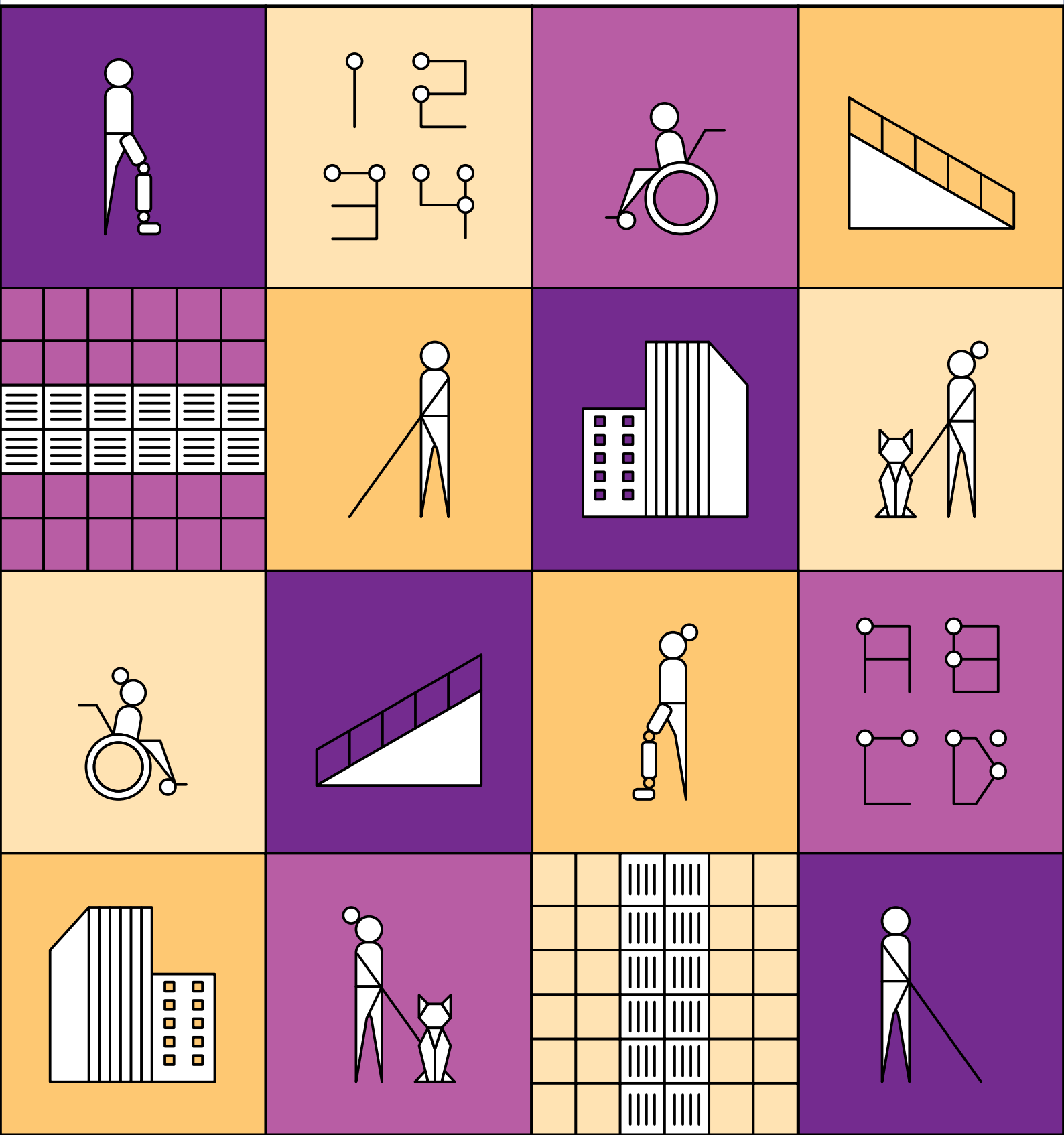


# Fostering Disability Inclusion & Business Integrity in ASEAN



## Donor partner

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# ACRONYMS

ASEAN	Association of Southeast Asian Nations
BRH	Bangkok Regional Hub
CEO	Chief Executive Officer
CESCR	Committee on Economic, Social and Cultural Rights
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Community Service Organization
DDD	Digital Data Divide
DEI	Diversity, equity, and inclusion
DESA	Department of Economic and Social Affairs
ESCAP	Economic and Social Commission for Asia and the Pacific
ESG	Environmental, Social, and Governance
GRI	Global Reporting Initiative
HRBA	Human Rights-Based Approach
ICT	Information Communication Technologies
I/DD	Intellectual/Developmental Disabilities
ILO	International Labour Organization
ISO	International Organization for Standardization
IT	Information Technology
Lao PDR	Lao People's Democratic Republic
LNOB	Leave No One Behind
NAP	National Action Plan
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPD	Organization of Persons with Disabilities
PDEA	Persons with Disabilities Empowerment Act
SDGs	Sustainable Development Goals
SME	Small and Medium Enterprises
UNDIS	United Nations Disability Inclusion Strategy
UNDP	United Nations Development Programme
UNSDG	United Nations Sustainable Development Group
UNV	United Nations Volunteers
USD	United States Dollars
VBII	Viet Nam Business Integrity Index
WEF	World Economic Forum
WHO	World Health Organization

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# EXECUTIVE SUMMARY

Globally, there are over one billion people with disabilities or 16 per cent of the world's population.<sup>1</sup> Eighty per cent of these individuals acquire their disabilities between the ages of 18 and 64 — the average working age for most.<sup>2</sup> Furthermore, persons with disabilities are 50 per cent more likely to be unemployed.<sup>3</sup> Women with disabilities and persons with psychosocial or intellectual disabilities are disproportionately affected. According to the United Nations, 80 per cent of persons with disabilities live in developing countries.<sup>4</sup> In Asia and the Pacific, 700 million men, women, and children live with some form of disability.<sup>5</sup> Disability-inclusive employment has yet to be achieved in the Asia-Pacific region, where 472 million working-age persons with disabilities live, accounting for 15 per cent of the total population in the region.<sup>6</sup> While there is a fundamental shift in policy focus from sheltered employment to supported and open employment, persons with disabilities often fare worse than their peers without disabilities in the labour market.

Although comprehensive and comparable data sets are lacking, data from countries in the region indicate critical disability gaps in employment-to-population ratios, labour force participation rates, engagement in informal work, and youth idle rates. When compared with persons without disabilities, persons with disabilities are significantly less likely to be employed and participating in the labour force. They are more likely to engage in informal work and be idle — neither in school nor employed — when they are young. The disability gaps generally widen as the severity of disability increases. Women with disabilities and persons with disabilities living in rural areas face additional challenges in employment.<sup>7</sup> Employment rates are disproportionately low, and many barriers to work still exist,<sup>8</sup> such as access to education and vocational training, attitudinal barriers including stigma and discrimination, access to the built environment, transport and information and communication technologies, and inadequate law and policy frameworks.

Despite these overwhelming statistics, persons with disabilities are now more active in our society than ever before. Technological innovations enable persons with disabilities to take a more active working role as many jobs can be conducted online, and skills can be learned online. Assistive technologies are available to increase access to the built environment and information and communication technologies. Citizens are demanding more transparency and the opportunity to take a more active part in developing and shaping

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1 World Health Organization (WHO), "Disability". 7 March 2023. Available from: <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>.

2 World Economic Forum (WEF), "What companies gain by including persons with disabilities". 23 April 2019. Available from: <https://www.weforum.org/agenda/2019/04/what-companies-gain-including-persons-disabilities-inclusion/>.

3 WEF, "What companies gain by including persons with disabilities".

4 United Nations, "Disability Inclusion Strategy". Available from: <https://www.un.org/en/content/disabilitystrategy/>.

5 Economic and Social Commission for Asia and the Pacific (ESCAP), "High-level Intergovernmental Meeting on the Final Review of the Asian and Pacific Decade of Persons with Disabilities, 2013-2022". Available from: <https://unescap.org/events/2022/high-level-intergovernmental-meeting-final-review-asian-and-pacific-decade-persons>.

6 Calculated as 15 per cent of the 2020 ESCAP estimate that 3,144,378,848 of the Asia and Pacific population are of working age at mid-year 2020. Source: ESCAP, "Population and development indicators for Asia and the Pacific, 2020", 2020. Available from: <https://www.unescap.org/sites/default/d8files/knowledge-products/SDD-PS-data-sheet-2020-v6-1.pdf>.

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7 ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, ii. Available from: <https://www.unescap.org/kp/2021/disability-glance-2021-shaping-disability-inclusive-employment-asia-and-pacific>.

8 International Labour Organization (ILO), "InfoStories: The win-win of disability inclusion", December 2016. Available from: <https://www.ilo.org/infostories/en-GB/Stories/Employment/The-win-win-of-disability-inclusion#the-win-win-of-disability-inclusion>.

policies and laws that result in more inclusion of marginalized groups in society. Companies promoting disability inclusion are also achieving significant gains in profitability, value creation, and shareholder returns.<sup>9</sup> Furthermore, it could be said that companies advancing on disability inclusion are more transparent and doing business with more integrity.

A strong business case exists for robust disability inclusion programmes in business entities.<sup>10</sup> First, persons with disabilities and their families constitute a large, overlooked market with considerable purchasing power to buy products and services. Research shows that when it comes to profitability and value creation, these companies achieved 28 per cent higher revenue, double the net income and 30 per cent higher economic profit margins over a four-year period.<sup>11</sup> Second, evidence suggests that employees with disabilities demonstrate increased productivity, lower accident rates, and higher job retention than the general workforce. Third, employees with disabilities also contribute to an organization's diversity, creativity, and workplace morale. Persons with disabilities have often acquired heightened sensibilities and unique skills in problem-solving and adaptability, which enhances their potential to develop powerful business ideas and solutions. This is relevant for employment and when it comes to identifying investment opportunities or conducting market research; for example, persons with disabilities remain an untapped source of talent.<sup>12</sup> Fourth, a study revealed 60 per cent of workplace accommodations can be made for free, while the remaining cost is an average of USD 500 per employee.<sup>13</sup> Fifth, there are the reputational benefits. A survey undertaken by the National Business & Disability Council in 2017 found that 66 per cent of consumers would purchase goods and

services from a business that features persons with disabilities in their advertising, while 78 per cent would purchase goods and services from a business that takes steps to ensure easy access for individuals with disabilities at their physical locations.<sup>14</sup> Sixth and finally,, transparency creates trust. Accountability and creating an environment of trust where employees feel comfortable self-identifying as having a disability are important measures of inclusion.<sup>15</sup> Although equivalent statistics are unavailable in Asia and the Pacific, ESCAP reports that every worker, regardless of disability status, benefits from and works more productively in an accessible and Inclusive work environment that accommodates and appreciates diversity. Businesses with an inclusive workforce deliver more innovative and accessible products and services. Business champions now realize the importance of the untapped talent resources and consumer markets that persons with disabilities represent.<sup>16</sup>

Despite this potential, weak oversight and insufficient leadership threaten inclusive and sustained economic and social development in the Asia-Pacific region. This paper explores the nexus between disability inclusion and business integrity. It finds that corruption exacerbates the effects of marginalization for persons with disabilities and may serve as a vehicle for discrimination, including in employment. Small business owners and organizations of persons with disabilities observe that corruption diminishes the public's potential purchasing power, resulting in increasingly unfair competition for market participants. Persons with disabilities may also be exposed to corruption through government agencies that may misuse funding intended to benefit persons with disabilities. Power asymmetries in such situations mean persons with disabilities may struggle to report corruption. Multiple and intersecting identities may compound the risk of exposure to corruption by persons with disabilities, including women, youth, and informal sector workers with disabilities.

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9 WEF, "What companies gain by including persons with disabilities".

10 WEF, "What companies gain by including persons with disabilities".

11 WEF, "What companies gain by including persons with disabilities".

12 Global Reporting Initiative (GRI), Disability in Sustainability Reporting, January 2019, 9. Available from: <[https://disabilityhub.eu/sites/disabilityhub/files/gri\\_disability\\_reporting\\_0.pdf](https://disabilityhub.eu/sites/disabilityhub/files/gri_disability_reporting_0.pdf)>.

13 WEF, "What companies gain by including persons with disabilities".

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14 National Business & Disability Council, Marketing Anthropology Project (MAP), 2017.

