contexts, there are some non-governmental actors whose input carries more weight than others. Some non-governmental actors are well connected with the government, to the extent that some state reports and commitments are initially drafted by them.

Key informants remarked upon the slow pace of the Disability Act revisions coming into effect. It was reported that Cabinet approval had been received but that it had stalled at the Attorney General's Office since July 2018. Many key informants described the need for powerful allies, and capitalising on key events such as the Global Disability Summit, for which Kenya was co-host, as a way of prompting action.

In contrast to Bangladesh, it did not seem, from key informant narratives, that commitment to advancing disability rights were heavily dependent on changes to leadership. The relationships between government, lawmakers, and non-government actors seemed ingrained, including unofficial connections and alliances. None of the key informants suggested that there was anything in the current political or social climate that could impede ongoing policy and programme development. Many key informants noted there was a flurry of activity on disability and employment, mostly donor driven.

**Programmes and provisions in Bangladesh**

Key provisions and programmes related to inclusive employment in the current legislation and policies in Bangladesh provided below, with discussion of eligibility criteria, coverage (where available) as well as strengths and weaknesses of each.

**Disability detection survey and registration**

All legal provisions and the available support for persons with disabilities described below are dependent upon them registering for a disability identification card (5).

Registration is by application to the Upazilla (sub-district) Committee or the (lower) Urban Committee and includes disability assessments by designated medical professionals. A concurrent route for registration seems to be through the Disability Detection Survey, a database maintained at the Department of Social Services that is also upon application and medical assessment. Although it is reported that door-to-door data collection was piloted in 2012/13, the current application process is through a website (15) - severely limiting applications from people facing access barriers due to sight loss or dexterity, or from the 82% of the population who have no internet access.
Although DPO key informants indicate there may be other barriers to registration, government interviewees express satisfaction with the numbers. Disability prevalence rate in Bangladesh is a contentious issue among stakeholders, given the variation in methods for disability screening: the 2003 World Health Survey reports 16.2% prevalence (16) while the 2010 Household Income and Expenditure Survey (HIES) reports 9.1% (17). The HIES 2016 is the most recent study to use the Washington Group questions, albeit with a lower cut-off ('some difficulty') (18). This study estimates a disability prevalence of 6.94%, putting the number of persons with disabilities close to 11 million (18) - this is a very significant difference from the 1.6 million currently registered (15). The consequences of government complacency - about only 1.6 million registered persons with disabilities include reduced budget allocation for disability benefit and programming, and inaccurate perception of unemployment rates and service needs among persons with disabilities.

Successful applicants are provided with the National Disability Card, making them eligible for the legal provisions, described below, as well as support systems that include means-tested allowance, reserved seats in public transport, and educational stipend. However, some key informants indicated that additional registration and verification may be required to access the stipend for students with disabilities.

**Allowances for the Financially Insolvent Persons with Disabilities**

This cash transfer is the only disability-targeted benefit provided under the National Social Security Strategy (NSSS) as part of the Social Safety Net Programmes (19). The NSSS attempts to consolidate over 140 social assistance programmes in a life-cycle approach: children with disabilities benefit only through a stipend provided to schools (18,600 children in total with approximately Bangladesh Taka 100\(^1\) per child); working age (19-59 years) people with severe disabilities receive the Allowance; and then transition to the Old Age Allowance (BDT 300 with a coverage of 2.5 million people) (20).

The Allowance for the Financially Insolvent Persons with Disabilities is means-tested, and applicant’s households must not earn an annual income exceeding 36,000 BDT (although the ILO Social Security Inquiry database lists the threshold as BDT 24,000). Other criteria include being over six years of age, being a local resident to the area, and, notably, being approved by the Selection Committee in the area. In addition to the eligibility criteria, there are several priority criteria that include being elderly, landless or homeless, having multiple impairments, a psychiatric condition, being

:\(^1\) 100 Bangladesh Taka (BDT) is 90p; 300 BDT is £2.70; 36000 BDT is £323 etc.
autistic or blind (21). Beneficiaries may not receive any other assistance from the government.

Initially, beneficiaries received 200 Bangladesh Taka (BDT) per month, though the benefit is currently BDT 750 per month, which approximates 8 US Dollars. The 2017 CRPD state submission reported a planned increase to BDT 1600 although an increase has not been recorded (22). The NSSS also proposes an increase to BDT 1500 (approximately 17 USD) as well as limiting the income criteria to the individual's income rather than that of the household.

Government is now saying……50 percent disabled people are under Social Safety Net. When in fact it's not even 2 percent. It can’t be. It can’t be!

Civil society key informant

The NSSS reports the number of persons with disabilities receiving this benefit as 0.75 million people and estimates that an additional 500,000 need to be brought on this benefit. Government key informants stated confidence that there was good coverage of the programme and cite increases in government budget allocations. Government budget allocation to the programme has risen from BDT 6.93 billion in 2017/18 to BDT 8.40 billion in 2018/19 (23).

The implications of this are two-fold. One, the growing budget adds value to the disability mandate that many argue is being claimed by the Ministry of Social Welfare, when more advancements can be made if disability was to be recognised as a cross-sectoral issue (see Actors). Two, it engenders complacency in advocacy efforts to increase budget allocation to other disability programmes because the growing budget for the Ministry of Social Welfare is provided as evidence of effectiveness and coverage of needs for persons with disabilities.

If you hear the government people talking, they’ll talk about the number of this and the amount has increased to such and such amount, and this has also increased and the allocation of that school and that place has increased but these are all safety net programmes. But what about rights? What about other development areas?

Civil society key informant
**10% shared quota in public sector jobs**

The CRPD state report describes:

10% quota for all employments for orphans and persons with disabilities, for all grades – 1st to 4th. The Government has also reserved 1% quota in the First Class cadre service jobs for the persons with disability (22, p.25).

Cadres and classes refer to levels of civil service jobs, a first-class cadre service being a high-ranking government official such as Ministry Secretary. The Disability Act 2013 does not specify the reservation, instead referring to ‘adequate numbers of quota in all public-private bodies, statutory bodies and local authorities’ (5, p.20). It was a government circular that specified the 10%, and no further guidance is provided as to how the 10% is split between orphans and persons with disabilities. Relatedly, there is little evidence of this quota system being implemented, monitored or how this may be accomplished. Interviews indicate a range of issues that include disregard for the provision, and reluctance to implement and monitor it.

