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## **FEATURES OF THE LEGAL STATUS IN LABOR LAW OF PERSONS WITH DISABILITIES**

**Kasen Ansagan Kanatkyzy**

*ansagankasen@gmail.com*

Third-year student, Faculty of Law, specialty - International Law

L.N.Gumilyov Eurasian National University, Nur-Sultan, Kazakhstan

Scientific adviser - Acting Associate Professor, Doctor PhD - Yessirkepova M.M.

An important part of everyone's life is the issue of employment, which is an aspect of survival and existence, contributes to the development and recognition of human rights in society. The fact that everyone has the right to work is well known and is enshrined in many international human rights instruments. But there are a number of different reasons why a person cannot get a job, starting with lack of experience and ending with the personal qualities of the person. One of the reasons is also disability. Many difficulties for people with disabilities waiting in the field of employment. According to World Health Organization statistics, 23% (more than 1.7 billion people) of the world's population are disabled. According to World Health Organization, the number of persons with disabilities is increasing every year. The main reasons for this growth are the aging of the population and the

rapid spread of chronic diseases, as well as improvements in the methodologies used to measure disability [1].

The income of people with disabilities is much lower than the average, and the need for health and social services is much higher. In most cases, persons with disabilities have less access to education and are therefore unable to work. Most of them do not have a family and do not want to participate in public life. All this suggests that persons with disabilities in our society are a discriminated minority. One of the main reasons for this situation is the lack of harmonious relations between persons with disabilities and society. Accordingly, whatever laws may be adopted in relation to persons with disabilities, they will not be fully implemented until society is ready for this psychologically [2].

People with disabilities are perceived differently in our society. The level of civilization of society is largely determined by the attitude of this society to the marginal group of the population, in particular to the disabled. The International Labor Organization estimated 386 million people of the total population of working age in the world are disabled. In some countries, unemployment among persons with disabilities reaches 80 per cent. Employers often believe that persons with disabilities are unable to work [11]. However, people with disabilities often have relevant skills, loyalty, and low absenteeism rates, and an increasing number of companies find it effective and profitable to hire people with disabilities. Participation of disabled persons in the labor force is important for other reasons: their participation contributes to growth in national output; employment brings personal and social benefits, strengthening the sense of human dignity and social cohesion [1]. Employers' reluctance to hire persons with disabilities is often linked to fear of job placement. The general misconception is that all persons with disabilities need reasonable accommodation or that this accommodation is expensive or other difficulties. However, many persons with disabilities do not need reasonable accommodation, and many adaptation measures require minimal or no cost. Finally, even if the need arises, only such an adaptation is provided that is reasonable, necessary, appropriate and which does not become a disproportionate or unjustified burden. To dispel false fears, states should inform employers of their obligations to ensure reasonable accommodation, raise awareness of the concept among employers, trade unions and people with disabilities and provide technical assistance to put this provision into practice [9].

A significant number of people with disabilities have the opportunity to work for medical reasons. Every seventh person on earth is disabled, and among them people of working age prevail. However, most of them are denied the right to work. With resolution 47/3 of the General Assembly of October 14, 1992, December 3 is celebrated around the world as the International Day of Persons with Disabilities.

The main sources of social protection of persons with disabilities is the Convention on the Rights of Persons with Disabilities of December 13, 2006, Convention No. 159 on Vocational Rehabilitation and Employment of Persons with Disabilities of June 20, 1983. There are also a number of other international

documents that in one way or another address issues of people with disabilities. These are documents for the protection of human rights, and then only indirectly, that is, due to the applicability of these documents to all people. However, there are still international legal instruments relating to the rights of persons with disabilities, in most cases are not legally binding. The adoption of the Convention on the rights of persons with disabilities has promoted and continues to treat persons with disabilities not as victims or minorities, but as empowered actors. Parties to the Convention to date is 177 States, allowing us to make a conclusion that they all recognize the urgency of this matter, including that for people with disabilities is important to their autonomy and independence, the right to your choice regarding all issues. The Convention does not establish new human rights; it emphasizes the protection of the rights of persons with disabilities, obliging States parties to take the necessary measures to ensure equal access. As they have less access to rehabilitation services, they often do not have support from the family or society and often suffer from social exclusion due to their disability. Persons with disabilities face many obstacles in their struggle for equality. Although both disabled men and women with disabilities are discriminated against, women with disabilities are subject to double discrimination on the basis of gender and disability. In this regard, the convention contains separate provisions for women with disabilities, as well as children with disabilities. Analysis of the results of the World Health Survey shows that in 51 countries the employment rate for men with disabilities is 52.8% and 19.6% for women with disabilities [1]. The existence of such a convention is necessary to confirm that the rights of persons with disabilities in the field of human rights are protected and respect for these rights is strengthened. Separately, would like to pay attention to the provisions relating to labor and employment. The Convention proclaims the equal access of persons with disabilities to work, which implies that persons with disabilities also have the right to be able to earn a living by the work that he himself chose or voluntarily agreed to, since we know that freedom of choice is an essential rule of human existence, prescribed by the rules international law. Everyone has the right to freely consent to work without any discrimination and coercion to it, the right to choose a profession and occupation. The Convention is a much deeper instrument than other human rights treaties, which set out the measures that states should take to prohibit discrimination and ensure equality for all. Article 27 of the Convention, which refers to labor and employment, will contribute to the empowerment of persons with disabilities to earn a living from decent work in the labor market.