15 WEF, "What companies gain by including persons with disabilities".

16 ESCAP, Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, ii.

This paper examines case studies in six Association of Southeast Asian Nations (ASEAN) countries — Indonesia, Lao People’s Democratic Republic (PDR), Malaysia, Philippines, Thailand, and Viet Nam — to illustrate promising practices in disability-inclusive business integrity through innovative policies and practices that give precedence to high ethical standards, trust, transparency, and accountability. It presents 12 case studies demonstrating some benchmarks and indicators in the United Nations Disability Inclusion Strategy (UNDIS).<sup>17</sup> The UNDIS is an entity accountability framework which covers the main organizational functions at the corporate level, including a) strategic planning; b) capacity development; c) hiring practices and human resource management; d) accessibility; and e) reasonable accommodation. These benchmarks provide helpful guidance for public and private sector entities to assess the extent to which an entity considers disability inclusion in business integrity and to track this over time. In addition, this paper examines disability inclusion and business integrity through a human-rights lens, illustrating how various disability-inclusive business practices comply with international human rights law standards in the Convention on the Rights of Persons with Disabilities (CRPD),<sup>18</sup> which has been ratified by all six nations in this study. Good corporate governance helps to build an environment of trust, transparency, and accountability necessary for fostering long-term investment, financial stability, and business integrity, thereby supporting stronger and inclusive economic growth and societies.<sup>19</sup>

The study has made the following 17 recommendations, guided by the CRPD standards and the jurisprudence of the CRPD in its General Comments.<sup>20</sup>

## RECOMMENDATIONS TO POLICYMAKERS

1. Advocate for public procurement laws that ensure the incorporation of disability-inclusive accessibility and universal design requirements and that contracts are awarded to suppliers that comply with such criteria. Also, consider affirmative action public procurement laws that provide for preferential contracting, where contracts are awarded to organizations employing or led by persons with disabilities.
2. Promote the incorporation of universal design principles into national law and policy frameworks and raise public and private sector awareness of the benefits of disability-inclusive design for accessibility.
3. Improve the regular collection and quality of data on the employment of persons with disabilities across the Asia-Pacific as part of the overall labour market surveys or employment-related population censuses and promote disability disaggregation for administrative data across sectors.

## RECOMMENDATIONS FOR UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) PROGRAMMING

4. Establish relationships with and systematically consult organizations of persons with disabilities representing persons with all types of impairments in ASEAN countries in all disability-inclusive business integrity project activities, including at the design, implementation and monitoring and evaluation stages.
5. Raise awareness and build the capacity of public and private sector entities in ASEAN

17 United Nations, United Nations Disability Inclusion Strategy, January 2019. Available from: [https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN\\_Disability\\_Inclusion\\_Strategy\\_english.pdf](https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf).

18 Office of the United Nations High Commissioner for Human Rights (OHCHR), CRPD, 13 December 2006. Available from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

19 Organisation for Economic Cooperation and Development (OECD), G20/OECD Principles of Corporate Governance, 30 November 2015, 7. Available from: [https://www.oecd-ilibrary.org/governance/g20-oecd-principles-of-corporate-governance-2015\\_9789264236882-en](https://www.oecd-ilibrary.org/governance/g20-oecd-principles-of-corporate-governance-2015_9789264236882-en).

20 OHCHR, “General comments: Committee on the Rights of Persons with Disabilities”. Available from: <https://www.ohchr.org/en/treaty-bodies/crpd/general-comments>.



countries about how to address disability-inclusive business integrity in corporate compliance, procurement, employment, design of goods and services, and digital accessibility. This could include training programmes and knowledge products. Make the business case for disability inclusion.

6. Provide technical support to government and corporate employers to promote the recruitment, employment, and career advancement of employees with disabilities, including providing reasonable accommodation. Work with organizations of persons with disabilities (OPDs) and business associations to establish a placement system, match potential employees with disabilities with potential employers, and provide technical advice about reasonable accommodation and assistive technologies.
7. Promote the acquisition by persons with disabilities of work experience in the open labour market by supporting disability-inclusive workplace training and employment programmes through impact-sourcing models and compliance with the Impact Sourcing Standard.<sup>21</sup>
8. Work with ASEAN corporations with policies promoting hiring persons with disabilities and remote/hybrid and digital working models to employ persons with disabilities in national offices in ASEAN countries, including providing technical assistance.
9. Support entrepreneurship development programmes and services that include providing business loans, grants, subsidies, and equipment with preferential terms and accessible business development skills training catering to the diverse needs of persons with disabilities and tailored support to facilitate access of entrepreneurs with disabilities to markets and business networks.<sup>22</sup>
10. Advocate for the use of tools that help assess and monitor the adoption of inclusive processes in companies and organizations, for example, (i) integrity toolkits, (ii) environmental, social, and governance (ESG) assessment tools, and (iii) the Viet Nam Business Integrity Index (VBII).<sup>23</sup>
11. Consider developing disability-specific tools — similar to the CoST disability diagnostic assessment tool — and disability assurance reports, taking inspiration from the equivalent tools focusing on gender equality.
12. Provide technical support and advocacy to reform national laws and policies in ASEAN countries to support disability-inclusive business integrity principles, including non-discrimination and accessibility laws, affirmative action measures, and incentives.
13. Promote digital skills training for persons with disabilities, including through considering partnerships with technology companies, such as ASEAN and multinational companies already doing well in disability inclusion and tech social enterprises.
14. Explore the scope of national action plans on business and human rights as a tool for disability inclusion and business integrity. Consider human rights due diligence as an entry point for disability inclusion benchmarks in the checklist.
15. Support particularly vulnerable groups of persons with disabilities, including women and youth with disabilities, persons with psychosocial and intellectual disabilities, and persons with neurodiversity. Such support should include support to promote wage employment and self-employment, the development of cooperatives, and starting one's own business.

21 Global Impact Sourcing Coalition, "What is the Impact Sourcing Standard?". Available from: [https://gisc.bsr.org/files/BSR\\_GISC\\_IS\\_Standard\\_Factsheet.pdf](https://gisc.bsr.org/files/BSR_GISC_IS_Standard_Factsheet.pdf).

22 ESCAP, Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, v.

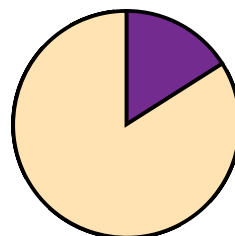
23 UNDP, Business Integrity Toolkit — For Investors and Startups in Viet Nam, 27 July 2020. Available from: <https://www.undp.org/asia-pacific/fairbiz/publications/business-integrity-toolkit-investors-and-startups-viet-nam>.

## RECOMMENDATIONS FOR UNDP INTERNAL INSTITUTIONAL PRACTICES

16. Advocate increasing the employment of persons with all types of disabilities, including through collaborating with organizations of persons with disabilities in ASEAN to identify candidates, expand the UNDP-United Nations Volunteers (UNV) Talent Programme for Young Professionals with Disabilities, and increase the availability of in-house substantive expertise on rights-based disability inclusion. Include disability-inclusive accessibility requirements in UNDP procurement processes.
17. Include disability disaggregated outputs, indicators, and targets in programmes and projects. Include references to international human rights in the CRPD and benchmarks in the UNDIS.

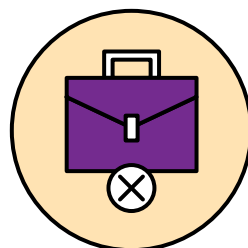
# INTRODUCTION

Globally, there are over one billion persons with disabilities or 16 per cent of the world's population.<sup>24</sup> Eighty per cent of these people acquire their disabilities between the ages of 18 and 64 — the average working age for most.<sup>25</sup> Persons with disabilities are 50 per cent more likely to be unemployed.<sup>26</sup> Women with disabilities and persons with psychosocial or intellectual disabilities are disproportionately affected. Eighty per cent of persons with disabilities live in developing countries.<sup>27</sup> According to the latest estimates, the current population in South-East Asia amounts to 687 million,<sup>28</sup> which means that impairment might affect about 100 million people in the Asia-Pacific region. Disability-inclusive employment has yet to be achieved in the Asia-Pacific region, where 472 million working-age persons with disabilities live.<sup>29</sup> While there is a fundamental shift in the policy focus from sheltered employment to supported and open employment, persons with disabilities often fare worse than their peers without disabilities in the labour market. Although comprehensive and comparable data sets are lacking, data available from countries in Asia and the Pacific indicate critical disability gaps in employment-to-population ratios, labour force participation rates, engagement in informal work, and youth idle rates. When compared with persons without disabilities, persons with disabilities are significantly less likely to be employed and participating in the labour force. They are more



**16%**

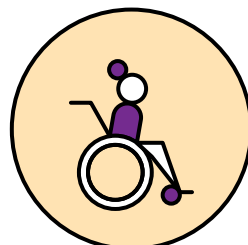
of the world's population have a disability



Persons with disabilities are

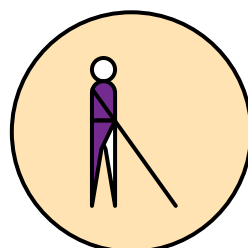
**50%**

more likely to be unemployed



**80%**

persons with disabilities live in developing countries



**472 million**

working-age persons with disabilities live in the Asia-Pacific region

24 WHO, "Disability", 7 March 2023. Available from: <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>.

25 WEF, "What companies gain by including persons with disabilities".

26 WEF, "What companies gain by including persons with disabilities".

27 United Nations, "Disability Inclusion Strategy".

28 United Nations, "UN Population Division Data Portal". Available from: <https://population.un.org/dataportal/home>.

29 ESCAP, Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, ii.

likely to engage in informal work and be idle — neither in school nor employed — when they are young. The disability gaps generally widen as the severity of disability increases. Women with disabilities and persons with disability living in rural areas face additional challenges in employment.<sup>30</sup> Employment rates are disproportionately low, and many barriers to work still exist,<sup>31</sup> such as access to education and vocational training, attitudinal barriers including stigma and discrimination, access to the built environment, transport and information and communication technologies (ICT), and inadequate law and policy frameworks.

Despite these overwhelming statistics, persons with disabilities are now more active in our society than ever before. Technological innovations enable persons with disabilities to take a more active working role since many jobs can be conducted online, and skills can be learned online. Assistive technologies are available to increase access to the built environment and ICT. Citizens are demanding more transparency and the opportunity to play a more active role in developing and shaping policies and laws that result in more inclusion of marginalized groups in society. Multinational companies advancing disability inclusion are also achieving significant gains in profitability, value creation, and shareholder returns.<sup>32</sup> It could be said that companies promoting disability inclusion are more transparent and do business with more integrity.

Despite this potential, weak oversight and insufficient leadership threaten inclusive and sustained economic and social development in Asia and the Pacific. Corruption has been consistently cited as the single most important obstacle to doing business in the Asia-Pacific region, according to the ASEAN Business Outlook Survey.<sup>33</sup> Corrupt practices increase the cost of doing business, distort the competitive

environment, limit opportunities for investment, and widen the growing inequalities in the region. Companies operating in ASEAN also report they often face pressure to bribe public officials to speed up routine government services, which leads to excess costs and inefficiencies. Corrupt practices also contribute to widening inequalities, with 900 million people reporting having to pay a bribe to governments in 2016 to access basic services.<sup>34</sup> Corruption particularly impacts women, young people, and marginalized communities, including persons with disabilities who cannot afford to pay a bribe.

One hundred eighty Member States have ratified the CRPD, including Indonesia, Lao PDR, Malaysia, Philippines, Thailand, and Viet Nam.<sup>35</sup> Moreover, seven targets of the Sustainable Development Goals (SDGs)<sup>36</sup> explicitly refer to persons with disabilities. Developing inclusive policies and practices, implementing effective disability strategies to eliminate barriers, and empowering persons with disability are indispensable to achieving the Sustainable Development Goals.

## 1.1 BACKGROUND

The UNDP Bangkok Regional Hub (BRH) is responsible for implementing regional projects, knowledge-management activities, and providing advisory services to UNDP Country Offices in Asia and the Pacific. In 2018, the UNDP BRH launched the regional project “Promoting a Fair Business Environment in ASEAN” (FairBiz) (2018–2022),<sup>37</sup> targeting seven countries: Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Viet Nam. UNDP carried out the multi-year regional project with generous support from the UK Prosperity Fund and the ASEAN Economic Reform Programme. The project promoted a fair, transparent, and predictable business environment

30 ESCAP, *Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific*, iv.

31 International Labour Organization (ILO), “InfoStories: The win-win of disability inclusion”, December 2016.

32 WEF, “What companies gain by including persons with disabilities”.

33 The American Chamber of Commerce in Singapore (AmCham Singapore) and the US Chamber of Commerce, *ASEAN Business Outlook Survey*, 2017, 4. Available from: [https://www.uschamber.com/assets/archived/images/abos\\_final.pdf](https://www.uschamber.com/assets/archived/images/abos_final.pdf).