**I:** So how does it work? Nobody is following this 10%?
**R:** No.
**I:** Nobody?
**R:** No. No one. Even the government.

Civil society key informant

**R:** Implementation is a problem because people are reluctant, Government are reluctant. It’s difficult.

**I:** Why are they reluctant? But there is support from the top, like the Prime Minister is very (interrupted)…

**R:** That’s why, you know, if you compare with government and NGO, government is the highest employer for particular disabilities. Last ten years there’s a huge number of persons with disabilities included in education sector, Social Welfare Ministry, health sector, of course of course, it’s a big number.

**I:** Where can I find that number, has somebody done any studies?
R: No, nothing because... we know because we are
generated with the government. But there is no
statistics.
I: Okay so it is not perfect but there's...
R: I cannot give you that. Like, it is not wise to do
something like that.

Government key informant

Second, and perhaps more crucially, the quota system had been discontinued at the
time of data collection in the run up to the elections. This was in response to student
demonstrations regarding the reservation of over half of the available government jobs
to groups including persons with disabilities, women, indigenous communities, and
others (24). NGOs and DPOs protested this abolition because despite the lack of
clarity, they had been able to advocate for their members by citing the initial
government circular. They anticipate a new policy on the quota system, as announced
by the Prime Minister on the International Day of Disabled Persons 2018.

We don't want 10%. We want a small percentage but with
very perfect implementation. You have (inaudible) per cent
but there's no implementation of even 1%. So we don't
want that. If there's 1% (quota), this needs to be
implemented.

DPO key informant

5% reservation at training institutions
The National Skills Development Policy (2011) states a target of 5% of enrolments for
persons with disabilities (7) - this is identified as a quota in some documents (22). The
International Labour Organization (ILO) works with the government to promote
inclusive employment through various strategies including, convening the Disability
Inclusive Advisory Group that has representation from various Ministries and CSOs.
Additionally, they promote linkages between TVET institutions and social welfare
departments dealing with assistive devices, and also between DPOs and TVET
institutions to map pathways for employment for persons with disabilities. Advocacy
efforts by the ILO have also led to disability inclusion metrics being part of the
performance metrics at the Directorate of Technical Education (DTE) within the
Ministry of Education.
Industry-driven skills development are a key feature in policies and strategies and was reflected in the engagement of Industry Skills Councils (ISCs). Through these Institute-Industry linkages, ISCs partner with the Bangladesh Technical Education Board, which is responsible for curriculum development and assessment, to agree on demand-driven competency standards.

Similarly to Kenya, vocational training institutes are numerous, and the extent of and commitment to inclusive practices are varied. The DTE oversees about 100 institutions and colleges, among which many staff have typically undergone short trainings on inclusive education. Additionally, about 80% of training institutions are private with 270 Registered Training Organisations with various levels of adherence to the National Skills Development Policy. It is expected that the recently elevated National Skills Development Authority (previously the National Skills Development Council) will play a key role in implementing the Policy through regulation and coordination of training institutions.

Still, nearly all relevant key informants report that the 5% quota for persons with disabilities is not met, citing insufficient numbers of applications. However, as many pointed out, it is insufficient to establish a quota and expect to reach it without addressing gaps in education that have persisted.

If you haven’t prepared the ground but you have given the quota, it doesn’t work. If the primary schools and secondary schools are not accessible, and people are not motivated enough to join them, then there’s a problem in having this 5% quota in technical education. So if people are not literate and the persons with disabilities don’t have access to education, and you’re thinking ‘I will be punished if I don’t hire them’. Sorry. Demand and supply have to match. That’s where the biggest glitch is.

INGO key informant

The National Skills Development Policy also strengthens the guidance on apprenticeships and recognition of prior learning, both of which could facilitate employment pathways for persons with disabilities. The Recognition of Prior Learning initiative provides formal recognition of skills gained through previous learning, training or work experience which earns them credits towards their skills assessment and ultimately bolster the chances for employment (25).
Tax rebate for private employers
The Disability Act (2013) provides for tax rebate for private employers, though rebates are ‘upon framing proper guidelines’ and ‘subject to prior approval from the National Board of Revenue’ (5, p.20). To date, no guidelines have been made and the National Board of Revenue grants these on a case-by-case basis. According to key informants, most private employers remain unaware of this provision and sensitisation is difficult given the absence of guidelines about amount and eligibility. As a result, it does not provide the intended incentive for private employers to offer jobs to persons with disabilities, and there is continued need to appeal to good will and corporate social responsibility.

I: Are you finding that it’s enough incentive?
R: No, not at present, because as you know, it’s still a bit vague. If it could be further clarified in terms of the detail, then we could probably make a bit more informed opinion about it. Right now there’s a lack of awareness about it and a lack of clarity.

Private sector key informant

Job fairs
Interviews indicated that job fairs were frequently conducted by various organisations, though there was little evidence of coordination. The Jatio Protibondhi Unnayan Foundation (JPUF) (National Foundation for Development of the Disabled Persons) noted conducting one annually and the Ministry of Social Welfare every six months, the most recent of which included 65 employers that committed to hiring 300 people at the fair. Most key informants remain sceptical about the numbers, and many noted how there was poor follow-up to track actual employment uptake satisfaction, and high rates of attrition.

Job fairs are also held by non-governmental organisations such as the Bangladesh Business Disability Network - their approach involves input by resource members from NGOs and DPOs and job-matching process that precedes the job fair. This allows employers the opportunity for early interviews and to address factors (such as transport to work site) that might prevent prospective employees from accepting the jobs offered, such as offering first month’s salary in advance. However, they also note less success in conducting job fairs in districts outside of Dhaka given the variation in awareness and stigma associated with persons with disabilities.
Policy actors
The Disability Act 2013 details two inter-Ministerial committees responsible for policy formulation, coordination, and implementation of national-level activities - the National Coordination Committee and the National Executive Committee. However, key informants report that these Committees are rarely convened, if at all. The Act also outlines similar committees at district, upazila (sub-district), and urban level with responsibilities that include approving registration cards and granting social assistance. Analysis indicates difficulties with accountability and role definition among the various committees, as there are reportedly over 1200 at the different levels.