In particular, we would like to dwell on the ILO Convention on Vocational Rehabilitation and Employment of Persons with Disabilities (No. 159), which is the main document concerning the right to decent work of persons with disabilities and the prohibition of discrimination on the basis of disability. For a long time, the ILO has been promoting decent work for people with disabilities on the basis of equal opportunity, equal treatment, full consideration and participation in the public. Nevertheless, the convention alone will not solve all the difficulties that have been faced so far, until the states and society improve the status of the

disabled. It is generally recognized that the greatest obstacle to the achievement of dignity and the enjoyment of human rights by persons with disabilities is their invisibility - the lack of them in everyday life. Persons with disabilities very often forget that they have the same rights to work as all other people. In order to enjoy the right to work, persons with disabilities must have access to the workplace and work. Access to work in the main employment sector is crucial for people with disabilities, as well as the related rights to fair and favorable conditions [5]. The work carried out in the workplace, in turn, must be done taking into account the interests of workers with disabilities in order to ensure their effective access to the right to work. The right of persons with disabilities to work implies an obligation on the part of States parties to create favorable and conducive conditions for employment in both the public and private sectors. In order for employment opportunities for people with disabilities to improve to any degree, governments and non-governmental organizations need to provide employers with both financial and technical assistance in adapting to working conditions.

Describing the situation regarding this issue in Kazakhstan, it should be noted that today in Kazakhstan there are about 680 thousand people with disabilities, of whom 62% (417.7 thousand people) are of working age. Over the past 5 years, the number of people with disabilities increased by 7.5%. The Constitution of the Republic of Kazakhstan is the main guarantee for the protection of the right to work. Kazakhstan in 2015 ratified the UN Convention on the Rights of Persons with Disabilities, thereby accepting obligations to implement international standards for the realization of the economic, civil, social and cultural rights of persons with disabilities without discrimination and on an equal basis with others. The ratification of the Convention implies the intention of the state to create the necessary conditions and environment for the full life of a disabled person as a full member of society. In order to implement the norms of the Convention, on December 3, 2015, a law was adopted, as a result of which amendments were made. The Order of the Minister of Health and Social Development of the Republic of Kazakhstan in 2016 approved the «Rules for quoting jobs for persons with disabilities». Our state encourages the employment of persons with disabilities. However, despite the establishment of quotas and state incentives in the form of tax incentives, the number of jobs for people with disabilities does not increase. Since the penalty for failure to comply with this requirement according to the Administrative Violations Code entails only a warning, re-commissioning a fine of 5 to 10 monthly calculated indicators (for 2019 it ranges from 12,625 to 25,250 thousand tenge). Thus, it is more profitable for some employer to pay a fine than to hire. Today, there is a discussion of the draft National Plan to ensure the rights and improve the quality of life of persons with disabilities until 2025, proposed by the Ministry of Labor and Social Protection. In accordance with this project, it is planned to abandon the term «disabled person» and replace it with «people with special needs», as well as a number of different measures to improve the welfare of disabled people. Thus, many stakeholders, including the government, employers, organizations of persons

with disabilities and trade unions, play their role in empowering people with disabilities in the labor market. Consequently, it is necessary to pursue an appropriate policy, it is necessary to introduce and apply effective measures, to create conditions for the exercise of their rights to the full. The level of readiness of the state, as well as its citizens to follow the democratic path of development and respect for human rights is determined by the attitude of society towards people with disabilities. Ensuring full access to public life makes people with disabilities more independent and close to other segments of the population.

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