34 Transparency International, *People and Corruption: Asia Pacific — Global Corruption Barometer*, 7 March 2017, 3. Available from: <https://www.transparency.org/en/publications/people-and-corruption-asia-pacific-global-corruption-barometer>.

35 Indonesia (2011), Lao PDR (2009), Malaysia (2010), Philippines (2008), Thailand (2008), and Viet Nam (2015).

36 United Nations Department of Economic and Social Affairs (DESA), “The 17 Goals”. Available from: <https://sdgs.un.org/goals>.

37 UNDP, “Promoting a Fair Business Environment in ASEAN”. Available from: <https://www.undp.org/asia-pacific/fairbiz>.

by working collaboratively with governments and the private sector. In addition, FairBiz set in motion societal and structural transformation in the business ecosystem. As such, targeted interventions were implemented to promote diversity and inclusion in the private sector.

A major transformation is underway, reshaping how business looks at sustainability and compliance. Rather than these being run out of silos, there are signs of convergence between the management of such diverse topics as business integrity, human rights, environmental standards, gender equality, labour standards, and sustainability. However, the linkage between disability and business integrity has not been sufficiently explored. To this end, and in alignment with the UNDP Strategic Plan 2022–2025<sup>38</sup> that promotes building resilience and leaving no one behind, FairBiz developed a mapping analysis to understand the correlation between disability and business integrity.

## 1.2 PURPOSE OF THE RESEARCH

The research aims to conduct a mapping analysis to understand the correlation between disability and business integrity, including recommendations regarding a disability-inclusion strategy for future UNDP regional programming. The paper presents the business case for disability inclusion. The research focuses on the barriers that persons with disabilities face to achieve a fairer business environment, provides an overview of the challenges in ASEAN countries, explores best practices that show linkages between corporate governance and the equitable treatment of persons with disabilities, and provides case studies in mainstreaming disability in the private sector. The study provides insights to policymakers and practitioners, non-profit organizations, development agencies, and disability networks interested in exploring the linkages between disability and responsible business practices.

## 1.3 METHODOLOGY

### 1.3.1 Data collection and analysis methods

The research was conducted using mixed methods involving collecting primary and secondary data, qualitative and quantitative data (including through a desk review), in-depth online and in-person (Bangkok, Vientiane) interviews, focus-group discussions, and participation in a validation workshop. The main methods for the assessment were document analysis and semi-structured interviews, along with some observation. Interviews with relevant stakeholders ensured the fair representation of policymakers, duty bearers, service providers in the disability sector, disability rights community service organizations (CSOs), including organizations of persons with disabilities, and the representation of people with all types of disabilities. Quantitative and qualitative analysis have been used. Data analysis has used triangulation where possible. Triangulation facilitates the validation of data through cross-verification from more than two sources. It tests the consistency of findings obtained through different instruments and increases the chances of controlling or assessing some of the threats or multiple causes influencing the results. The study contains the mapping analysis, case studies, and recommendations derived from empirical evidence to define a disability-inclusion strategy for future regional programming. In November 2022, the author presented key findings and recommendations to stakeholders at the FairBiz regional event “Sustaining and Upscaling a Fair Business Environment in ASEAN”.<sup>39</sup> This report reflects the discussions at the FairBiz regional event.

The report is gender-responsive and analyses gender dimensions in line with the report of the United Nations Economic and Social Council, Mainstreaming a gender perspective into all policies and programmes in the United Nations system.<sup>40</sup> Gender analysis has been used to

38 UNDP, Strategic Plan 2022–2025, 2021, 7. Available from: <https://strategicplan.undp.org/>.

39 UNDP, “Regional Event: Sustaining and Upscaling a Fair Business Environment in ASEAN”, 24 November 2022. Available from: <https://www.undp.org/asia-pacific/fairbiz/events/regional-event-sustaining-and-upscaling-fair-business-environment-asean>.

40 United Nations Economic and Social Council, Mainstreaming

analyse data through a gender perspective by collecting gender-disaggregated data, using gender-sensitive indicators, and consulting a wide range of stakeholders using a gender expert. Data collection activities and protocols were gender sensitive and ensured equitable participation regardless of gender, status, and other social identities.

Moreover, the research utilized a human rights-based approach (HRBA). This included links to international human rights standards for disability inclusion and business integrity, such as the CRPD, the Guiding Principles on Business and Human Rights,<sup>41</sup> as well as principles of accountability, participation, non-discrimination, and equality. The analysis of relevant benchmarks in the UNDIS provides the foundation for sustainable and transformative progress on disability inclusion through all pillars of the work of the United Nations. The UNDIS includes a policy and accountability framework with benchmarks to assess progress and accelerate change in disability inclusion. These indicators have guided the research.

### 1.3.2 Research risks and mitigation

The potential risks and mitigation measures are outlined below:

Risk	Mitigation measures
The direct voices of persons with disabilities and their representatives, including harder-to-reach groups (i.e., persons with psychosocial or intellectual impairments), are not adequately heard in stakeholder feedback.	From the beginning, prioritize arrangements for interviews with organizations and networks in the areas highlighted and regularly review the interview schedule to ensure such voices are represented.
Language barriers constrain the quality of interviews, especially with CSO and national counterparts.	Where necessary, arrange interpretation services for interviews.
Unavailability of a stakeholder interviewee list.	Reach out to networks internationally, regionally, and in target countries.
Stakeholders' potential low prioritization of disability inclusion issues affects engagement with the research.	Engage intermediaries that are personally known to stakeholders, where possible, to increase the likelihood of engagement.

a gender perspective into all policies and programmes in the United Nations system, E/RES/2019/2, 14 June 2019. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/168/87/PDF/N1916887.pdf?OpenElement>.

41 OHCHR, Guiding Principles on Business and Human Rights, 2011. Available from: [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf).



# NORMATIVE GUIDANCE

## 2.1 DEFINITIONS AND CONCEPTS

This section briefly defines some concepts central to the study on disability inclusion and business integrity.

### Accessibility

Accessibility entails ensuring that persons with disabilities have access — on an equal basis with others — to the physical environment, transportation, information and communications (including ICT), and other facilities and services open or provided to the public, both in urban and rural areas (CRPD, art. 9).<sup>42</sup>

### Business integrity

According to Transparency International, the cornerstone of doing business with integrity means holding values and principles that improve how businesses treat employees, communities, and the planet. It also means focusing on what is important rather than being tempted by bribery, corruption, poor procurement practices, or wrongdoing. Integrity builds trust, and trust is essential in business. When suppliers, regulators, investors, consumers, and employees have high levels of trust, it makes doing business easier. This naturally leads to more productivity, better goods and services, and ultimately more sustainably profitable. So why invest in business integrity?

Reputation and brand are powerful galvanizers and major contributors to business profitability;

Easier market access;

Lower costs;

Access to capital;

Higher returns on investment;

Quality and committed staff; and

Customer loyalty.

When integrity is prioritized and brought into the culture of an organization, businesses have greater employee satisfaction and productivity. Integrity is better for the customer, the owner, staff, and the bottom line.<sup>43</sup>

UNDP discusses business integrity in terms of increased transparency in companies, ensuring integrity and compliance in their operations and supply chains to minimize the negative impacts of corruption in achieving sustainable development.<sup>44</sup> A company with integrity has the skills, resources, and values to achieve its business goals without resorting to corruption. Integrity is the alignment of accountability, competence and ethical behaviour so that there is no gap or difference between words and actions.<sup>45</sup> There are strong commercial reasons for operating companies with integrity. Irresponsible business practices can lead to legal costs, lost business opportunities, and spoilt reputations. Fair business is good business. Without business integrity as a founding principle and fully embedded in teams, business partners, and supply chains, little success will be achieved in growing business and achieving corporate aims.<sup>46</sup>

### Corruption

Transparency International defines corruption as “the abuse of entrusted power for private gain”.<sup>47</sup> Here, “abuse” refers to misuse or mistreatment,

43 Transparency International, “Business Integrity”. Available from: <https://www.transparency.org.nz/business-integrity>.

44 UNDP, “The Business Integrity Self-Assessment Toolkit”. Available from: <https://sdgfinance.undp.org/sdg-tools/business-integrity-self-assessment-toolkit>.

45 UNDP, Business Integrity: A Handbook for Myanmar Businesses, 28 July 2020, 17. Available from: <https://www.undp.org/asia-pacific/fairbiz/publications/business-integrity-handbook-myanmar-businesses>.

46 UNDP, Business Integrity Toolkit for Young Entrepreneurs, 22 May 2020, 12. Available from: <https://www.undp.org/publications/business-integrity-toolkit-young-entrepreneurs>.

47 Transparency International, “What is Corruption?”. Available from: <https://www.transparency.org/en/what-is-corruption>.

42 United Nations, United Nations Disability Inclusion Strategy, January 2019, 21.

and “entrusted power” refers to the authority granted to duty-bearers and decision-makers on the premise that they act with integrity to advance the public good. Finally, “private gain” refers to the self-serving benefits (financial, material, political, or social) that accrue to individuals or specific interest groups at the expense of society.<sup>48</sup>

## Disability inclusion

Disability inclusion is the meaningful participation of persons with disabilities in all their diversity, promoting their rights, and considering disability-related perspectives in compliance with the CRPD.<sup>49</sup>

## Discrimination based on disability

Discrimination based on disability is any distinction, exclusion, or restriction based on disability that has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes all forms of discrimination, including denial of reasonable accommodation (CRPD, art. 2).<sup>50</sup>

## OPDs

OPDs comprise a majority of persons with disabilities — at least half of their membership — and are governed, led, and directed by persons with disabilities. Such organizations should be rooted in, committed to, and fully respectful of the principles and rights recognized in the CRPD.<sup>51</sup>

## Persons with disabilities

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others (CRPD, art. 1).<sup>52</sup>

## Reasonable accommodation

Reasonable accommodation is necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities enjoy or exercise on an equal basis with others of all human rights and fundamental freedoms (CRPD, art. 2).<sup>53</sup>

## Universal design

Universal design is the design of products, environments, programmes, and services to be usable by all people, to the greatest extent possible, without needing adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is required (CRPD, art. 2).<sup>54</sup>

48 Transparency International, Corruption and marginalisation, 26 June 2020, 2. Available from: <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Corruption-and-marginalisation.pdf>.

49 United Nations, United Nations Disability Inclusion Strategy, January 2019, 2.

50 United Nations, United Nations Disability Inclusion Strategy, January 2019, 21.

51 United Nations, United Nations Disability Inclusion Strategy, January 2019, 21.

52 United Nations, United Nations Disability Inclusion Strategy, January 2019, 20.

53 United Nations, United Nations Disability Inclusion Strategy, January 2019, 21.

54 United Nations, United Nations Disability Inclusion Strategy, January 2019, 21.



## 2.2 THE BUSINESS CASE FOR DISABILITY INCLUSION

A strong qualitative and quantitative business case exists for robust disability inclusion programmes in business entities.<sup>55</sup>

### 2.2.1 Financial potential of disability inclusion

Persons with disabilities are, or could be, employees, consumers, business partners such as suppliers and investors, and members of local communities. As such, there are many opportunities and benefits for businesses that actively incorporate the consideration of people with disability needs into all business spheres. In addition, persons with disabilities and their families, constitute a large, overlooked market with considerable purchasing power to buy products and services that help them meet their everyday needs.<sup>56</sup>

At a time when there are more job vacancies than workers in several countries, businesses are realizing the advantages of recruiting from a diverse and inclusive talent pool. Companies advancing disability inclusion are also achieving significant gains in profitability, value creation, and shareholder returns. However, some companies have still not recognized the importance and potential business benefits of hiring persons with disabilities.<sup>57</sup>

According to the ILO, in Asia and the Pacific, there are an estimated 472 million persons with disabilities of working age.<sup>58</sup> Only about a third of working-age persons with disabilities are employed, approximately half of the corresponding share of persons without disabilities.<sup>59</sup>

If companies embraced disability inclusion, they would gain access to a new talent pool of more than 10.7 million people. This represents a significant opportunity to strengthen their business and the economy.<sup>60</sup>

Why are companies not capitalizing on this untapped resource? Some may believe it would be costly for businesses to accommodate the specific needs of persons with disabilities. However, research indicates that those companies embracing best practices for employing and supporting persons with disabilities in their workforce are also outperforming their peers and achieving tangible financial benefits.<sup>61</sup>

The research shows that, on average, more inclusive companies are twice as likely to have higher total shareholder returns than their peers. Additionally, companies that have become more inclusive over time are four times more likely to have total shareholder returns that outperform those of their peer group. Regarding profitability and value creation, these companies achieved 28 per cent higher revenue, double the net income and an average of 30 per cent higher economic profit margins over the four years analysed.<sup>62</sup>

These gains more than offset the cost of accommodating persons with disabilities. A separate study by the Job Accommodation Network revealed 49.4 per cent of workplace accommodations cost nothing to implement. In contrast, the remaining median one-time cost expenditure reported by the employer was USD 300 per person.<sup>63</sup>

55 WEF “What companies gain by including persons with disabilities”. 23 April 2019.

56 GRI, Disability in Sustainability Reporting, January 2019, 15.

57 WEF, “What companies gain by including persons with disabilities”.

58 ILO, EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific — A guide for employers, January 2022, vii. Available from: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_839506.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_839506.pdf).