Problem is that the Committees don’t have their roles defined yet. There is no secretariat or office for the Committee. Even if a letter comes, who will sign for it? If there are suggestions, who will they will contact? So this is one of the biggest challenges at this moment and there is no budget. Still. (...) There is no budget for the Committees. Because it’s the problem of (Ministry of) Social Welfare. They have to ask for the money from the Finance Ministry.

Civil society key informant
The Ministry of Social Welfare holds the mandate for disability related programmes, and within it, the Department of Social Services (DSS) manages the safety net and social protection programmes such as the Disability Allowance. Both are heavily criticised by key informants for being inflexible on two issues in particular. The first pertains to requesting and allocating more funds from the national budget for disability programmes. Any increases that are shown in response are, according to critics, actually linked to increasing numbers of Allowance beneficiaries, not an increased allocation to disability programming. They are also criticised for failing to involve other government authorities, and for reportedly obstructing other agencies from implementing disability-related programmes. A typical response refers to the Allocation of Business in the Constitution (1971) that assigns disability to the Ministry of Social Welfare, and how this is unlikely to be changed.

2 One of the NGOs interviewed are currently conducting a study on budget allocated to disability programming. Findings will be shared as they are made available.
With all the other ministries willing to get on-board, if the Ministry of Social Welfare doesn’t let go of it, it’s very difficult for others.

Civil society key informant

I: Do you think that (sole assignment of disability to MoSW) is effective?
R: Not effective at all.
I: How come?
R: Because we need to involve all the Ministries. And we are trying to do that. Like the Disaster Management. Their Law is now inclusive, their policies are now inclusive. Like the Education Ministry, they try that if they make any policy they make it inclusive. But if you… rely everything on the Ministry of Social Welfare they will not be able to do that. I think one of the biggest failures in the disability sector that is because of the Ministry of Social Welfare. Because everything goes to their… it is their responsibility so they are not capable to do that

Government key informant

The Jatio Protibondhi Unnayan Foundation (JPUF) (National Foundation for Development of the Disabled Persons) is the implementation arm of the Ministry of Social Welfare and is similarly criticised as lacking capacity. Formed in 1999, they are tasked with improving the quality of life of persons with disabilities, with notable programmes that include job fairs, two special education schools, and 32 mobile therapeutic assistance vans for outreach activities. Their flagship programme is the one-stop service centres, of which there are 103 throughout the country. Most key informants doubt the impact and efficiency of these centres, some explaining that they were designed and better suited for of the Ministry of Health but are now simply thinning JPUF resources. JPUF is anticipating the development of a 15-storey complex that is expected to house a job access point, a vocational training centre, as well as a sports centre.
The Directorate of Technical Education (DTE) and the National Skills Development Council (NSDC) are two key government bodies that are often engaged by the ILO. DTE is a key stakeholder because of their reach (100+ institutions with one disability focal point each) and willingness to promote inclusive education. The NSDC was recently made an Authority, which grants them more financial and human resources as well as monitoring and regulating authority.

Other government agencies that may be engaged to facilitate cross-sectoral coordination (see Opportunities) include the Planning Commission and the office of SDG Affairs. The Planning Commission leads formulation of the Five-Year Plans that outlines national development plans by sector. The SDG Affairs is within the Prime Minister’s Office and has the authority to convene all Ministries and government agencies, as well as facilitating and encouraging joint activities. The SDG Affairs Office has also expressed willingness to lend weight to involving district-level government officials in inclusive employment activities and is a crucial government partner to engage.

The National Forum of Organisations Working with the Disabled (NFOWD) is a national network of over 400 DPOs and NGOs working on disability. Although it played key roles in the CRPD ratification process and development of the Disability Act, it is now described as stagnant with frequent in-fighting.

The Industry Skills Councils as well as the associations for the main manufacturing sectors (including garment, textile, and leather) represent key stakeholders in employment in Bangladesh - supporting and utilising relationships between these and government actors could potentially enhance pathways to employment inclusion.

Programmes and provisions in Kenya

Key provisions and programmes related to inclusive employment in the current Kenyan legislation and policies are provided below, with discussion of eligibility criteria, coverage (where available) as well as strengths and weaknesses of each.

Registration

All legal provisions and the available support for persons with disabilities described below are dependent upon them registering with the National Council for Persons with Disabilities (NCPWD). The first step for registration is a medical assessment at a gazetted public hospital. The NGO USP-Kenya report that persons with psychosocial disabilities face additional difficulties at this stage USP-Kenya (26). Despite clear recognition of mental and psychosocial disabilities in the legislative framework, many
health practitioners still do not characterise these as a disability. In addition, although the Regulation on registration instructs a waiver of medical fees related to the assessment, persons with psychosocial disabilities incur additional expenses in travel and fees in consulting psychiatrists USP-Kenya (26).

Once the medical assessment is complete, it is submitted for approval of the Director of Medical Services under the Ministry of Health, a key point being that this is only the one office in Nairobi. There is common agreement that this stage in registration is a bottleneck with months of backlog in addition to applicants’ difficulties in accessing the office, particularly given that this registration needs to be renewed every five years. While many recommend a devolved approach because of government presence in all counties, some regard this suggestion as problematic given the increased potential for corruption.

The approved and verified application is then submitted to the National Council for Persons with Disabilities for review and final approval, upon which the applicant is issued with the disability registration card. The duration between submission to the Council and receipt of the card has been reported to be as long as one year, far exceeding the six weeks promised in the Council’s Service Charter (27).

Government key informants confirm that the number of persons with disabilities who are currently registered with the Council has not been made public. Key informants estimate the figure to be about 500,000 individuals and speculate that this data is not analysed or used for programming. 500,000 is a stark contrast to the estimated 6.6 million Kenyans with disabilities (10), which indicates that the majority of persons with disabilities are not receiving government support or benefiting from legislative provisions.

