



EUROPEAN  
DISABILITY  
FORUM

# EDF's input to the EU Talent Pool

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## About the European Disability Forum

The European Disability Forum (EDF) is an independent umbrella organisation of persons with disabilities that defends the interests of more than 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe, run by persons with disabilities and their families. EDF is a member of the Social Platform and Human Rights and Democracy Network and works closely to the European institutions, the Council of Europe and the United Nations.

## Situation of skilled workers with disabilities

Persons with disabilities are far less likely to be employed than persons without disabilities, although many of them are skilled workers. Only 50.8% of persons with disabilities are employed, compared to 75% of persons without disabilities.<sup>1</sup> Women with disabilities have even less opportunities to be employed. On average, 48.3% of women with disabilities are in employment.<sup>2</sup> The figures are even lower when looking at full-time employment with solely 20.6% of women with disabilities and 28.5% of men with disabilities working full-time.<sup>3</sup> Among the most affected are persons with psychosocial and intellectual disabilities and persons on the autism spectrum.

The most important barriers faced by persons with disabilities regarding the labour market are the incompatibility of disability allowances when working (irreversible loss of allowances and being worse off in work due to the extra living costs incurred for persons with disabilities), lack of personal assistance, lack of sign language interpretation, and absence of reasonable accommodation in the workplace. Moreover, a lack of data disaggregated by disability, gender and age makes it impossible to correctly assess the situation of skilled workers with disabilities in the EU and beyond.

The EU has taken several measures to support the employment of persons with disabilities living in the EU.<sup>4</sup> However, the [EU Talent Pool Pilot project](#) does not seem to refer to these measures, nor does it ensure that the Talent Pool is accessible and inclusive to job seekers and skilled workers with disabilities. As we see often in the EU, persons with disabilities are put into employment, without

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<sup>1</sup> [Joint Employment Report 2021](#)  
<sup>2</sup> EU SILC 2017  
<sup>3</sup> [Gender Equality Index 2020](#), Work  
<sup>4</sup> For example, the EU has invested directly in projects to assist in the integration of persons with disabilities into the labour market, notably using the EU Social Fund. The EU also facilitates, by means of an EU Regulation, the use of State Aid in the Member States to support inclusive employment, subsidise wages and provide reasonable accommodation. The General Block Exemption Regulation (EU) No 651/2014 declares certain this category of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the EU. Finally, the EU Directive (Council Directive 2000/78/EC) establishes a general framework for equal treatment in employment, vocational guidance, and training.

ensuring an inclusive workplace culture, provision of reasonable accommodation, and accessible transportation to work.

## EUs obligations

As a State Party to the **UN Convention on the Rights of Persons with Disabilities (CRPD)**, both the EU and all its Member States are obliged to provide persons with disabilities, including job seekers and skilled workers with disabilities from third countries with the same range and quality of support services, including employment as the ones available to persons without disabilities.

**Article 18 of the CRPD** addresses the **liberty of movement and nationality** of persons with disabilities: “States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities”.

**Article 27 of the CRPD** focuses on **work and employment**: “States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” The CRPD Committee adopted **General comment No. 8 (2022)** on the right of persons with disabilities to work and employment, with provides clear guidance to States Parties on how to implement article 27 of the CRPD.<sup>5</sup>

**All articles of the CRPD** – including in relation to non-discrimination, gender equality, access to inclusive education, accessibility and access to social protection are also all relevant to job seekers with disabilities applying for the EU Talent Pool.

In 2015, the **UN Committee on the Rights of Persons with Disabilities** [recommended](#) the EU “to take effective action to measure the employment of persons with disabilities and to increase their employment rate in the open labour market” and “to mainstream disability in EUs migration and refugee policies”.

## Main recommendations for the EU Talent Pool

The EU Talent Pool must explicitly refer to the **UN Convention on the Rights of Persons with Disabilities**, Article 18 on liberty of movement and nationality and Article 27 on work and employment, the [Global Compact for Migration](#) and follow up on the recommendations received by the CRPD Committee.

The EU Talent Pool is an **excellent opportunity for the EU** to increase its number of persons with disabilities in employment by attracting skilled workers with disabilities from third countries, and by making the EU international recruitment procedures, legal migration processes and labour market in general more accessible and inclusive for all workers.

EDF recommends for the EU to develop a **fully self-standing and mandatory EU Talent Pool**, for all labour migration purposes (as presented under policy option 4 in the call for evidence), and **to include the following measures**:

1. Ensure that Member States when recruiting via the EU Talent Pool enforce the **EU Employment Equality Directive**<sup>6</sup>, that obliges employers to treat persons with disabilities equally when applying for a job and to provide **reasonable accommodation** during recruitment and at work. Equality bodies in the Member States should be empowered to tackle discrimination in access to employment and support victims.

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<sup>5</sup> [General comment No. 8 \(2022\)](#) on the right of persons with disabilities to work and employment.

<sup>6</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

2. Refer to the EU guidelines for employers on the different forms of **reasonable accommodation**, which the European Commission is developing as part of the EU package on Improving Employment Outcomes for Persons with Disabilities. These guidelines must focus on how to offer person-centred and flexible support to persons with disabilities and how to approach the issue of work adjustments with workers with disabilities.
3. Ensure **the recognition of the disability status and eligibility for support** of skilled workers with disabilities when being recruited via the EU Talent Pool. These third country workers should be provided with **access to support services** on an equal basis with other workers with disabilities in the EU Member State where they will live and work.
4. Ensure that third country job seekers with disabilities are not penalized by losing entitlement to support such as **disability allowance**. Disability allowance is a way of compensating the extra cost of living that comes with having a disability, therefore, it is not a substitution, but it must be compatible with other forms of income.
5. Promote gender equality and diversity when recruiting skilled workers from outside the EU. This means recruiting and employing **skilled workers with disabilities** that are particularly **prone to exclusion from the labour market**. This includes women with disabilities, people with disabilities of ethnic minorities, such as Roma, people with high support needs, persons with multiple disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, amongst others.
6. Ensure **awareness** among skilled workers with disabilities and employers of the **legal rights** of workers with disabilities. This should focus particularly on the right to work and employment under the CRPD's Article 27 and General Comment no. 8 of the UN CRPD Committee, with particular emphasis on accessibility and reasonable accommodation.
7. The **EU online Talent Pool platform** should be **accessible** to persons with disabilities – by complying with EU harmonised accessibility requirements laid down in the **European Accessibility Act**. The Platform should inform workers with disabilities about the services to contact when moving to the EU to receive the support they are entitled to.
8. Refer to the use of the **European Social Funds Plus**. Member States are encouraged to make use of the European Social Funds Plus to promote employment of groups who are regularly excluded from the labour market. The Regulation on the use of these funds details that 25% of the money should be used by Member States to foster social inclusion, which in part requires assisting groups such as persons with disabilities.
9. Collect disaggregated **data** by disability, gender and age of workers with disabilities. Data are necessary to adopt targeted actions to ensure full inclusion of skilled workers with disabilities in EUs labour market and societies.
10. Meaningfully **involve and consult with persons with disabilities** and their representative organisations in designing, implementing and evaluating the EU Talent Pool, including the European employment services ([EURES](#)).

## Contact persons

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