59 ILO, “New ILO database highlights labour market challenges of persons with disabilities”, 13 June 2022. Available from: <https://ilostat.ilo.org/new-ilo-database-highlights-labour-market-challenges-of-persons-with-disabilities/>.

60 WEF, “What companies gain by including persons with disabilities”.

61 WEF, “What companies gain by including persons with disabilities”.

62 WEF, “What companies gain by including persons with disabilities”.

63 Job Accommodation Network, Costs and Benefits of Accommodation, 4 May 2023. Available from: [https://askjan.org/topics/costs.cfm?csSearch=2546498\\_1](https://askjan.org/topics/costs.cfm?csSearch=2546498_1).

## 2.2.2 The untapped talent of employees with disabilities

The ILO study *EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific – A guide for employers*<sup>64</sup> summarizes the business case for respecting the employment rights of persons with disabilities as follows:

Persons with disabilities make good, dependable employees. Employers of workers with disabilities consistently report that, as a group, they perform on par or better than their non-disabled peers on such measures as productivity, safety, and attendance.

Persons with disabilities are more likely to stay on the job. Job turnover costs, such as lost productivity and expenses related to recruitment and training, are well-known to most employers.

Hiring persons with disabilities increases workforce morale. Many employers report that teamwork and morale improve when workers with disabilities become part of the staff.

Persons with disabilities are an untapped resource of skills and talents. Yet, in many nations, they have skills that businesses need, both technical job skills and transferable problem-solving skills developed in daily life.

Persons with disabilities represent an overlooked and multibillion-dollar market segment, comprising around 15 per cent of 690 million persons in the Asia-Pacific region. This number is likely to increase as the population ages and life expectancy increases, along with other factors. Therefore, businesses accessible to them will also attract their families and friends as customers and potential customers.

Employees with disabilities know first-hand about the needs of this consumer segment and can assist in identifying, developing, and delivering products and services targeted at this significant and growing market of customers, their families and friends.<sup>65</sup>

64 ILO, *EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific – A guide for employers*, January 2022.

65 ILO, *EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific – A guide for employers*, January 2022, 8.

Of course, the benefits of disability-inclusive hiring practices extend far beyond the bottom line. Persons with disabilities must be creative to adapt to the world around them. Strengths such as problem-solving skills, agility, persistence, forethought, and a willingness to experiment — all essential for innovation — are an inherent part of reality.<sup>66</sup>

Many pioneering companies have begun to integrate the rights of persons with disabilities into their business strategies and started to develop innovative practices, products, and services. Many cases drawn from various regions, sectors and activities are examined in the next section.<sup>67</sup>

More inclusive workplaces also perform well when it comes to staff retention. Studies show that working alongside employees with disabilities makes non-disabled individuals more aware of how to make the workplace more inclusive and better for everyone. Staff turnover is also lower — up to 30 per cent — when a well-run disability community outreach programme is in place.<sup>68</sup>

Although statistics are unavailable, in Asia and the Pacific, ESCAP reports that every worker, regardless of his or her disability status, benefits from and works more productively in an accessible and inclusive work environment that accommodates and appreciates diversity. Businesses with an inclusive workforce deliver more innovative and accessible products and services. Business champions now realize the importance of the untapped talent resources and consumer markets that persons with disabilities represent.<sup>69</sup>

## 2.2.3 Reputational benefits

The reputational benefits are also huge. A survey undertaken by the National Business and Disability Council in 2017 found that 66 per cent of consumers would purchase goods and services from a business that features persons

66 WEF, “What companies gain by including persons with disabilities”.

67 GRI, *Disability in Sustainability Reporting*, January 2019, 15–16.

68 WEF, “What companies gain by including persons with disabilities”.

69 ESCAP, *Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific*, ii.

with disabilities in their advertising, while 78 per cent would purchase goods and services from a business that takes steps to ensure easy access for individuals with disabilities at their physical locations.<sup>70</sup> Diversity-inclusive supply chains correlate with stronger financial returns, brand enhancement, and innovation. Several companies are raising the bar for disability employment and inclusion, and these are profiled in the section on case studies. Many companies have seen tangible benefits from disability inclusion, and they are finding that employing persons with disabilities is not as challenging as often assumed. For example, Microsoft has built a successful disability hiring programme specific to people on the autism spectrum.<sup>71</sup>

## 2.2.4 Transparency creates trust

Transparency is a crucial first step towards becoming a more inclusive business. Accountability and creating an environment of trust where employees feel comfortable self-identifying as having a disability are true measures of inclusion.<sup>72</sup> Disability destigmatization is essential for employees to feel safe disclosing a disability to get the support and reasonable accommodation a company offers.

## 2.3 LEGAL FRAMEWORK: AN HRBA TO DISABILITY INCLUSION AND BUSINESS INTEGRITY

An HRBA is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse the inequalities at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress and often result in groups of people being left behind. With an HRBA, development plans, policies, and processes are anchored in a system of rights

and corresponding obligations established by international human rights law, including all civil, cultural, economic, political, and social rights and the right to development. An HRBA requires that human rights principles (universality, indivisibility, equality and non-discrimination, participation, and accountability) guide development cooperation and focus on developing the capacities of duty-bearers to meet their obligations and rights-holders to claim their rights.

While there is no universal recipe for an HRBA, United Nations agencies have nonetheless agreed on a number of essential attributes in the 2003 The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies,<sup>73</sup> which indicates that:

All development cooperation programmes, policies, and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.

The human rights standards and principles derived from the Universal Declaration of Human Rights<sup>74</sup> and other international human rights instruments guide all development cooperation and programming in all sectors and phases of the programming process.

Development cooperation contributes to improving the capacities of duty-bearers to meet their obligations and/or of “rights-holders to claim their rights.

A key element of the HRBA is its links to international human rights law standards, emphasizing the “rights-based” element and underlining the obligatory nature for States and other parties, including business entities. Such international human rights law standards may include the CRPD and other sources of human rights and disability standards, such as the UNDIS and the Guiding

70 WEF, “What companies gain by including persons with disabilities”.

71 National Business & Disability Council, Marketing Anthropology Project (MAP), 2017.

72 Accenture, Getting to Equal: The Disability Inclusion Advantage, 2018, 9. Available from: [https://www.accenture.com/\\_acnmedia/pdf-89/accenture-disability-inclusion-research-report.pdf](https://www.accenture.com/_acnmedia/pdf-89/accenture-disability-inclusion-research-report.pdf).

73 United Nations Sustainable Development Group (UNSDG), The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies, September 2003, 1. Available from: <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un>.

74 United Nations, Universal Declaration of Human Rights, 10 December 1948. Available from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

Principles on Business and Human Rights.<sup>75</sup> These standards are explained in the following subsections.

### 2.3.1 CRPD

The CRPD entered into force in 2008. All States in this study have ratified the CRPD. This means they are obliged to promulgate and implement laws and policies to bring the standards contained in the CRPD into their domestic frameworks. The CRPD signalled a “paradigm shift” from traditional charity-oriented, medical-based approaches to disability to an HRBA. It calls for the inclusion and participation of persons with disabilities in employment and the community.<sup>76</sup> The CRPD provides protection standards for the civil, cultural, economic, political, and social rights of persons with disabilities based on inclusion, equality, and non-discrimination. It makes clear that persons with disabilities are entitled to live independently in their communities, to make their own choices, and to play an active role in society.

While the CRPD outlines several obligations for governments, many of its core provisions deal with situations likely to involve businesses and other types of organizations.<sup>77</sup> For example, Article 9 on accessibility requires that “States Parties” (countries who have ratified or acceded the Convention) take appropriate measures to ensure access for persons with disabilities to the physical environment, transportation, information and communications, and other facilities and services open or provided to the public, both in urban and in rural areas. When private entities offer facilities and services that are open or provided to the public, countries need to ensure that those private entities take into account all aspects of accessibility for persons with disabilities.

Another example is Article 27, which requires that States Parties prohibit discrimination based on disability with regard to employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions. In addition, Article 4 contains a requirement for States Parties to take all appropriate measures to eliminate discrimination based on disability by any person, organization, or private enterprise. These obligations can also be implicitly transposed to corporate obligations for those companies operating in States that have ratified the CRPD.<sup>78</sup>

Many nations, whether States Parties to the CRPD or not, have passed legislation aimed directly at businesses. This ranges from employment quotas — where a percentage of the working places must be reserved for persons with disabilities — to disability-related, non-discrimination legislation or legislation requiring that certain environments, products, or services be made accessible for persons with disabilities. The CRPD also provides for the denial of reasonable accommodation as a form of discrimination based on disability.

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75 OHCHR, Guiding Principles on Business and Human Rights, 2011.

76 OHCHR, CRPD, 13 December 2006, art. 19.

77 GRI, Disability in Sustainability Reporting, January 2019, 11.

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78 GRI, Disability in Sustainability Reporting, January 2019, 11.

## Disability laws and policies in six ASEAN countries<sup>79</sup>

Country	Anti-discrimination law	Reasonable accommodation	Employment quotas	Accessibility law
Indonesia	X	X	2% public sector 1% private sector	X
Lao PDR	X	X	X	X
Malaysia	X	□	1% public sector	□
Philippines	□	X	1% public sector 1% private sector	□
Thailand	□	X	1% public sector 1% private sector	□
Viet Nam	□	X	3% private sector	□

<sup>79</sup> Based on available data. United Nations CRPD, Concluding observations on the initial report of Indonesia, CRPD/C/IDN/CO/1, 12 October 2022. Available from: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FIDN%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FIDN%2FCO%2F1&Lang=en); United Nations CRPD, Concluding observations on the initial report of the Lao People's Democratic Republic, CRPD/C/LAO/CO/1, 30 September 2022. Available from: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FLAO%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FLAO%2FCO%2F1&Lang=en); United Nations CRPD, Concluding observations on the initial report of the Philippines, CRPD/C/PHL/CO/1, 16 October 2018. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/319/08/PDF/G1831908.pdf?OpenElement>; United Nations CRPD, Concluding observations on the initial report of Thailand, CRPD/C/THA/CO/1, 12 May 2018. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/01/PDF/G1609601.pdf?OpenElement>.



## 2.3.2 UNDIS

The 2019 UNDIS is aimed at ensuring sustainable and transformative changes to the United Nations system. It includes a policy and an accountability framework with benchmarks to assess progress and accelerate change in disability inclusion. The policy establishes a strategic vision and the commitment of the United Nations system to the inclusion of persons with disabilities. The accountability framework establishes clear and achievable objectives against which United Nations organizations are held accountable. The accountability framework consists of four focus areas and 15 indicators. These serve as benchmarks for a disability-inclusive organizational culture, formalizing commitments and driving institutional change to make disability inclusion central to United Nations operations and core functions. All United Nations entities must report each year on all 15 indicators within the four focus areas. Disability must now be integrated across all programmatic areas of work and core functions of the United Nations. The Strategy enables the United Nations system to support the implementation of the CRPD and other international human rights instruments, as well as the achievement of the SDGs.

## 2.3.3 United Nations Guiding Principles on Business and Human Rights

Another key instrument in helping companies understand the connection between human rights and business is the Guiding Principles on Business and Human Rights. The Principles delineate the responsibility of businesses to respect human rights throughout their operations and business relationships and call upon companies to “know and show” they do so. This means establishing due diligence processes to become aware of, prevent, and address adverse human rights impacts, including impacts on the rights of persons with disabilities and communicating externally about it.<sup>80</sup> However, these international human rights norms and national laws are considered the minimum standards organizations should adhere to ensure respect for the rights of persons with disabilities.