R: With that card you’re able to access, for example… you cannot access the social assistance. Without that card you cannot get exempted from tax. Without that card you cannot import your car, you cannot get assistive devices from the Council, you cannot get bursaries, without that card. You cannot be appointed in these appointments without that card.
I: So you’re not counted towards that 5% or anything without it?
R: Yes yes, not without that card. DPO key informant
National Development Fund for Persons with Disabilities

Following the ratification of the UNCRPD in 2008, the Kenyan government established a National Disability Development Fund to increase access to employment, education, training and rehabilitation for persons with disabilities. Currently known as the National Development Fund for Persons with Disabilities (henceforth ‘the Fund’), it is described as an endowment fund governed by a Board of Trustees, the Chairperson of whom is appointed by the President. As directed by the Disability Act 2003, the Fund exists in parallel to the National Council for Person with Disabilities (see Actors). Key informants note power struggles between the two bodies, and some mention a growing opinion among Members of Parliament to merge the two in the new Act.

Currently the Fund is administered by this Board of Trustees and there have been power struggles between the Council and the Board, because the Council has the policy mandate, and the Board has the money. And the budget that comes to the Board is three times as much as the budget that goes to the Council. So who has the money? The Board of Trustees has the money.

Non-government key informant

At the operational level, it appears that the Council is involved in managing some aspects of the Fund’s assistance programmes such as accepting applications: this was evident in some key informant interviews and also in the Council’s documentation (27). The Fund provides financial assistance that is granted to either individuals, or to organisations: these are detailed in the Fund’s Application Handbook (28).

The assistance available to individuals are: (1) assistive devices and services; and (2) educational assistance. The Council lists additional recently-introduced assistances available from the Fund including: (3) Local Purchase Order/Local Service Order financing; and (4) Tools of Trade (27). Details of eligibility, associated fees, and processing duration are listed in their Service Charter (provided as Appendix C, as an updated version is not available in electronic format).

Assistive devices are provided in kind, for free, in partnership with NGOs. Applicants are able to submit the application directly with named NGOs and service points. If the required device is not available, the application needs to be made to the Fund. Application requires submission of a medical report to certify disability, a professional assessment report recommending the necessary assistive device, and a letter of
recommendation from area provincial administration officer (i.e. assistant chief or chief) (28).

Educational Assistance is a grant covering 75% (100% in exceptional circumstances) of the course fees at secondary, tertiary education, vocational training, vocational rehabilitation centres, universities and special educational establishments. If the course exceeds one year, the grant initially covers the first year only, and continuation may be requested. The grant is paid directly to the educational institution. Application is made to the District Social and Gender Development Officer, with supplementary documents including proof of acceptance, payment schedules, and letter of recommendation from area provincial administration officer (i.e. assistant chief or chief) (28).

Local Purchase Order/Local Service Order financing appears to be linked to the Access to Government Procurement Opportunities (AGPO) initiative that facilitates enterprises owned by women, youth and persons with disability to participate in Government tenders (29). The Public Procurement Regulation passed in 2013 specifies that ‘a procuring entity must allocate at least 30% of its procurement spend to purchase goods, works and services specifically from micro and small enterprises owned by youth, women and persons with disability (PWDs)’ (29). By November 2017, about 69,000 such enterprises were registered with the programme (29). However, critics point out that this total does not necessarily indicate success for persons with disabilities because the 30% provision did not specify equal divisions of 10% each for the three groups: it is more likely that enterprise are owned by women or youth than disabled persons.

The Tools for Trade initiative targets persons with disabilities who have undergone vocational training and provides them tools to begin earning through their trade. The application requires a trade test certificate, or a vocational training certificate, or letter of recommendation for apprenticeship (27).

The types of assistance provided by the Fund to groups or organisations include (1) economic empowerment (grant); (2) infrastructure and equipment (grant); and others mentioned in Council documentation include (3) lobby/advocacy and awareness programme (grant); and the cash transfer programme (benefit to households - see next section).

The Economic Empowerment grant is provided to groups of persons with disabilities as start-up capital for a community-based business/service. The grant typically does not exceed 500 US Dollars, and it is unclear whether there have been evaluations on its efficiency or impact. Applications require documents including company
registration certificate, by-laws, meeting minutes and bank statements. Eligibility for the Infrastructure and Equipment grant is restricted to education institutions (e.g. special education schools, special education units), and social service delivery organisations (including NGOs and social care institutions). Applications require documents including organisation registration certificate, annual accounts, and itemised budget (28).

Application for all of these (except the infrastructure/equipment grant) require evidence of applicant’s disability registration card, which, as mentioned previously, has been granted to only 500,000 individuals.

**Cash transfer for Persons with Severe Disabilities**

Among 18 social assistance programmes in Kenya, the Cash Transfer for Persons with Severe Disabilities (PWSD-CT) is the only disability-targeted social assistance programme. Piloted in 2010, this programme targets children and adults with disabilities requiring full-time caregiver support (30). The cash transfer is provided every two months, and is 2000 Kenyan Shillings, which approximates 20 US Dollars.

Generally most complaints we received often are about the Article 28 of the Convention on social protection and social assistance. Because the Government has begun that programme of giving an amount of money for some families with persons with severe disabilities but it’s not very well understood. So, many times you have persons with disabilities coming and saying ‘I have a disability but I’m not getting the allowance.’ So there’s a lack of information about the eligibility criteria so we receive many many complaints falling on that.

Human rights organisation key informant

Regarding eligibility and inclusion, the analysis indicates that inclusion to the programme is primarily through recruitment, not by application. Key informant interviews indicate that the cash transfer programme is considered a community-based programme where community members and village meetings (baraza) play a key role in identifying and verifying households that are eligible. At barazas, the community receives information about the programme, and are asked to go through a questionnaire Household Targeting Form for PWSD-CT (28) to identify households deemed most ‘needy’. The project aimed to identify 10 households per each of the
210 constituencies, but it is unclear whether this acts as a cut-off point for number of households per constituency (28). This was described by government key informants as “a whole process that keep changing to fit the time.” The Fund’s application guidelines (28) states:

Eligibility criteria
- Extremely poor households
- Household with a person with severe disability

Ranking criteria
- Poverty level of a household
- Number of persons with severe disabilities in a household
- Number of chronically ill persons in a household with a person with severe disability
- Number of persons in a household with other forms of disabilities other than the one with severe disability
- Must not be enrolled in any other cash transfer programme
- The household must not be receiving any pension and/or regular income/be in any gainful employment

Eligibility is considered by household: one household may receive only one benefit even if more than one member of the household has a disability. Crucially, each household may not receive another benefit from the government - upon reaching 70 years, the beneficiary must choose to receive either the disability benefit or the Old Persons benefit. In contrast, the Older Persons Cash Transfer (OPCT) beneficiaries are individuals, so that two individuals in the same household may both receive this.

