

What Would an Inclusive Beirut Look Like?

A Multi-Disciplinary Approach to Inclusive Reconstruction in Lebanon



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Intervention on Inclusive Employment for Persons with Disability (PWDs)

Disability Hub



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- ▶ The Lebanese legislation before law 220 (related to the rights of PWDs) recognize the right to work for every citizen without mentioning PWDs in particular, and did not include any measures to ensure them their right to equal work opportunities. These legislations did not also embrace the principles of inclusion, non-discrimination, gender equality and decent work for all in the labor market for PWDs.

- ▶ The Lebanese legislation dealt with work and employment through two main comprehensive laws, the Labor Law of 1946 which governs the private sector and the Employees' regulation (112) of 1959 which governs the public sector. Both laws are comprehensive and do not discriminate in any of their articles on the basis of disability, religion or gender, but do not include any mechanism to combat discrimination and do not adopt any inclusive employment policy. They also, do not take into account the needs of PWDs, especially with regard to reasonable accommodation, accessibility and incubator environment.

- ▶ Article 68 of law 220 stipulates that PWDs have the right to work on an equal basis with others, and that the State is obligated to assist these persons to enter the labor market based on the principle of equal opportunities. This is in line with the objectives of the CRPD (Article 27) and the SDGs (Goal 8). Article 69 in Paragraph A stipulates that disability does not constitute a barrier to nomination for any job, and paragraph C of the same Article came to emphasize this text by considering that “the competency-related exams, and the applicable apprenticeship period, are sufficient to accept or reject employment. It is important to note that no implementation decrees or administrative instructions have been issued to activate the rights mentioned in this part.

- ▶ Articles 73 and 74 of Law 220 define a specific quota (3%) of jobs for PWDs in the public and private sectors, but did not establish any mechanism to implement this quota. The quota does not contradict with what the CRPD seeks, as long as it is considered as a transitional stage towards full economic inclusion, and the quota legislations are compatible with the principles of the Convention.



There are other factors, the availability of which positively affects the employment of PWDs, and their absence constitutes major obstacles to obtaining them, specifically:

1- Reasonable accommodation, according to the CRPD, “Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, and needed in a particular case, to ensure to PWDs the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

2- Accessibility, According to the CRPD, Accessibility means to “take appropriate measures to ensure to PWDs access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas”.

- ▶ Law 220 limited accessibility to the physical part, and most of the articles in section 4 on accessible environment, spoke of removing all physical barriers, in order to allow PWDs to access all public and private buildings intended for public use.



There are other factors, the availability of which positively affects the employment of PWDs, and their absence constitutes major obstacles to obtaining them, specifically:

- ▶ 3- Internet and assistive technology, These two factors have made a quantum leap in the lives of PWDs and changed many standards for engaging in public life, especially in the field of employment. according to the American Assistive Technology Act of 2004 assistive technology device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a PWD. The CRPD has recognized access to Assistive Technology as a human right. Assistive technology has opened many career fields for PWDs However, it remains expensive and has not yet been covered by the MOSA Disability Rights and Access Program. As for the Internet, PWDs have benefited from it and used it within the employment and training frameworks.

There are other factors, the availability of which positively affects the employment of PWDs, and their absence constitutes major obstacles to obtaining them, specifically:

- ▶ 4- Transportation, this factor is one of the basic factors for PWDs, and its availability gives them independence that allows them to obtain and maintain jobs on an equal basis with others. The Traffic and Transportation Law 243 of 2012 does not adopt any inclusive transport policy or contain any provision regarding accessibility and disability needs. Article 44 of the Law 220 stipulates that The Ministry of Transport shall provide buses, and other transportation means, that are accessible and designed for the use of PWDs according to the international standards of safety. However, law 220 does not adopt any policy on inclusive transportation.

What has to be done?

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- ▶ Lebanese legislations must adopt inclusive policies and contain effective mechanisms intended to include PWDs in an inclusive labor market
- ▶ Lebanese legislations, including Law 220, must be amended to contain a provision on reasonable accommodation in the area of employment. They must adopt the concept of accessibility in its wider sense and in accordance with Article 9 of the CRPD.

- ▶ Labor and Employees' laws should be amended to embrace the principles of equal opportunities and gender equality in the area of employment and must contain a mechanism to prevent discrimination. The needs of PWDs must be taken into consideration, including the incubator environment and the accessible work place.
- ▶ The Construction Code (646) must be amended to ensure accessibility for PWDs in public areas and in public and private buildings intended for public use.



- ▶ The Traffic and Transportation Law (243) must be amended to guarantee for PWDs an accessible and inclusive public and private transportation system.
- ▶ Expanding the assistive aids provided by the MOSA Disability Rights and Access Program to include assistive technology devices, either free of charge or at reasonable prices.