<sup>80</sup> GRI, Disability in Sustainability Reporting, January 2019, 12.

Organizations are encouraged to observe these when developing their policies and go beyond compliance with norms and regulations to proactively integrate persons with disabilities-related considerations through their activities, products, services, and relationships.<sup>81</sup>

## 2.3.4 The 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development<sup>82</sup> is grounded in the Universal Declaration of Human Rights and international human rights treaties and makes clear that the SDGs cannot be achieved without respecting human rights and disability inclusion. While five SDGs and seven targets explicitly refer to persons with disabilities (SDG 4 on education, SDG 8 on employment, SDG 10 on reducing inequality, SDG 11 on inclusive cities, and SDG 17 on data as a means of implementation), all SDGs apply to persons with disabilities. The commitment of the SDGs to leave no one behind and reach the furthest behind first means that persons with disabilities must be included and prioritized across all actions.<sup>83</sup> In particular, States have committed to, by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.<sup>84</sup>

## 2.4 THE NEXUS BETWEEN DISABILITY INCLUSION AND BUSINESS INTEGRITY

### 2.4.1 Corruption exacerbates the effects of marginalization for persons with disabilities

There is a paucity of literature examining the nexus between disability inclusion and business integrity. However, some literature supports the view that corruption exacerbates the effects of marginalization, including for persons with

<sup>81</sup> GRI, Disability in Sustainability Reporting, January 2019, 12.

<sup>82</sup> United Nations DESA, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015. Available from: <https://sdgs.un.org/2030agenda>.

<sup>83</sup> OHCHR, “OHCHR and the rights of persons with disabilities”. Available from: <https://www.ohchr.org/en/disabilities>.

<sup>84</sup> SDG 8, target 8.5

disabilities, women and girls, and youth.<sup>85</sup> Persons with disabilities already face barriers to participation in business, employment, and accessing goods and services (such as education and vocational training); stigma and discrimination; difficulties accessing the built environment, transport, and ICT; and goods and services that are not universal design-based (i.e., not designed to be usable by all people without the need for adaptation or specialized design).

Corruption makes it even more difficult for marginalized groups to participate meaningfully in business or access justice and public services. Accordingly, corruption can serve as a vehicle for discrimination. Marginalized groups are often granted or denied access to goods, services and opportunities based on their identity.<sup>86</sup> Such discrimination can be clearly seen in the employment of persons with disabilities. The CRPD has been concerned about multiple barriers to employment for persons with disabilities, including the attitudinal barriers deterring employers from hiring persons with disabilities.<sup>87</sup> In particular, it noted high unemployment rates, part-time jobs in precarious conditions, and low-wage employment among persons with disabilities, especially for persons with intellectual disabilities and psychosocial disabilities and women. It also noted reports of reprisals against civil society organizations for their advocacy work on the rights of persons with disabilities.

Furthermore, the CRPD was concerned about the continued stigmatization of persons with disabilities in the labour market. In particular, employers were concerned that persons with disabilities lack the necessary knowledge, skills, or abilities for jobs and asserted that their recruitment could entail higher labour costs for training and improving facilities.<sup>88</sup> Another concern

of the Committee was attitudinal, physical, communication, and environmental barriers preventing employment access for persons with disabilities.<sup>89</sup> The Committee noted the prejudice against persons with disabilities, their lack of opportunities for training to gain access to employment, and employers' preference to pay a levy to the National Fund for the Empowerment of Persons with Disabilities rather than recruit persons with disabilities.<sup>90</sup> Interview feedback confirmed the challenges persons with disabilities face in obtaining wage employment.

While the relationship between corruption and discrimination varies widely by group, depending on the forms of marginalization that characterize the various communities, what they have in common is an above-average risk of falling victim to corruption due to ingrained power asymmetries. For example, some marginalized groups are more likely to encounter coercive attempts to extract bribes and other rent-seeking behaviour due to their restricted access to justice, encouraging the perpetrators based on the perception of impunity.<sup>91</sup>

## 2.4.2 Corruption through government agencies

The literature indicates that persons with disabilities may be exposed to corruption and misused funding intended to benefit persons with disabilities. For example, persons with disabilities suffer when corrupt practices in government agencies result in the embezzlement or misuse of funds that were earmarked for disability programmes. These risks are heightened where application and reporting requirements for grant programmes intended to benefit persons with disabilities are overly complex or opaque or where loopholes allow collusive behaviour between State agencies and private sector providers.<sup>92</sup>

85 Transparency International, Corruption and marginalisation, 26 June 2020, 1. Available from: <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Corruption-and-marginalisation.pdf>.

86 Transparency International, Corruption and marginalisation, 26 June 2020, 1.

87 United Nations CRPD, Concluding observations on the initial report of the Lao People's Democratic Republic, CRPD/C/LAO/CO/1, 30 September 2022, 14.

88 United Nations CRPD, Concluding observations on the initial report of the Philippines, CRPD/C/PHL/CO/1, 16 October 2018, 11.

89 United Nations CRPD, Concluding observations on the initial report of Indonesia, CRPD/C/IDN/CO/1, 12 October 2022, 10.

90 United Nations CRPD, Concluding observations on the initial report of Thailand, CRPD/C/THA/CO/1, 12 May 2018, 8.

91 Transparency International, Corruption and marginalisation, 26 June 2020, 1.

92 Transparency International, Corruption and marginalisation, 26 June 2020, 15.

Power asymmetries in such situations mean that persons with disabilities may struggle to blow the whistle on corruption or abuse by duty-bearers.<sup>93</sup> More generally, the lack of political representation of persons with disabilities in policymaking makes it easier to overlook their particular needs.<sup>94</sup> For instance, in Lao DPR, there is a low level of participation of persons with disabilities in political and public life.<sup>95</sup> While in Indonesia, there is a lack of measures ensuring the participation in political and public life of persons with disabilities.<sup>96</sup>

### 2.4.3 Multiple and intersecting identities compound the risk of exposure to corruption by persons with disabilities

The CRPD, in its General comment No. 8 on the right of persons with disabilities to work and employment,<sup>97</sup> stated that persons with disabilities are often disproportionately affected by multiple and intersectional discrimination. The diversity of persons with disabilities means they face diverse barriers to realizing the right to work and follow different pathways into employment throughout their working lives. Multiple discrimination occurs when a person experiences discrimination on two or more grounds, leading to compounded or aggravated discrimination, and intersectional discrimination occurs when several grounds interact with each other simultaneously to become inseparable.<sup>98</sup> The concepts of multiple and intersectional discrimination reflect that individuals do not experience discrimination as members

of a homogeneous group but as individuals with multidimensional layers of identities, statuses, and life circumstances. Intersecting layers of identity include age, race, indigenous, national, or social origin, refugee, migrant or asylum-seeking status, political or other opinions, religion, sex, sexual orientation, and gender identity. These concepts reflect the lived realities and experiences of the heightened disadvantage of individuals caused by multiple and intersectional forms of discrimination.<sup>99</sup>

Some people's experiences of corruption may be aggravated by their multiple identities, particularly where such individuals are exposed to multidimensional forms of marginalization, such as persons with disabilities who are also women. For instance, women with disabilities are disproportionately underrepresented in wage employment compared to men with disabilities. The CRPD noted that women with disabilities often face gender-based discrimination and larger pay gaps in employment in Indonesia.<sup>100</sup> In Lao PDR, for example, there is a high unemployment rate and part-time jobs in precarious conditions for women with disabilities.<sup>101</sup> Similarly, Thailand has a low employment rate among women with disabilities.<sup>102</sup>

In addition, historical and current patterns of discrimination that mean marginalized groups typically have lower socioeconomic status can further exacerbate the effects of corruption. Those especially exposed to corruption include individuals who experience discrimination based on their identity, status, or beliefs and who also display other characteristics of precariousness, such as poverty, occupation in the informal sector, or a lack of legal identity.<sup>103</sup> For example, the majority of people with disabilities work in the

93 Transparency International, Corruption and marginalisation, 26 June 2020, 14.

94 Transparency International, Corruption and marginalisation, 26 June 2020, 15.

95 United Nations CRPD, Concluding observations on the initial report of the Lao People's Democratic Republic, CRPD/C/LAO/CO/1, 30 September 2022, 16.

96 Based on available data. United Nations CRPD, Concluding observations on the initial report of Indonesia, CRPD/C/IDN/CO/1, 12 October 2022, 11.

97 United Nations CRPD, General comment No. 8 (2002) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2022, 5. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/518/57/PDF/G2251857.pdf?OpenElement>.

98 United Nations CRPD, General comment No. 3 (2016) on women and girls with disabilities, CRPD/C/GC/3, 25 November 2016, 2. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/262/56/PDF/G1626256.pdf?OpenElement>.

99 United Nations CRPD, General comment No. 3 (2016) on women and girls with disabilities, CRPD/C/GC/3, 25 November 2016, 5.

100 Based on available data. United Nations CRPD, Concluding observations on the initial report of Indonesia, CRPD/C/IDN/CO/1, 12 October 2022, 10.

101 United Nations CRPD, Concluding observations on the initial report of the Lao People's Democratic Republic, CRPD/C/LAO/CO/1, 30 September 2022, 14.

102 United Nations CRPD, Concluding observations on the initial report of Thailand, CRPD/C/THA/CO/1, 12 May 2018, 8.

103 Transparency International, Corruption and marginalisation, 26 June 2020, 1.



informal sector with very limited social protection.<sup>104</sup> Workers in the informal sector live on the margins, live paycheck to paycheck, have limited access to government resources, are sometimes excluded from social benefit programmes that require proof of formal employment and have few options for recourse against opportunistic employers.<sup>105</sup>

As such, the costs of corruption are primarily borne by people with restricted access to political, economic, or social rights.<sup>106</sup> Marginalized groups include those exposed to discrimination based on disability, age, sex, gender, gender identity, ethnicity, religion or belief, or nationality. The lack of political, economic, and social representation of marginalized groups compounds this marginalization. Exclusion from decision-making processes at all levels renders such groups less able to demand equal access to goods, services, and opportunities. Moreover, without political, economic, and social visibility, marginalized communities are less able to challenge coercive corrupt practices that deprive them of their entitlements based on their identity or seek recourse when they bear the cost of corrupt, collusive arrangements to which they are not a party.<sup>107</sup> For example, the CRPD noted that, in Lao PDR, the definition of discrimination does not include multiple and intersectional forms of discrimination. This includes the lack of legislation for women and girls with disabilities and the lack of effective redress in discrimination based on disability and multiple and intersectional discrimination.<sup>108</sup>

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104 ILO, Mapping Workers with Disabilities in Indonesia: Policy Suggestions and Recommendations, 2022. Available from: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_836028.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_836028.pdf).

105 Transparency International, Corruption and marginalisation, 26 June 2020, 15.

106 Transparency International, Corruption and marginalisation, 26 June 2020, 4.

107 Transparency International, Corruption and marginalisation, 26 June 2020, 4.

108 United Nations CRPD, Concluding observations on the initial report of the Lao People's Democratic Republic, CRPD/C/LAO/CO/1, 30 September 2022, 3.

# CASE STUDIES IN DISABILITY INCLUSIVE BUSINESS INTEGRITY PRACTICES

This section presents case studies and promising practices to illustrate disability-inclusive business integrity through innovative policies and practices that precede high ethical standards, trust, transparency, and accountability. These case studies focus on examples from the ASEAN region, with particular attention to Indonesia, Lao PDR, Malaysia, Philippines, Thailand, and Viet Nam, among the countries of focus for the UNDP FAIRBIZ project.

Twelve case studies are presented to illustrate various aspects of disability inclusion guided by the benchmarks contained in the UNDIS. The rationale for using such benchmarks for public and private sector organizations outside the United Nations system is that the indicators represent various standards and principles contained in the CRPD. For example, the “reasonable accommodation” indicator exemplifies Article 27(1)(i) of CRPD. The “employment” indicator relates to Article 27(1)(e),

and the “accessibility” indicator refers to Article 9 on accessibility, as well as the general principle of CRPD in Article 3(f). Therefore, these benchmarks are relevant for other types of organizations outside of the United Nations system, including public and private sector employers. The UNDIS provides a foundation for sustainable and transformative progress on disability inclusion. The strategy consists of a system-wide policy and an accountability framework with performance indicators, some of which are shown in the table below. The entity accountability framework covers the main organizational functions at the corporate level, including strategic planning, capacity development, hiring practices and human-resource management, accessibility, and reasonable accommodation.