Moreover, no member of the household may be a government employee (this contradicts the Social Assistance Act 2013 that states ‘no known source of income or support’ (13, p.13)), this is an aspect that is checked and verified by the community members. When asked whether this eligibility criteria pose a barrier to employment, the response was these beneficiaries were not the type they anticipated would be employable.

Once approved, the cash transfer is dispensed through district banks. The reported target is 47,200 households, and government key informants estimate the current
coverage to be about 47,000 households. Although these beneficiaries are relatively fewer than the 500,000 beneficiaries receiving Older Persons Cash Transfer, government key informants surmise that they have good coverage of those in need of this cash transfer. They reported that in some districts, no eligible households could be found - this is linked to the stigma which had led many families to hide persons with disabilities and speculate that being eligible for this cash transfer has led many to come forward.

**Disability Mainstreaming**

Disability Mainstreaming programmes aim to increase inclusive employment practices in the public sector (31). They are managed by a specially designated department at the Council, which coordinates with Disability Mainstreaming Committees formed at each public institution. According to Council documentation, they achieve their aim through departmental activities that include awareness raising, advocacy, and most notably, through Disability Mainstreaming Indicators. The following are indicators included in performance contracts in government jobs - each county agency is required to provide quarterly reports, including the number of persons with disabilities employed (31):

1. Establish and operationalize Disability Mainstreaming Committee with 30% representation of PWDs.

2. Formulate Disability Mainstreaming Action Plan to ensure that Staffs are informed on disability related aspects and to empower persons with disabilities.

3. Sensitize and train staff on service provision to persons with disabilities such as mental, physical, visual, deaf, albinism, epilepsy, autism, cerebral palsy, etc.

4. Establish structures and systems that ensure persons with disabilities access information and services, e.g. Train staff on sign language, avail materials in Braille, ramps, signage, guides, accessible toilets, lifts with visual, audio and ductile features, non-slippery floor surface, disability friendly vehicles & walkways, accessible parking, etc.

5. Ensure progressive realization of attaining the 5% on elective, appointive, contractual of all recruited personnel
in appointments, employment/promotion for persons with disabilities.

6. Should ensure that there is no discrimination in advertising, interviewing, recruitment, volunteerism, internships, training & promotions of PWDs.

Among the reported programmes of Disability Mainstreaming to be implemented by the Council are included carrying out accessibility audits and issuing Adjustment Orders if found to be non-compliant. However, there were several key informants who reported Council representatives had admitted to never having implemented this.

The issue of accessibility, physical access. The Council has the mandate to implement the Act Section 22, 23, and 24 relating to access to buildings and infrastructure. And the Council is given the authority to issue Adjustment Orders on buildings that are not accessible. They have never issued a single order, to anybody. They have never gone out to access the buildings, and I don’t know whether its priority, or capacity. Or both.

Non-government key informant

5% quota
The Constitutions provides for 5% quota for persons with disabilities in all public elective and appointive bodies (32), and the Disability Act (2003) extends this to all ‘casual, emergency, and contractual position in public and private sectors’ (12). As highlighted by many key informants, the phrase used in the Constitution allows loopholes – ‘...ensure the progressive implementation of the principle that at least five percent…’ (Emphasis added) (32). This wording prevents the Council or watchdog organisations from instructing public organisations to increase their efforts because they can claim to be ‘progressively implementing’ it.

The Disability Mainstreaming indicators described above were designed as a way to measure progress towards the 5% quota in the public sector. However, there was general agreement among key informants that these figures were not being analysed by the Council, and all were critical of the fact that no figures have been published. Without these figures, it is not possible for non-government actors to track the implementation of the 5% quota provision. One government key informant revealed that for most public institutions that obliged with the reporting, less than 1%
were persons with disabilities. This statistic cannot be verified, as no public record could be found: Council representatives state that they only provide feedback to the institution ‘directly’.

In the private sector, there was common agreement that SafariCom was a model of inclusive practice, many estimating that they would have surpassed the 5% quota. However, some key informants speculated that SafariCom may be seeking persons with certain (‘easy’) disabilities. SafariCom interviewees reported that they employed 2.1% (117) employees with disabilities, and though their narrative seemed to indicate employees with various disabilities, a breakdown was not provided.

**Income tax exemption**

The Disability Act (2003) provides for persons with disabilities to apply for and obtain exemption from income tax (12). The Bridging the Gap policy analysis reports that this is applicable for persons with disabilities earning an annual income not exceeding 150,000 Kenyan Shillings (14), and this was corroborated by key informants. Experts involved in formulating the current Act described how the original draft did not include this cap but that it was instated during negotiations. Therefore, at present, persons with disabilities earning an annual income exceeding 150,000 KES are not eligible for this income tax exemption. Some key informants with disabilities described this as a welcome relief. Further inquiry is necessary to detect whether or not this threshold influences whether persons with disabilities choose to remain within a particular income bracket.

Notably, the new Disability Bill appears to alter this provision to a case-by-case decision, introducing additional applications, lack of transparency, potential for corruption and variation in practice.

62. (2) The Cabinet Secretary responsible for finance shall, in consultation with the Council, assess all applications received under subsection (1) and make such order thereon, if any, as he deems fit, exempting the applicant wholly, or to the extent provided by the order, from income tax or other levies specified therein, and any such order shall, notwithstanding the provisions of any other Act, have effect according to its terms. (33).
Tax rebate for employers
The Disability Act (2003) provides incentives for private employers in the form of tax rebates. Private employers can apply for (1) tax deduction equivalent to 25% of salary of employees with disabilities; and (2) tax deduction equivalent to 50% of direct costs of the modifications made as reasonable accommodation. Three major issues are linked to these:

First, these rebates are possible upon the condition that the person with disability so employed is registered ‘and accredited with the (National) Council (for Persons with Disabilities) as to their disabilities, skills and qualifications’ (12, p.11). As described previously, there are several issues with the registration process, and just 500,000 individuals are estimated to be currently registered, therefore it is only the private employers of these individuals who can claim this tax rebate.

