



EU Talent Pool

European Disability Forum Position Paper

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**EDFs proposed amendments for a Regulation
establishing an EU Talent Pool**



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Background

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.¹ Women with disabilities have even less opportunities to be employed. On average, 48.3% of women with disabilities are in employment.² 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.³ 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

¹ [Joint Employment Report 2021](#)

² EU SILC 2017

³ [Gender Equality Index 2020](#), Work

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 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.⁴ However, the proposed Regulation establishing an EU Talent Pool does not refer to these measures, nor does it ensure that the Talent Pool Platform is accessible and inclusive to job seekers and workers with disabilities. As we see often in the EU, persons with disabilities are put into employment, without ensuring an inclusive workplace culture, provision of reasonable accommodation, and accessible transportation to work.

Summary

The EU Talent Pool is an excellent opportunity for the EU to increase its number of persons with disabilities in employment by attracting 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 proposed amendments aim at ensuring that EU Talent Pool:

- promotes gender equality and diversity when recruiting workers from outside the EU via the EU Talent Pool. This means recruiting and employing workers with disabilities that are particularly prone to exclusion from the labour market.

⁴ 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.

- is accessible to persons with disabilities – by complying with EU harmonised accessibility requirements laid down in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882).
- provides access to reasonable accommodations and support for persons with disabilities during recruitment and at work, in accordance with the CRPD and the EU Employment Equality Directive (Directive 2000/78).
- promotes the European Social Funds that are available for Member States and employers to use at least 25% to support persons with disabilities to find employment in the open labour market.
- refers 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.
- provides third country workers with information and access to support services on an equal basis with other workers with disabilities in the EU Member State where they will live and work.
- meaningfully involves and consults persons with disabilities and their representative organisations in designing, implementing and evaluating the EU Talent Pool, including the European employment services (EURES).

EDF proposed amendments

Regulation establishing EU Talent Pool

Recital

Commission proposals	EDF proposals
(2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, better realising the full potential of groups with lower labour market participation, reskilling and upskilling the existing workforce,	(2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, better realising the full potential of groups with lower labour market participation, <i>taking into account gender equality and the</i>

facilitating intra-EU labour mobility, as well as improving working conditions and the attractiveness of certain occupations.	<i>diversity of job seekers and workers</i> , reskilling and upskilling the existing workforce, facilitating intra-EU labour mobility, as well as improving working conditions and the attractiveness of certain occupations.
Justification: The Regulation should promote gender equality and diversity when recruiting workers from outside the EU via the EU Talent Pool. This means recruiting and employing 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.	
Commission proposals	EDF proposals
(9) An EU Talent Pool IT platform should be developed by using existing Commission-owned IT infrastructure to the extent possible. The IT infrastructure developed in the framework of EURES could be partially re-used for the EU Talent Pool IT platform, including the single coordinated channel and the automated matching tool with relevant adaptations, including to duly take into account the 'EU Talent Partnership pass'.	(9) An EU Talent Pool IT platform should be developed by using existing Commission-owned IT infrastructure to the extent possible. <i>It should be accessible for persons with disabilities in accordance with the Web Accessibility Directive (Directive (EU) 2016/2102) and the European Accessibility Act (Directive 2019/882).</i>
(10) The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools.	(10) The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools. <i>The Platform should be accessible for persons with disabilities in</i>

	accordance with the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882).
(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.	(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location. The Europass profile should be accessible for persons with disabilities in accordance with the Web Accessibility Directive (Directive (EU) 2016/2102).
Justification: The EU online Talent Pool platform and the Europass profile should be accessible to persons with disabilities – by complying with EU harmonised accessibility requirements laid down in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882). When these EU obligations are not explicitly stipulated, they are less likely to be followed and implemented. It brings legal certainty to clarify what ‘accessible’ and ‘accessible formats’ mean under EU law.	
Commission proposals	EDF proposals
(22) The principles of the European Pillar of Social Rights should apply for all activities conducted in the context of the EU Talent Pool, in particular with regard to the right to fair and equal treatment with respect to working conditions, minimum wages, access to social protection, training, and protection of youth people at work.	22) The principles of the European Pillar of Social Rights, the UN Convention on the Rights of Persons with Disabilities and the EU Employment Equality Directive (Directive 2000/78/EU) should apply for all activities conducted in the context of the EU Talent Pool, in particular with regard to the right to fair and

	equal treatment with respect to working conditions, minimum wages, access to social protection, training, and protection of youth people at work.
<p>Justification: 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, and follow up on the recommendations received by the CRPD Committee.</p> <p>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 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 (Articles 18 and 27 CRPD).</p> <p>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”.</p> <p>The Regulation should ensure that Member States when recruiting via the EU Talent Pool enforce the EU Employment Equality Directive, 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.</p>	
	<i>New recital: All information and communicated related to the EU Talent pool by all relevant stakeholders should be accessible for persons with disabilities in accordance with the Web Accessibility Directive (Directive (EU) 2016/2102) and the European Accessibility Act (Directive 2019/882).</i>