Mainstreaming an HRBA for disability ensures that the rights of persons with disabilities are embedded in an organization’s work, ensuring the meaningful

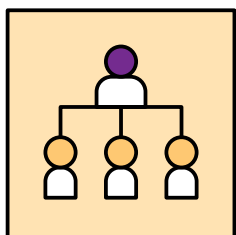
Leadership, strategic planning & management	Inclusiveness	Organisational culture
Leadership	Consult persons with disabilities	Employment
Strategic planning	Accessibility	Capacity development for staff
Disability specific policy/ strategy	Conferences and events	Communication
	Reasonable accommodation	
	Procurement	

participation of persons with disabilities. The UNDIS indicators are useful for mainstreaming an HRBA to disability inclusion in public and private sector organizations. These benchmarks can also provide helpful guidance for public and private sector entities to assess the extent to which an entity considers disability inclusion in business integrity. The framework has been designed to ensure that progress can be promoted and tracked across organizations in a clear and impactful manner to ensure that all entities are monitoring progress and embedding disability inclusion. Good corporate governance helps build an environment of trust, transparency, and accountability to foster long-term investment, financial stability, and business integrity, thereby supporting stronger growth and more inclusive societies.<sup>109</sup>

## 3.1 LEADERSHIP, STRATEGIC PLANNING & MANAGEMENT

Case studies in this subsection will illustrate UNDIS indicators relevant to (a) leadership, (b) strategic planning and management, and (c) disability-specific policy/strategy.

### 3.1.1 Leadership



The commitment of senior company leadership<sup>110</sup> to champion disability inclusion and include persons with disabilities in the workforce is an essential starting point in creating a disability-inclusion strategy and policy. This commitment may arise from leaders' recognition of the work capacity and rights of persons with disabilities and awareness that disability inclusion makes good business sense or from the company's compliance with national laws and policies. This commitment may also emerge due to the influence of internal or external company disability champions, employers' organizations or businesses, and disability networks.

<sup>109</sup> OECD, G20/OECD Principles of Corporate Governance, 30 November 2015, 7.

<sup>110</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 12. Senior managers internally and publicly champion disability inclusion.

### Senior leadership championing disability inclusion

**Background:** The **Valuable 500** is a global collective of 500 chief executive officers (CEOs) and their companies, innovating to make business more inclusive of persons with disabilities. The Valuable 500 represents 500 companies, 22 million employees, and 64 sectors in 49 countries, with the majority doing business in Asia. The Valuable 500 works with the International Disability Alliance, an alliance of 14 global and regional OPDs — such as the ASEAN Disability Forum — representing persons with a whole range of impairments: sensory, psychosocial, physical, and intellectual. **Gojek** is an Indonesian on-demand multi-service platform and digital payment technology group established in 2009 as a call centre to connect consumers to couriers and two-wheeled ride-hailing services. Gojek launched its app in 2015 and has transformed it into more than 20 services with operations in Indonesia, Philippines, Singapore, Thailand, and Viet Nam.

**Results to date:** With 170 million users throughout South-East Asia, Gojek is a member of the Valuable 500, and its commitment is to achieve the highest standards of diversity, equity, and inclusion (DEI) to ensure Gojek represents the diversity and richness of South-East Asia's multiculturalism. Kevin, Aluwi, CEO & Co-Founder, has made a public commitment to the following:

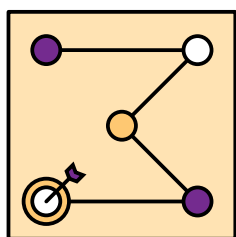
1. Add disability inclusion to the leadership agenda through Gojek's DEI Council, a dedicated governance body to ensure leadership's accountability of and oversight over the design, monitoring, and integration of DEI practices across Gojek.

2. Improve accessibility for persons with disabilities throughout the app by implementing global accessibility guidelines.
3. Improve Gojek offices to ensure accessibility for its employees with disabilities and establish an Employee Resource Group to identify needs and provide resources and support.
4. Establish resources to help raise awareness about disability inclusion for all users and partners and to ensure its platform is accessible to all.<sup>111</sup>

Importantly, Gojek focuses on supporting employees with psychosocial disabilities by discussing mental health, removing stigma, and providing free counselling for employees and families.

**Lessons and success factors:** Notably, Gojek has a specific senior-level mechanism to ensure accountability for disability inclusion. Moreover, as a member of the Valuable 500, Gojek has joined with companies worldwide to champion disability inclusion publicly. The Valuable 500 is working with an alliance of global and regional organizations of persons with disabilities to seek advice on how best to support disability inclusion — by asking persons with disabilities themselves. Together with other members of the Valuable 500, Gojek is pioneering disability inclusion in the business sector in Asia, with senior managers internally and publicly championing disability inclusion.

### 3.1.2 Strategic planning<sup>112</sup>



To ensure the right to work and employment on an equal basis with others, public and private sector organizations should develop a disability-inclusion strategy and plan of action that is devised and reviewed based on a participatory and transparent process that includes methods such as indicators and benchmarks by which progress can be monitored. Promoting the accessibility of goods and services, as well as employment for persons with disabilities, requires the effective involvement of persons with disabilities and their representative associations in the definition of priorities, decision-making, planning, implementation, and strategy evaluation.

### Unilever's disability-inclusive business integrity framework

**Background:** Established over 100 years ago, Unilever is one of the world's largest consumer goods companies. Unilever has multiple offices worldwide, including in Asia, with offices in Indonesia, Lao PDR, Malaysia, Philippines, Thailand, and Viet Nam. Unilever is driven to make sustainable living commonplace. It is known for its great brands and belief that doing business correctly drives superior performance. For example, senior managers internally and publicly champion disability inclusion. Mr. Alan Jope, CEO of Unilever, states, "At Unilever, our aim is to build a truly diverse and inclusive workforce with everyone empowered to bring their authentic self to work. The inclusion of persons with disabilities is an important priority and our vision is to become the number one employer of choice for persons with disabilities. We are committed to having employees with disabilities representing 5 per cent of our workforce by 2025."<sup>113</sup>

<sup>111</sup> The Valuable 500, "Gojek". Available from: <https://www.thevaluable500.com/member/gojek>.

<sup>112</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 13. Entity commitment to disability inclusion is in the overview/preamble of the main strategic planning document.

<sup>113</sup> The Valuable 500, "Unilever". Available from: <https://www.thevaluable500.com/member/unilever>.

Unilever aims to be the number one employer of choice for persons with disabilities by making all its sites accessible, adapting how it works, and transforming how it recruits and trains its people. Unilever's Disabilities Inclusion Programme is built on a comprehensive analysis of the physical accessibility of its sites, the accessibility of its virtual sites, and its recruitment processes. Its global guidelines facilitate accessibility in information technology (IT), recruitment, communications, and workplace design.

**Results to date:** Unilever's Business Integrity programme sets out standards of behaviour and ensures that its business is fully aligned with its values and the applicable laws and regulations in the countries where it operates. It has three pillars:

1. Prevention: seek to embed a culture of integrity at all levels in all geographies.
2. Detection: encourage employees to speak up and give voice to their values.
3. Response: have the tools to investigate and, if necessary, sanction confirmed breaches and use lessons learned to continually improve.<sup>114</sup>

Unilever launched its **Code of Business Principles** in 1995 along with 24 related Code Policies<sup>115</sup> that define ethical behaviours and are at the heart of its Business Integrity programme. They help Unilever put its values of integrity, respect, responsibility, and pioneering into practice. These principles play a key role in setting out how Unilever seeks to ensure compliance with laws and regulations, protect its brands and reputation, and prevent harm to people or the environment. The Principles and Code Policies provide a mandatory framework for all employees and others working for Unilever, including its Board of Directors, and apply to all Unilever companies, subsidiaries, and organizations over which Unilever has management control.

Moreover, the Principles and Code Policies have been translated into numerous languages. An important component of its Business Integrity programme is its **Respect, Dignity and Fair Treatment Policy**.<sup>116</sup> This policy requires that employees treat everyone fairly and equally, without discrimination, on multiple grounds, including disability. This includes consideration for recruitment, redundancy, promotion, rewards and benefits, training, or retirement, which must be merit-based. In addition, employees must not engage in any direct offensive, intimidating, malicious, or insulting behaviour. This includes any form of harassment or bullying, whether individual or collective and whether motivated by disability or on other grounds.

**Lessons and success factors:** An organization can impact the rights of persons with disabilities not only through its policies, operations, products, and services but also through its business relationships. Organizations can disclose policies and measures they have put in place to ensure that the rights of persons with disabilities are respected throughout the organization's relationships and any impacts they have identified. Unilever has demonstrated its commitment to disability inclusion by developing a policy, action plan, and accountability framework.

114 Unilever, "Business integrity". Available from: <https://www.unilever.com/planet-and-society/responsible-business/business-integrity/#:~:text=Prevention%20E2%80%93%20we%20seek%20to%20embed,we%20learn%20to%20continually%20improve>.

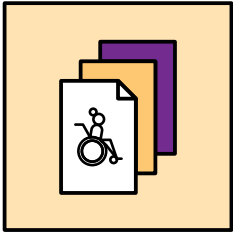
115 Unilever, Unilever Code of Business Principles and Code Policies, 2023. Available from: <https://www.unilever.com/files/92ui5egz/production/a7ad961ef886a578ab4dd316b4e5195cbc0965a0.pdf>.

116 Unilever, Respect, Dignity and Fair Treatment. Available from: <https://assets.unilever.com/files/92ui5egz/production/0acd6ddae9d86a300e49ebe9af00a5525c38f959.pdf/cobb-respect-dignity-fair-treatment.pdf>.

Moreover, Unilever's commitment to disability inclusion is clearly stated on its website by its CEO.<sup>117</sup> Its employment policy includes provisions to attract, recruit, retain, and promote the career development of employees with disabilities. For Unilever, business integrity defines how its employees behave and guides them to do the right thing for the long-term success of Unilever.

In addition to the information provided on its website and in its Annual Report,<sup>118</sup> Unilever reports publicly on the status of its anti-corruption programme through the annual Unilever UN Global Compact Advancement Communication on Progress Self-Assessment<sup>119</sup>

### 3.1.3 Disability-specific policy/strategy<sup>120</sup>



The **Guiding Principles on Business and Human Rights** are guidelines for States and companies to prevent, address, and remedy human rights violations committed in business operations and are globally recognized as an authoritative normative framework. The Guiding Principles on Business and Human Rights consist of three guiding principles:

1. States' duty to **protect** human rights in business operations under established international human rights law;
2. Corporate responsibility to **respect** human rights through policy commitments and processes; and
3. Access to **remedies** for victims of business-related abuses.<sup>121</sup>

The Human Rights Council established the **Working Group on the issue of human rights and transnational corporations and other business enterprises** (also known as the Working Group on Business and Human Rights)<sup>122</sup> in 2011 following its endorsement of the *Guiding Principles on Business and Human Rights*. The Working Group strongly encourages all States to develop, enact, and update periodically a national action plan on business and human rights. Such plans are part of the responsibility of States to disseminate and implement the *Guiding Principles on Business and Human Rights*, which specifies that all businesses have an independent responsibility to respect human rights. Therefore, they are required to exercise human rights due diligence to identify, prevent, mitigate, and account for how they address impacts on human rights. Human rights due diligence is a way for businesses to proactively manage potential and actual adverse human rights impacts in which they are involved and recognize the specific challenges that persons may face with disabilities. The *Guiding Principles on Business and Human Rights* state that businesses should respect the human rights of specific groups that require particular attention, such as persons with disabilities, and should consider additional relevant standards, such as United Nations instruments. Such instruments may include the CRPD and the UNDIS.<sup>123</sup>

117 Unilever, "A beacon of diversity and inclusion". Available from: <https://www.unilever.com/planet-and-society/equity-diversity-and-inclusion/a-beacon-of-diversity-and-inclusion/>.

118 Unilever, Unilever Annual Report and Accounts 2022, 2022. Available from: <https://www.unilever.com/files/92ui5eqz/production/257f12db9c95ffa2ed12d6f2e2b3ff67db49fd60.pdf>.

119 Unilever, Unilever UN Global Compact Advanced Communication on Progress 2022 Self-Assessment, 2022. Available from: <https://www.unilever.com/files/fe061e24-8ff9-4db6-90d8-6c18930802e0/unilever-ungc-cop-advanced-level-2022.pdf>.

120 United Nations, United Nations Disability Inclusion Strategy, January 2019, 13. Policy/strategy on mainstreaming disability inclusion is in place.

121 OHCHR, Guiding Principles on Business and Human Rights, 2011, 1.

122 OHCHR, "Working Group on Business and Human Rights". Available from: <https://www.ohchr.org/en/special-procedures/wg-business>.