Second, there was a lack of clarity among many key informants about the details of the tax rebate regarding eligibility, process, and amount that can be claimed. The Federation of Kenya Employers surmise this lack of awareness is widespread among most private employers.

Lastly, the rebate application and process is considered to be complicated, and the amount too low to be worth the effort. SafariCom key informants confirmed this, though others remarked at how SafariCom is of a size that can it afford to forego this rebate. The consensus was that the tax rebates did not offer sufficient incentives to employ persons with disabilities.

Job placement service
The Council is required to maintain a database of registered persons with disabilities, along with their skills and qualifications. According to some key informants, this database has been dormant for the past five years, though the previous officer made proactive efforts to seek suitable job vacancies. Current staff describe the service as ongoing and that they receive an average of four CVs a day, which they pass on to interested employers. However, they agree that the current service is limited in that it is Nairobi-based, and that they are unable to follow up as to whether those persons with disabilities are eventually employed. They were unaware of a similar job matching service provided for the general population by the National Employment Authority (see Opportunities).

Some feedback from both government and private organisations offering job placement services was about how employers who are interested in hiring persons with disabilities often make very selective requests, which reflect either access
limitations or prejudicial assumptions (e.g. ‘blind people make good therapists because they have a good sense of touch’, ‘deaf people would suit loud work environments’):

This week, we got a call from an institution asking us to send names of persons with disabilities. They gave us questions (…) Because, they say, their building is not accessible for a wheelchair, for a deaf person they don’t have a sign language interpreter.

Government key informant

Vocational training centres
Government key informant described 12 institutions as part of the Vocational Rehabilitation Programme, with a target of 60% students who are persons with disabilities. These are residential institutions throughout Kenya, managed through the Social Development offices (under the Ministry of Labour), and delivered by trainers with Special Educational Needs (SEN) certification. The trainings are certificate-level and include electrical, welding, hairdressing, and information and communication technology (ICT). Upon completion, they undergo the government trade test and are provided with tools under the Tools for Trade programme (described earlier). However, these trainings are described as ‘archaic’, in that the tools and machinery are no longer used in factories, indicating a gap in industry-driven skills development.

The Vocational and Technical Training at the Ministry of Education oversee four public-funded institutions throughout Kenya for persons with disabilities. They described difficulties with integrating non-disabled students after inclusive educational regulations were introduced in May 2018. They too report employing SEN-certified trainers, and offer similar trainings as those described above, but often need to provide basic education when some students first join.

Policy actors
The Ministry of Labour has the mandate for disability-related programmes. These are managed by a team of 4-6 personnel at the Disability Division under the State Department for Social Protection within the Ministry. Key informants from the Ministry indicated a scarcity in capacity-building opportunities. Also housed within the Ministry is the National Employment Authority, reportedly formed just over a year ago.

The National Council for Persons with Disabilities is a semi-autonomous body also within the Ministry. Many key informants raised and corroborated major concerns
regarding the Council: the most pressing among these was regarding their role. Nearly all agreed that the Council should play an oversight role, as opposed to that of implementation, for which many felt they lacked the capacity. As a result, many of the programmes implemented by the Council were described as piece-meal, though good for publicity. Many experts argued that the Disability Act revisions should include narrowing the Council’s role in implementation. However, they noted there was resistance to this change, given strong Council connections to government leadership and how the senior officials at the Council were political appointments. Most key informants believed that addressing the role of the Council was crucial to implementing the Disability Act and other commitments, and to increase accountability of other government agencies.

Other key actors include the United Disabled People of Kenya (UDPK), an umbrella organisation of DPOs, so designed to present a united voice in engagements with the government. UDPK co-chairs the Disability Caucus for Implementation of Constitution (DCID) with the government counterparts and reports a collaborative relationship. Other strong and outspoken advocates include the Kenya Disabled Parliamentary Association (KeDIPA) within the Parliament, as well as the Kenya National Commission on Human Rights.

On employment, the Ministry of Labour works closely with the Federation of Kenya Employers (FKE) as well as the Central Organisations of Trade Unions - Kenya (COTU-K) - all three parties describe a good working relationship. The FKE has a reach of 4500 employers, translating to over 65% of private employers. COTU represents approximately 3 million workers.

Opportunities and recommendations
The data indicates several opportunities for engagement at policy level in each country. Additionally, recommendations for programme design and better data also follow below.

Policy: Bangladesh
Advocate for and track upcoming policy changes
The policy analysis revealed three upcoming policy changes that are likely to enhance access to employment for persons with disabilities. Given the slow policy process in the Bangladesh context, continued advocacy is needed to maintain pressure in order for these to have a positive impact during the project implementation phase.

- **Action Plan to implement the Rights and Protection of Persons with Disabilities Act:** It is reported to be in the finalisation stages with approval...
expected by March 2019. The expectation is that this will greatly improve implementation of the Disability Act 2013 through time-bound targets and role definition. This was a commitment made at the 2018 Global Disability Summit.

- **New policy on the quota system**: With all quota systems frozen in response to protests, the new policy is expected to have better clarity on the quota for public sector employment for persons with disabilities. However, key informants involved in advocating for quota allocation in the previous policy, stress the need to actively lobby for quotas for persons with disabilities.

- **Policies related to the new National Skills Development Authority**: Recently elevated from Council to Authority, the regulations formulated in the coming months may be key opportunities to incorporate monitoring mechanisms for inclusive practices. They will then be able to monitor training institutions to adhere to certain standards, do accessibility assessments and certification, and maintain quality control for inclusive practices.

Engage with key government agencies to recognise disability as a cross sectoral issue
A recurring theme appeared to be implementation difficulties of supportive policies and provisions, and how much of this is related to silo-working among government agencies, particularly the Ministry of Social Welfare.

- **SDG Coordination at the Prime Minister's Office**: One opportunity to alleviate silo working as well as increase accountability is engaging with the SDG coordination. Interview data indicates the government is keen to build on the MDG success, and the SDG monitoring framework could be a powerful tool for advocacy and accountability.

- **Planning Commission**: Another opportunity is to have disability recognised as a cross-cutting issue in the upcoming 8th Five Year Plan. Gender, for example, is recognised as a cross-cutting issue which compels government agencies to monitor and report on gender-specific indicators. In contrast, disability-relevant indicators are currently included only under Education.

