

**Ensuring adequate wages and workers’ rights for persons with disabilities**

**Position Paper from the European Disability Forum**

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## **Who we are**

The European Disability Forum (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in Europe.

We are a unique platform that brings together representative organisation of persons with disabilities from across Europe.

We are run by persons with disabilities and their families. We are a strong united voice of persons with disabilities in Europe.

## **Introduction**

Even before the onset of the COVID-19 pandemic, figures from Eurostat suggested that 28.7% of all persons with disabilities in the EU lived in poverty. This is around 10 percentage points higher than for persons without disabilities. For women with disabilities, young people with disabilities, people with multiple disabilities and those with high support needs, the risk of poverty is even greater.[[1]](#footnote-1)

Quality, inclusive employment is one of the primary means of improving one’s financial stability. However, for too many persons with disabilities not only is the road to the open labour market paved with barriers, but even once a job has been found there are countless factors that make it difficult to make ends meet. Eurostat figures from before the pandemic already showed that 11% of working persons with disabilities in the EU were experiencing in-work poverty, and we expect the current situation to be much worse.[[2]](#footnote-2)

Here we will explore a few of the main challenges faced by workers with disabilities when it comes to escaping in-work poverty and look at what an EU Directive on adequate minimum wage would have to do to help remedy the situation.

## **Fair wages for persons with disabilities**

One of the biggest problems experienced by persons with disabilities, even in Member States with minimum wage schemes, is that all too often persons with disabilities continue to be paid well below minimum wage.

According to the United Nations Convention on the Rights of Persons with Disabilities, signed and ratified by the EU and all its Member States, persons with disabilities have a right to employment that is freely chosen in a labour market that is open. The aim should therefore be to enable persons with disabilities to find quality employment in the open labour market that matches their skills and ambitions. Article 27 of the convention also underlines the need for “equal remuneration for work of equal value”. However, even in the open labour market, persons with disabilities too often end up being paid below minimum wage, sometimes on the basis of being coerced to work precariously without a contract.

If the situation is difficult in the open labour market, things become more uncertain when we turn to sheltered forms of employment. Certain sheltered workshops (although not all) pay all their employees with disabilities below the minimum wage. This is particularly occurrent in Member States where persons with disabilities working in sheltered employment do not have the legal status of employees. In these cases employers are exempt from the need to pay minimum wage, or indeed to offer protection normally afforded to workers, such as the right to unemployment benefits.

A Directive on minimum wage would therefore have to address not only the existence of a fair minimum wage in itself, but also the need to crack down on the frequent disregard for such rules when it comes to workers with disabilities.

## **Compatibility of salary and social security to reduce risk of poverty**

One of the main issues concerning the adequacy of wages and income for persons with disabilities is the incompatibility of support in the form of disability payments or “benefits” with income from other sources. In the majority of EU Member States persons with disabilities who have found jobs are not allowed to continue receiving any disability payments. In the Member States that do offer this possibility (Ireland, Finland, Lithuania, Slovakia, Austria, Croatia, Romania, Greece, Malta and Cyprus) the conditions are strict, either meaning workers with disabilities can only retain benefits for a limited period of time before losing them indefinitely, or can only earn up to a very low salary threshold before losing all financial support. This does not allow the person with disabilities to realistically improve their financial situation. More often than not, finding a job as a person with disabilities results in the direct loss of any financial support to cover disability-related costs.

What is problematic with this approach is that disability payments have been designed with the intention of offsetting and compensating the extra cost of living that comes with having a disability. The costs of living for persons with disabilities is on average significantly higher than it is for persons without disabilities and is one of the main factors in increasing the risk of poverty for this group. Researchers from the University of Salamanca in Spain and the University of Linz in Austria estimated that a person with disabilities living in Sweden would have to pay an average of 23,000€ more than a person without disabilities per year to make ends meet. In Denmark and the Netherlands this extra cost was estimated at just over 20,000€ annually.[[3]](#footnote-3) These extra costs come largely from having to pay out of pocket for accessible transport, accessible housing that is more expensive and harder to find than standard housing, assistive devices and personal assistance/care. If disability benefits are foreseen to help offset these costs, and to create a level playing field in a society that is full of barriers and extra costs for persons with disabilities, then they should be guaranteed regardless of what other income a person is receiving.

## **Access to collective bargaining**

Collective bargaining is a well-established means of working towards a fair and adequate wage. In order for collective bargaining to reflect the demands of all workers, the process needs to be inclusive of all different types of workers. This includes workers with disabilities, whose involvement in the process of collective bargaining needs to be facilitated. The process of collective bargaining therefore needs to be made open to all kinds of employees. It needs to be easily navigable and respect any accessibility requirements that a worker with disabilities might have in order to be fully involved.

## **Recommendations for the EU Directive on adequate minimum wages**

1. **Push for compatibility of salaries and social benefits:** To ensure an adequate minimum wage, the Directive needs to address the impact that receiving a salary has on other social benefits. For persons with disabilities, it is crucial that one can retain disability entitlements or “benefits” when working, to off-set the extra cost of living with disabilities. As a key tool for ensuring the “adequacy” of wages to meet one’s needs and cover their cost of living, this needs to be clearly mentioned within the scope of any EU Directive on the matter.
2. **Ensure no worker is excluded from the scope of the Directive:** A Directive on minimum wage will not be effective if it overlooks the groups most prone to being underpaid. Specific references should be made to ensuring that workers with disabilities, and particularly women with disabilities, are respected as full employees with the right to receive a fair wage. There should also be zero tolerance for employers who disregard these rules when employing persons with disabilities. This should be the case for workers in the open labour market, as well as those still employed in sheltered work settings.
3. **Make collective bargaining more accessible:** Reference should be made to making collective bargaining more accessible to different kinds of workers who are typically underrepresented in trade unions, such as workers with disabilities. Efforts and adjustments should be encouraged to bring persons with disabilities into the process, to make it navigable for all, and to ensure any accessibility requirements for their participation are foreseen without exception.

## **Contact person at the EDF secretariat**

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Should you have any problems in accessing the documentation, please contact the EDF Secretariat (Tel: +32 (0)2 329 00 59, Email: [info@edf-feph.org](mailto:info@edf-feph.org)).

1. <https://mcusercontent.com/865a5bbea1086c57a41cc876d/files/ad60807b-a923-4a7e-ac84-559c4a5212a8/EDF_HR_Report_final_tagged_interactive_v2_accessible.pdf> [↑](#footnote-ref-1)
2. Idem [↑](#footnote-ref-2)
3. https://mcusercontent.com/865a5bbea1086c57a41cc876d/files/ad60807b-a923-4a7e-ac84-559c4a5212a8/EDF\_HR\_Report\_final\_tagged\_interactive\_v2\_accessible.pdf [↑](#footnote-ref-3)