123 OHCHR, Guiding Principles on Business and Human Rights, 2011, 14.



## National Action Plans on Business and Human Rights as a tool for disability inclusion and business integrity

In Asia, governments and businesses are more widely aware of the *Guiding Principles on Business and Human Rights* and their importance in ensuring high trade and investment volumes. Thailand adopted Asia's first standalone **First National Action Plan on Business and Human Rights**<sup>124</sup> in 2019. Four key priority areas were identified: (i) labour; (ii) community, land, natural resources, and environment; (iii) human rights defender; and (iv) cross-border investment and multinational enterprises.<sup>125</sup> The priority area on labour refers explicitly to the need to eliminate discrimination in recruitment and the workplace, including by promoting the employment and recruitment of persons with disabilities. Thailand is developing its second national action plan (NAP) on business and human rights. Moreover, Indonesia, Malaysia and Viet Nam are developing their initial NAPs on business and human rights.

**Lessons and success factors:** Promoting NAPs on business and human rights is a global UNDP and BRH priority. The Business and Human Rights unit has been playing a central role in promoting the implementation of the *Guiding Principles on Business and Human Rights* in Asia. There is a unique opportunity to accelerate momentum in the region, building on existing political commitments from States while engaging businesses under a broader scope of responsible or sustainable business practices, integrating human rights considerations into operations and supply chains. In particular, there is the potential to explore the scope of each NAP on business and human rights as a tool for disability inclusion and business integrity. Notably, Thailand and Malaysia have the potential to advocate for the incorporation of disability inclusion into the baseline assessment,<sup>126</sup> mainstream disability, and target persons with disabilities in the forthcoming NAPs. An increased and systematic focus on disability inclusion and disability mainstreaming would be pioneering within ASEAN. This would align well with the upcoming thematic focus on persons with disabilities in the Working Group on Business and Human Rights.

Another entry point for disability inclusion is **human rights due diligence**, which could include disability rights and benchmarks in the checklist so these considerations may cascade to stakeholders throughout the supply chain. Furthermore, States and businesses could be encouraged to engage with the Special Procedures of the Human Rights Council,<sup>127</sup> particularly the Working Group on Business and Human Rights and the Special Rapporteur on the rights of persons with disabilities.<sup>128</sup> The Special Procedures are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective, including by engaging in advocacy, raising public awareness, and providing advice for technical cooperation.

124 Rights and Liberties Protection Department, Ministry of Justice of Thailand, First National Action Plan on Business and Human Rights (2019–2022), 2019. Available from: <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/NAPThailandEN.pdf>.

125 Rights and Liberties Protection Department, Ministry of Justice of Thailand, First National Action Plan on Business and Human Rights (2019–2022), 2019, 21.

126 For Malaysia

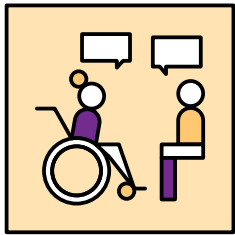
127 OHCHR, "Special Procedures of the Human Rights Council". Available from: <https://www.ohchr.org/en/special-procedures-human-rights-council#:~:text=The%20special%20procedures%20of%20the,reconducted%20for%20another%20three%20years>.

128 OHCHR, "Special Rapporteur on the rights of persons with disabilities". Available from: <https://www.ohchr.org/en/special-procedures/sr-disability>.

## 3.2 INCLUSIVENESS

Case studies in this subsection will illustrate relevant UNDIS indicators for inclusiveness: (a) consulting persons with disabilities; (b) accessibility; (c) reasonable accommodation; and (d) procurement

### 3.2.1 Consulting with persons with disabilities<sup>129</sup>



According to Article 4(3) of the CRPD, 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, States shall **“closely consult with and actively involve persons with disabilities [...] through their representative organizations”**.<sup>130</sup> Organizations of persons with disabilities are led, directed, and governed by persons with disabilities. Therefore, a clear majority of their membership should be recruited among persons with disabilities. The CRPD, in its General comment No. 7 on the participation of persons with disabilities in the implementation and monitoring of the Convention, stated that “[o]ften persons with disabilities are not consulted in the decision-making about matters relating to or affecting their lives, with decisions continuing to be made on their behalf”.<sup>131</sup> The motto **“nothing about us without us”** resonates with the philosophy and history of the disability rights movement, which relies on the **principle of meaningful participation**. The active and informed participation of all in decisions that affect their lives and rights is consistent with the HRBA in public decision-making processes and ensures good governance and social accountability. The CRPD recognizes participation as both a general obligation and a cross-cutting issue.

#### Consultation with organizations of persons with disabilities on disability-specific issues

In Philippines, the CRPD was concerned about the lack of information, coupled with effective and meaningful consultations involving persons with disabilities and their representative organizations. Therefore, in 2018, it recommended that Philippines consult and involve representative organizations of persons with disabilities, particularly those living in remote and rural areas, in decision-making processes and public affairs concerning the implementation and monitoring of the CRPD.<sup>132</sup> Since then, the government of Philippines has actively consulted with and sought the participation of **Life Haven Inc.**, an OPD established in 2005 to advocate for the right of persons with disabilities to live independently and be included in the community, including through empowerment, equal opportunities, integration, and participation.

Life Haven is a member of the Asia-Pacific Network for Independent Living Centres, an umbrella group of OPDs throughout the Asia-Pacific region. Life Haven's Executive Director, Mr. Jun Benjamin Bernardino *“Since we are the best experts on our needs, we need to show the solutions we want, need to be in charge of our lives, think and speak for ourselves - just as everybody else.”* explains that public and private sector entities in Philippines have consulted with Life Haven about employment matters, including how to make reasonable accommodations for employees with disabilities,

<sup>129</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 14. Systematic close consultation with and active involvement of organizations of persons with disabilities on all disability-specific issues.

<sup>130</sup> OHCHR, CRPD, 13 December 2006.

<sup>131</sup> United Nations CRPD, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, CRPD/C/GC/7, 9 November 2018. Available from: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/336/54/PDF/G1833654.pdf?OpenElement>>.

<sup>132</sup> United Nations CRPD, Concluding observations on the initial report of the Philippines, CRPD/C/PHL/CO/1, 16 October 2018, 2.

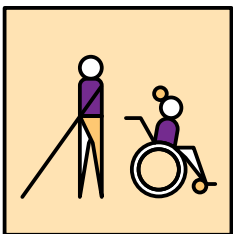


disability awareness and sensitivity, and accessibility for persons with a range of impairments. Moreover, the public sector has consulted with Life Haven about how to mainstream disability inclusion into projects on a range of topics, such as employment and livelihoods — from the design phase to implementation and monitoring and evaluation. Life Haven has members with physical, visual, intellectual, and neurological impairments, including persons with severe disabilities such as quadriplegic, paraplegic, and tetraplegic members. Life Haven's members have been consulted individually and in groups about disability-specific issues.

**Lessons and success factors:** The participatory processes and the involvement of persons with disabilities, through their representative organizations, in public sector project design and implementation is an excellent example of the **principle of full and effective participation, individual autonomy, and the freedom to make one's own decisions**. The government of Philippines is better fulfilling its obligation to closely consult with and actively involve persons with disabilities through their organizations, in legal and regulatory frameworks and procedures, across all levels and branches of government.

Moreover, these consultations have included Life Haven, **an organization representing a wide diversity of persons with disabilities, including those requiring high levels of support**. This shows that public authorities have given due consideration and priority to the opinions and views of organizations of persons with disabilities when addressing issues directly related to persons with disabilities. It also demonstrates the positive impact on decision-making processes and the **necessity of involving and ensuring the participation of persons with disabilities, notably because of their lived experiences and knowledge of the rights to be implemented**.

### 3.2.2 Accessibility



The CRPD affirms the rights of persons with disabilities to accessibility,<sup>133</sup> non-discrimination, participation, and inclusion. Article 9 of the CRPD stipulates that “to enable persons with disabilities to live independently and participate fully in all aspects of life, States parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communication, including information and communication technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas”.<sup>134</sup>

#### 3.2.2.1 Universal design

Under Article 9 above, on accessibility States and companies operating in States that have ratified the CRPD must take the appropriate measures to ensure access to persons with disabilities. Such appropriate measures may include “universal design”, which is the design of products, environments, programmes, and services usable by all people to the greatest extent possible without needing adaptation or specialized design. Universal design includes assistive devices for particular groups of persons with disabilities where this is required (Article 2, CRPD).<sup>135</sup>

133 United Nations, United Nations Disability Inclusion Strategy, January 2019, 15. Baseline assessment on accessibility is complete.

134 OHCHR, Convention on the Rights of Persons with Disabilities, 13 December 2006. Available from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

135 United Nations CRPD, General Comment No. 2 (2014). Article 9: Accessibility. CRPD/C/GC/2, 22 May 2014, 3. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement>.

## Technology industry leading the way with innovation, universal design, and product accessibility

Technology companies have embraced the concept of universal design for technology products. For example, Microsoft believes there is no limit to what people can achieve when technology reflects the diversity of all who use it. Therefore, it is dedicated to providing accessibility tools and features that help people with all types of impairments achieve more at home, school, and work. For instance, there is innovative audio-based technology to enable people with blindness or low vision to build a richer awareness of their surroundings; auto-generated subtitles and captions for presentations and videos for persons with hearing impairment; persons with neurodiversity or psychosocial impairment may use Reader View to clear distracting content from web pages to stay focused; and speech-to-text functions and keyboard control through eye-tracking hardware may assist persons with physical impairment.<sup>136</sup> Moreover, its apps are designed to function with assistive technologies, such as screen readers. In addition, IBM has actively developed products and services by identifying technology solutions for persons with disabilities. The company believes that manufacturing accessible products will create an unparalleled business opportunity and a way to differentiate IBM from its competitors. Since 1999, all new products are evaluated for accessibility and are made section 508-compliant. Section 508 of the Rehabilitation Act requires federal departments and agencies in the US to comply with accessibility standards when procuring electronic and IT products and services, including telephones and websites. As a result, IBM focuses on weaving in accessibility during the initial product development stage and then conducts accessibility assessments at key checkpoints. Access is a key criterion that IBM uses to select vendors or suppliers, and it is identified as a requirement when procuring components from third parties.<sup>137</sup>

**Lessons and success factors:** Accessibility features are designed for everyone, not just persons with long-term impairments. Microsoft recognizes that many will experience disability in their lifetime, whether temporarily or acquired with age. Microsoft has systematically and closely consulted with persons with all types of impairments to inform its design process, such as through the open employment of persons with disabilities — including software engineers and accessibility officers. To ensure the inclusion of perspectives of persons with all types of impairment, the company has specifically targeted historically hard-to-reach groups, such as persons with neurodiversity, through targeted recruitment processes. In addition to manufacturing accessible products, IBM provides consulting services for companies seeking to integrate accessibility solutions into their corporate activities. IBM Accessibility enables its clients to realize the benefits of integrating accessibility. It also drives accessibility into the company's product development process and invents technologies that help remove barriers and extend capabilities.

### 3.2.2.2 Assistive technologies

Article 9 of the CRPD affirms the right of access of persons with disabilities to the physical environment, transportation, ICT, and other facilities and services open to or provided to the public. The CRPD also establishes the **right of persons with disabilities to access assistive technologies**. Article 4 obliges States to promote the availability and use of new technologies, including **ICT, mobility aids, devices, and assistive technologies**, suitable for persons with disabilities, prioritizing technologies at an affordable cost. Moreover, Article 20 provides that States shall take effective measures to **ensure personal mobility**

<sup>136</sup> Microsoft, "Accessible products and technology". Available from: [https://www.microsoft.com/en-us/accessibility/features?activetab=pivot\\_1:primaryr5](https://www.microsoft.com/en-us/accessibility/features?activetab=pivot_1:primaryr5).