Engage with government agencies to establish ongoing sensitisation of civil servants

- **Bangladesh Civil Service (BCS)**: As previously discussed, a key factor linked to the success of the Neurodevelopmental Disorders Act 2013 is the inclusion of NDD sensitisation modules in the Bangladesh Civil Service (BCS) exams. This mechanism of reaching employees in the public sector could potentially be used to address some of the discriminatory attitudes and stigma against
persons with disabilities and encourage adherence to the 5% quota in the public sector.

- **Focal points:** Non-government advocates during the 2008-09 CRPD advocacy describe the success of ongoing engagement with focal points in government agencies. These activities included ongoing workshops, policy discussions, and working groups to share technical expertise. They report reaping rewards when these individuals were gradually promoted to higher positions and attribute this to how many non-government advocates now enjoy participation in high-level policy discussions.

**Policy: Kenya**

**Advocate for and track upcoming policy changes**

The policy analysis revealed three upcoming policy changes that are likely to affect access to employment for persons with disabilities. All changes are linked to the new Disability Bill (33) for which there is anticipation.

This is the 20th version of the Bill that has been prepared since we ratified the Convention. That's how intense this process has been but also how…not yielding fruits, it’s been. But still we feel, within the sector I think the feeling is that this Bill is one of the better ones in that it’s a Government-owned Bill rather than like the private members’ attempts that have gone before. Because of course the danger with private members’ Bills is sometimes it becomes Law but it is not implemented. Or government is not really behind it, it’s just like ‘Okay, yeah, there you have it, it’s there, good for you.’ But this has the approval of Cabinet… and there is a lot of momentum also I feel, and a lot of goodwill following the Global Disability Summit, towards at least having this Bill become Law.

Non-government key informant

However, the policy changes include changes that could affect the project implementation negatively, and therefore may require advocacy to ease the transition.

- **Introduction of sanctions to employers, including private, for noncompliance of 5% quota:** This is related to the balance of ‘carrot or stick’ approaches in the policy environment. Discussing the changes to the Disability
Act 2003, many advocates reported the need for strict enforcement of the 5% quota, many arguing for punitive action against public and private employers that do not comply. However, interviews with private employers and representatives indicate that this is likely to create resistance among private employers, particularly because there have not been government efforts to support them introducing inclusive employment practices (see Programme recommendations). Additionally, unless there is widespread registration as disabled, it is harder to implement any quota.

- **Restriction of the Council's role to oversight, not implementation:** This change is expected to have a positive influence on improving access to waged employment for persons with disabilities. This is because with an oversight role, the Council is expected to devote more resources to conducting accessibility audits and monitoring Disability Mainstreaming programmes including tracking progress of 5% quota.

**Advocate to access monitoring data on disability programmes**
The National Council for Persons with Disabilities collects data from public institutions on a number of Disability Mainstreaming indicators. At present, this data is not published or made available, and it is not possible for advocates to track progress of legal provisions such as 5% quota, or income tax exemptions.

**Programmes**
Four recommendations may be drawn, common to both countries, from the data about programme/intervention design:

**Develop a comprehensive approach to job matching and placement services**
By comprehensive, the suggestion is that the approach needs to start early and continue after appointment.

Lessons may be drawn from the Inclusive Job Centre (IJC) at the non-government service provider Centre for the Rehabilitation of the Paralysed (CRP) in Bangladesh. Three features have made the programme successful in making it a streamlined and holistic process.

In the initial stages, candidates are provided career counselling and capacity assessments to understand their aspirations as well as their capabilities. They are also offered rehabilitation and assistive device support in order to prepare them for skills training or employment, though this may be a feature CRP is uniquely placed to provide.
The training stage is guided by Industry Skills Councils who make site visits to offer exceptional trainees conditional contracts. The IJC cultivates good relationships with Industry Skills Councils and specific factories by providing sensitisation training, accessibility audits and advice on reasonable accommodations. In turn, the factories work with IJC in ensuring that their training facilities and machinery match the working conditions.

Candidates are provided pre- and post-placement support for the first year of employment, with support ranging from site visits to mediation between employer and employees. This allows them opportunity to measure job satisfaction and tailor their services and employers’ pool accordingly.

Other lessons drawn from smaller-scale services in Kenya include focusing on preparing job seekers for interviews and employment and fostering trust in the service-provider by vetting jobseekers (for factors that may lead to attrition) and employers (for readiness and commitment).

**Establish support systems for private employers**
Data from both countries indicated a clear need for support on recruitment strategies, making reasonable accommodations, and a streamlined process for the tax rebate. In Kenya, SafariCom described how they ‘learned by doing’ - smaller companies may not be able to afford a similar learning curve. Since SafariCom seemed open to sharing this knowledge, a platform may be formed to link successful companies or ‘champions’ with companies that are considering the process.

**Engage with existing structures for job matching and placement services**
In Kenya, the National Employment Authority is tasked with implementing a job placement service for the public sector, liaise with private employers, and organise internship programmes. Since an interview could not be arranged with NEA during the field visit, this information has not yet been verified. However, this presents an opportunity for engagement, to enhance their focus on persons with disabilities, potentially supporting a link with the service run by the Council. Interviews highlighted these parallel but similar services - partnerships may be formed to reduce duplication and to tap into programmatic data that may be useful for intervention design. Moreover, engaging with government structures would improve sustainability of the intervention.

**Conclusion**
The evidence here gathered from Kenya and Bangladesh suggest an impressive range of interventions have been attempted, drawing on wider global action to promote access to employment for disabled persons. However, progress has not
been remarkable in either country. Interventions sometimes appear to have been tokenistic. Effective disability employment interventions always combine the carrot and the stick and should always address both demand and supply side initiatives.

Given that the tax incentives (carrot) approach has not worked to motivate employers, something more is needed. Many disability rights advocates suggest that enough time has been spent on goodwill and persuasion, and more coercive action is required.

Experiences in the UK and other countries suggest that quota schemes can become a vicious circle of failure: if rarely enforced, there is no incentive to register (particularly if there are barriers accessing registration). If the register does not cover all eligible applicants, then it is hard to fill posts from the register. Companies often persuade employees with more minor impairments to register to improve their public performance. In any case, reserving posts for persons with disabilities implies that they cannot succeed without special favours, and may cause hostility or even corruption.