Justification: When these EU obligations in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882) are not explicitly detailed in the proposed Regulation, they are less likely to be followed and implemented. It brings legal certainty to clarify what 'accessible' and 'accessible formats' mean under EU law.	
Commission proposals	EDF proposals
	New paragraph in the recital: <i>Participating Member States should support employers to hire applicants with disabilities by ensuring access to reasonable accommodation and support measures. Member States can make use of the European Social Funds Plus to promote employment of groups who are regularly excluded from the labour market, and use 25% of these funds to foster social inclusion, which in part requires assisting groups such as persons with disabilities.</i>
Justification: The EU Employment Equality Directive obliges Member States to ensure that persons with disabilities have access to reasonable accommodations and support during recruitment and at work. The European Social Funds+ are available for Member States and employers to use to at least 25% to support persons with disabilities to find employment in the open labour market.	
Commission proposals	EDF proposals
	New paragraph in the recital: <i>Member States should make use of the EU Guidelines on the different forms of reasonable accommodation for persons with disabilities. The</i>

	<i>Guidelines will detail 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.</i>
Justification: The European Commission is developing EU Guidelines on reasonable accommodations as part of the EU package on Improving Employment Outcomes for Persons with Disabilities. Once adopted, these guidelines should be followed by Member States and employers recruiting via the EU Talent Pool.	
Commission proposals	EDF proposals
	<i>New paragraph in the recital: Persons with disabilities and their representative organisations should be meaningfully involved and consulted in designing, implementing and evaluating the EU Talent Pool.</i>
Justification: According to Article 4,3 CRPD, States Parties shall closely consult with and actively involve persons with disabilities and their representative organisations in the development and implementation of legislation and policies to implement the CRPD, and in other decision-making processes concerning issues relating to persons with disabilities.	

Article 5. EU Talent Pool

Commission proposals	EDF proposals
	<i>(g new) the Platform shall be accessible for persons with disabilities in accordance with the requirements laid down in Directive (EU) 2016/2102) and the European Accessibility Act (Directive 2019/882).</i>

Justification: When these EU obligations in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882) are not explicitly detailed in the proposed Regulation, they are less likely to be followed and implemented. It brings legal certainty to clarify what 'accessible' and 'accessible formats' mean under EU law.

Article 10. EU Talent Pool National Contact Points

Commission proposals	EDF proposals
(g) providing information and support services to registered jobseekers from third countries and employers participating in the EU Talent Pool in accordance with Article 17.	(g) providing information and support services to registered jobseekers from third countries and employers participating in the EU Talent Pool in accordance with Article 17, including information on disability related support services and the provision of reasonable accommodation.
Justification: Member States and employers are obliged under EU law (EU Employment Equality Directive 2000/78) and the CRPD to provide information on the support services available and the provision of reasonable accommodations for job applicants with disabilities (Article 5 and 27 CRPD).	

Article 12. Profile registration and access of jobseekers from third countries in the context of Talent Partnerships

Commission proposals	EDF proposals
4. The Commission shall, by means of implementing acts, adopt templates for the format of the 'EU Talent Partnership pass'. These implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 22(2).	4. The Commission shall, by means of implementing acts, adopt templates for the format of the 'EU Talent Partnership pass'. These implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 22(2). The Pass shall be available in accessible formats for persons with disabilities, in accordance with the Web

	<i>Accessibility Directive (Directive (EU) 2016/2102) and the European Accessibility Act (Directive 2019/882).</i>
Justification: When these EU obligations in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882) are not explicitly detailed in the proposed Regulation, they are less likely to be followed and implemented. It brings legal certainty to clarify what ‘accessible’ and ‘accessible formats’ mean under EU law.	

Article 13: Participation of employers in the EU Talent Pool

Commission proposals	EDF proposals
Employers participating in the EU Talent Pool shall comply with the relevant Union and national law and practice to ensure third-country nationals’ protection against unfair recruitment and inadequate working conditions as well as non-discrimination.	3. Employers participating in the EU Talent Pool shall comply with the relevant Union and national law, <i>including the UN Convention on the Rights of Persons with Disabilities and the EU Employment Equality Directive (Directive 2000/78/EU)</i> and practice to ensure third-country nationals’ protection against unfair recruitment and inadequate working conditions as well as non-discrimination.
Justification: The EU Talent Pool must explicitly refer to the UN Convention on the Rights of Persons with Disabilities (CRPD), Article 18 on liberty of movement and nationality and Article 27 on work and employment, and follow up on the recommendations received by the CRPD Committee. Both the EU and its Member States have ratified the CRPD. The Regulation should ensure that Member States when recruiting via the EU Talent Pool enforce the EU Employment Equality Directive , that obliges employers to treat persons with disabilities equally when applying for a job and to provide reasonable accommodation during recruitment and at work.	

Article 17: Information provision and support services

Commission proposals	EDF proposals
1. Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible.	1. Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible, and in accessible formats <i>for persons with disabilities, in accordance with the Web Accessibility Directive (Directive (EU) 2016/2102) and the European Accessibility Act (Directive 2019/882).</i>
Justification: When these EU obligations in the Web Accessibility Directive (Directive 2016/2102) and the European Accessibility Act (Directive 2019/882) are not explicitly detailed in the proposed Regulation, they are less likely to be followed and implemented. It brings legal certainty to clarify what 'accessible' and 'accessible formats' mean under EU law.	

Document credits

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