If employment initiatives or regulations are too strong (stick) this risks alienating private employers. Many key informants suggested they would prefer a system like Germany where noncompliant employers have to contribute to a pot that gets used for other inclusive employment programmes. However, it has to be noted that Germany has a culture more responsive to regulation than most developing countries.

The ‘Employers Forum’ model, where leading enterprises see the business case for employing disabled people in real jobs, celebrating their contribution to the commercial bottom line, has been attempted. It may be possible for the bigger enterprises to change mindsets, celebrate good practice, and demonstrate that disability employment is not just about tokenism or complying with bureaucracy. This would also require a wider understanding of reasonable adjustment, and how disabled employees can be accommodated in mainstream employment.

Alongside either carrot or stick approaches, a visionary approach to education and vocational rehabilitation would mean that supply side measures deliver young disabled people who are ready for employment. Although it has to be remembered that in the UK and other high income settings, the approach is now ‘place and train’ rather than ‘train and place’: having disabled employees in a role is the major breakthrough, with support and training provided after they have started. Otherwise, education and training become an endless cycle, with no actual work experience and no change to employer or co-worker attitudes.
Appendix A

Documents reviewed: Bangladesh

1. Bangladesh constitution


Article 16. Rights of Persons with Disabilities

(1) Without prejudice to rights of persons with disabilities contained in any other act, rules, regulations and laws in force, every person with disabilities shall have the following rights:
(h) Subject to availability of appropriate supporting environment in the institutions, pursue inclusive education or integrated education in all stages of education;
(i) To gain employment in public and private institutions;
(j) In case of a person acquiring disability in the course of employment, to remain employed or receive appropriate rehabilitation and adequate compensation;
(k) Protection from oppression and access to a secure and healthy environment;
(l) Receive health care of the highest quality available;
(m) Receiving reasonable accommodation in education, work and all other applicable fields;
(n) Receiving assistance and rehabilitation for the purpose of gaining physical, mental and technical competence enabling them to integrate with the society completely;

Schedule: Programs for Protecting the Rights of Persons with Disabilities: 10. Employment

(a) Upon framing proper guidelines, detect employment fields in public and private sectors suitable for persons with disabilities and create employment for them on a preferential basis and provide rebate facilities to private
entrepreneurs for this purpose subject to prior approval from National Board of Revenue;

(b) Ensuring preferential or non-discriminatory provision of banking and loan services to persons with disabilities willing to set up their own business or create self-employment and, in appropriate cases, ensure provision of electricity, gas, water and other commercial benefits to such persons;

(c) To encourage creation of cooperative societies for persons with disabilities on a preferential basis subject to concerned acts, rules and regulations;

(d) To provide reasonable accommodation to persons with disabilities in workplaces according to their demand;

(e) Upon framing proper guidelines, relax the age requirement for appointment for persons with disabilities and preserve adequate numbers of quota in all public-private bodies, statutory bodies and local authorities.

(f) To identify small repetitive works important for production according to the ability of persons with disabilities and appoint them therein.

5. 7th Five Year Plan (2016-2020)
Documents reviewed: Kenya
   
   Article 54 (2): The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.

   
   12. Employment
   
   (1) No person shall deny a person with a disability access to opportunities for suitable employment.

   (2) A qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees.

   (3) An employee with a disability shall be entitled to exemption from tax on all income accruing from his employment.

   13. Reservation of employment

   The Council shall endeavour to secure the reservation of five per cent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities.

   
   23. Persons with disabilities

   (1) A person with disability shall be eligible for social assistance under this Act if—
(a) the person suffers from severe mental or physical disability;

(b) the person’s disability renders them incapable of catering for their basic needs; and there is no known source of income or support for the person.

9. Vision 2030
Appendix B
Bangladesh
Organisations represented in interviews:

1. Ministry of Social Welfare
2. Department of Social Services (within Ministry of Social Welfare)
4. Directorate of Technical Education (DTE)
5. Planning Commission
6. Office of the SDG Coordinator (Prime Minister’s Office)
7. Access to Information (a2i) Programme (Prime Minister’s Office)
8. National Skills Development Authority (NSDA)
9. Ministry of Labour and Employment
10. International Labour Organization (ILO)
11. Centre for the Rehabilitation of the Paralyzed (CRP)
12. Centre for Services and Information on Disability (CSID)
13. Centre for Disability Development (CDD)
14. Shuchona Foundation
15. Bangladesh Legal Aid and Services Trust (BLAST)
16. Bangladesh Visually Impaired People’s Society (BVIPS)
17. National Council of Disabled Women (NCDW)
18. Access Bangladesh Foundation
19. Bangladesh Business and Disability Network (BBDN)
20. CRP Inclusive Job Centre

Meetings:
1. Leonard Cheshire - Bangladesh
2. Plan International - Bangladesh
3. Christian Blind Mission (CBM) - Bangladesh
4. Consultant for the International Labour Organization (ILO)
5. UNDP Social Security Policy Support Programme (SSPS)
6. Skills for Employment Investment Program (SEIP) at the Ministry of Finance

**Kenya**

**Organisations represented in interviews:**
1. Ministry of Labour: Social Protection Department and the Disability Division
2. National Council for Persons with Disability (NCPWD)
4. State Department of Vocational and Technical Training (Ministry of Education)
5. Labour Commission
6. Christian Blind Mission (CBM)
7. United Disabled Persons of Kenya (UDPK)
8. Action Network for the Disabled (ANDY)
10. Association for The Physically Disabled of Kenya (APDK)
11. Ecumenical Disability Advocates Network (EDAN)
12. Kenya Disabled Parliamentary Association
13. Federation of Kenya Employers (FKE)
14. SafariCom
15. Central Organisations of Trade Unions - Kenya (COTU-K)
16. Clarion Hotel

**Meetings:**
1. National Employment Authority (Ministry of Labour)
2. Leonard Cheshire - Kenya
3. Plan International - Kenya
4. Consultant for the International Labour Organization (ILO)
5. Action Network for the Disabled (ANDY)
Appendix C

This is attached separately as a PDF document