<sup>137</sup> Respect Ability, "IBM: Recruiting Talent with Disabilities, Serving Customers with Disabilities", 25 October 2017. Available from: <https://www.respectability.org/2017/10/ibm-recruiting-talent-with-disabilities-serving-customers-with-disabilities/>.

with the greatest possible independence for persons with disabilities, including by facilitating access by persons with disabilities to quality mobility aids, devices, and assistive technologies. In addition, Article 26 requires States to promote the availability, knowledge, and use of **assistive devices and technologies designed for persons with disabilities as they relate to habilitation and rehabilitation. Assistive technology can remove accessibility barriers for persons with all types of disabilities.** Examples of assistive technologies include portable ramps for wheelchair users, accessible book players with audio capability for persons with vision impairments, hearing aids for persons with hearing impairments, and communication boards and books — which enable the user to communicate using symbols, words, pictures, or objects — for persons with neurodiversity or intellectual disabilities. Article 27 on work and employment stipulates that States shall **promote opportunities for self-employment, entrepreneurship, the development of cooperatives, and starting one's own business.**

### **Siam Able Innovation in Thailand: a social enterprise owned and run by persons with disabilities**

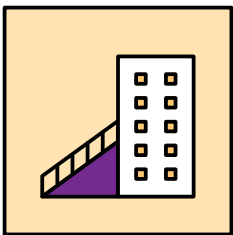
Established in 2017, Siam Able Innovation Company, Limited (social enterprise) is **developing and producing assistive technologies for persons with disabilities, including mobility aids and medical devices** such as electric wheelchairs, scooters that can transform manual wheelchairs into electric wheelchairs for travel outside the home, hoists for lifting and moving patients, and purpose-built beds for reducing pressure sores for patients with disabilities or older persons who are bedridden. Mr. Komron Manoewwan, the founder and chief executive officer of Siam Able Innovation, is a person with a physical impairment. Siam Able Innovation has a **policy of employing persons with disabilities and their families, and this includes provisions to attract, recruit, retain, and promote the career development of employees with disabilities.** The social enterprise employs three persons with physical impairments and 10 family members of persons with disabilities. In addition to providing the enterprise with unique talent, this has the added advantage of **enabling the systematic close consultation with and active involvement of persons with disabilities on all disability-specific issues.**

Moreover, Siam Able Innovation has an **apprenticeship programme for persons with disabilities**, Able Innovation, which has hosted 200 persons with physical impairments from 27 provinces around Thailand. These people have come to Bangkok and other provinces to learn how to service and repair wheelchairs and their batteries and how to convert manual wheelchairs into electric wheelchairs. Upon return to their home provinces, the apprentices can carry out this task in their villages to assist wheelchair users. Subsequently, some of these persons with disabilities have set up their businesses. Furthermore, Siam Able Innovation has **actively built a network of alliances with other social enterprises, organizations of persons with disabilities**, the government sector, the private sector, and educational institutions **to advocate for disability inclusion and sustainable business practices** and to expand business potential. In addition, the enterprise has other policies supporting sustainable business practices, including supporting local production partners to increase affordability — and therefore accessibility — and to reduce reliance on imports and environmental sustainability, such as using renewable energy, including solar cells and lithium-ion batteries.

**Lessons and success factors:** Mr. Komron has been **recognized with numerous awards** for his social enterprise, including the Win Win WAR Award, which included USD 2 million in prize money, and the Top Thailand SME (small and medium enterprises) Award 2020 — Digital SMEs in the New Normal Era. However, one **challenge is the huge financial investment required to become certified in International Organization for Standardization (ISO) 13485 medical device standard.** This voluntary standard specifies requirements for a comprehensive quality management system where an organization needs to demonstrate its ability to procure medical devices that consistently meet applicable regulatory requirements.

Certification in the standard is necessary to allow the factory to expand production. The comprehensive certification process costs around THB 15 million (USD 90,000) to bring the factory up to standard. The social enterprise is fundraising for this cost, so it may seek to expand in the future. In addition to contributing to the rights of persons with disabilities contained in the CRPD, the social enterprise aligns with the SDGs, particularly SDG 3 on good health and well-being, SDG 8 on decent work and economic growth, SDG 9 on building resilient infrastructure promoting inclusive and sustainable industrialization, and fostering innovation, and SDG 10 on reducing inequalities. Target 9.B is an example of an SDG target to which Siam Able Innovation contributes: **Support domestic technology development, research and innovation in developing countries.**

### 3.2.3 Reasonable accommodation



Non-discrimination and equality—core obligations of Article 27 of the CRPD—extend to the actions of third parties, such as the business sector, and apply throughout the employment cycle, which includes recruitment, hiring and employment, the continuance of employment, training programmes and career advancement, as well as searching and applying for work and exiting work. The CRPD has noted in its jurisprudence that, to achieve de facto equality under the CRPD, States must ensure that there is no discrimination on the grounds of disability in connection to work and employment. International human rights practice identifies several forms of discrimination, which can occur individually or simultaneously: direct discrimination, indirect discrimination, and denial of reasonable accommodation.<sup>138</sup>

**Direct discrimination** occurs when, in a similar situation, persons with disabilities are treated unfavourably because of any reason related to their disability. An example is a public sector employer not considering a person with disabilities for a job on the assumption that the person with disabilities will be unable to do the work.<sup>139</sup>

**Indirect discrimination** refers to applying laws, policies, or practices that appear neutral but negatively impact persons with disabilities. It occurs when an opportunity excludes persons with disabilities because the framing of the opportunity does not consider their situation, and, as a result, they cannot benefit from the opportunity. For example, if the only way to enter a public building for a job interview is by a set of stairs, candidates who use wheelchairs are put in an unequal position because they cannot enter the building.<sup>140</sup> Implied in the prohibition of indirect discrimination is an ongoing obligation to provide accessibility through universal design approaches to all situations.

**Denial of reasonable accommodation**<sup>141</sup> occurs when the necessary and appropriate individualized modifications, adjustments, and supports (that do not impose a disproportionate or undue burden) are not implemented. Reasonable accommodations are those modifications, adjustments, and supports needed to ensure the equal enjoyment or exercise of a human right or fundamental freedom.<sup>142</sup>

<sup>138</sup> United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 4. Available from <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/518/57/PDF/G2251857.pdf?OpenElement>>.

<sup>139</sup> United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 4.

<sup>140</sup> United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 4–5.

<sup>141</sup> United Nations, *United Nations Disability Inclusion Strategy*, January 2019, 15. Reasonable accommodation policy/strategy is under development.

<sup>142</sup> United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 5.

For example, a public sector employee with a vision impairment who is not provided with the appropriate equipment to perform allocated tasks, such as a computer programme that magnifies text on a computer screen, has been denied reasonable accommodation. Other examples of reasonable accommodation include making information accessible to persons with disabilities, modifying equipment, enabling working from home, ensuring a sign language interpreter in meetings, reorganizing activities, rescheduling work, or providing support personnel.<sup>143</sup> The changes need to be negotiated with the individual to fall within the concept of reasonable accommodation. The duty to provide reasonable accommodation is applicable when a request for such accommodation is received, or the need becomes apparent.<sup>144</sup>

The CRPD emphasizes that **reasonable accommodation duties differ from accessibility duties**, per the prohibition of indirect discrimination in Arts. 4 and 9. While both aim to guarantee accessibility, the duty to provide accessibility through universal design or assistive technologies is built into systems and processes without regard to the needs of a particular person with disabilities, for example, having access to a building on an equal basis with others.<sup>145</sup> Reasonable accommodation involves the provision of individualized modifications, adjustments, and supports to enable persons with disabilities to perform the inherent requirements of their work on an equal basis with others. States should ensure the provision of reasonable accommodation is facilitated via measures and programmes that provide technical and financial assistance to public and private employers.

### Transforming the lives of youth with disabilities through sustainable training and employment programmes in Lao PDR

Digital Data Divide (DDD) is a business in Lao PDR that delivers digital content, data, and research services to clients worldwide. It grew from a small data-entry operation in Cambodia in 2001 to become the largest technology-related employer in Cambodia and Lao PDR, with an office in Kenya and headquartered in the US. The unique **impact-sourcing model** of DDD has developed a growing network of young professionals and propelled hundreds of families out of poverty. Notably, these young professionals include youth with disabilities. The **Lao office currently employs youth with disabilities as 10 per cent of its workforce**, and they are keen to increase this in future.

In Lao PDR, **DDD partnered with OPDs such as the Lao Disabled Women's Development Centre** to identify youth with disabilities to participate in a three-month paid internship programme where on-the-job training is provided. Once complete, there is the opportunity to enter full employment on the operations floor with a salary and benefits. **DDD provides reasonable accommodation, such as assistive technology**, for its employees with a hearing impairment. DDD employees with disabilities are **not doing segregated or menial work**. For example, its IT Manager has a physical impairment. The **comprehensive and sustainable training programme** continues throughout one's career and includes English, time management, and life skills. Technical training encompasses data entry, research, 3D scanning applications development, and cloud computing. Advanced training includes project management, people management, and leadership training. Moreover, DDD supports its employees in achieving tertiary-level education by paying for scholarships to attain a Bachelor's degree. After some years of working at DDD, youth with disabilities are encouraged to **compete in the open job market**, complete with their degree, training, and experience.

143 United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 5.

144 United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 5.

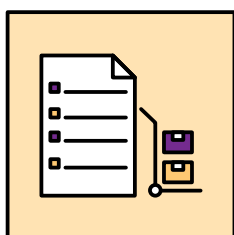
145 United Nations CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, CRPD/C/GC/8, 7 October 2011, 2.



**Lessons and success factors:** DDD transforms lives through sustainable training and employment programmes, providing lifelong opportunities. DDD complies with the **Impact Sourcing Standard**,<sup>146</sup> the first globally recognized standard for impact sourcing. The standard defines the minimum requirements for providers of business products and services to demonstrate their commitment to inclusive employment. **Impact Sourcing is a business practice where a company prioritizes suppliers that intentionally hire and provide career development opportunities to people with limited prospects for formal employment, including persons with disabilities.** The Impact Sourcing Standard is for product and service providers (suppliers) and their client organizations (buyers). It aims to provide a common understanding of impact sourcing to aid successful partnerships between buyers and suppliers committed to impact sourcing.

The Standard may also be beneficial for communicating an organization's inclusive hiring commitments to job seekers, employees, government and civil society stakeholders, customers, and the general public. Impact Sourcing has been shown to provide many business and social benefits. Service providers access new sources of talent, achieve higher levels of employee engagement, and lower attrition rates. Employees with disabilities take their first step onto a career ladder that leads to economic self-sufficiency through income growth, skills development, and professional advancement. DDD is a member of the **Global Impact Sourcing Coalition**, a global network of businesses creating jobs for those left behind through the power of procurement and global supply chains.

### 3.2.4 Procurement



Public procurement<sup>147</sup> refers to the process by which public authorities purchase work, goods, or services from an external supplier. Procured goods and services may include equipment such as computers or furniture, services, public transport, the built environment, public infrastructure works, urban planning, water supplies, and waste treatment. Disability-inclusive public procurement is categorized into two types: **preferential contracting**, where contracts are awarded to organizations employing persons with disabilities, and **procurement to promote accessibility** and universal design, where contracts are awarded to suppliers that comply with criteria on accessibility.<sup>148</sup>

A major bottleneck to achieving the ASEAN Community Vision 2025<sup>149</sup> and the 2030 Agenda for Sustainable Development lies in public procurement, a key interface between governments and the private sector. Public procurement is a major risk area for corruption because of the financial flows involved. It represents a substantial share of world trade flows, amounting to USD 13 trillion per year. Global procurement amounts to 13 trillion USD per year.<sup>150</sup> Thus, public procurement is a major entry point for reforms, which has a trickle-down effect on the business environment, investment, and trade relations.<sup>151</sup>

<sup>146</sup> Global Impact Sourcing Coalition, "What is the Impact Sourcing Standard?".

<sup>147</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 16. Procurement policies ensure that relevant goods and services acquired are accessible or do not create new barriers. Procurement policies ensure that the procurement process is accessible.

<sup>148</sup> ESCAP, Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 40.

<sup>149</sup> ASEAN, ASEAN Community Vision 2025, 2015. Available from: <<https://www.asean.org/wp-content/uploads/images/2015/November/aec-page/ASEAN-Community-Vision-2025.pdf>>.

<sup>150</sup> Open Contracting Partnership, How governments spend: Opening up the value of global public procurement, 2020, 2. Available from: <<https://www.open-contracting.org/wp-content/uploads/2020/08/OCP2020-Global-Public-Procurement-Spend.pdf>>.

<sup>151</sup> UNDP, "Promoting a Fair Business Environment in ASEAN".

The CRPD has stated that, as part of its review of accessibility legislation, States must **consider their laws on public procurement to ensure their public procurement procedures incorporate disability-inclusive accessibility requirements**. Public procurement should be used to implement affirmative action in line with Article 5, paragraph 4, of the Convention to ensure accessibility and de facto equality for persons with disabilities.<sup>152</sup>

## Disability-inclusive public procurement as an avenue for business integrity

**Normative framework:** In the ASEAN region, three key mandates are relevant to disability-inclusive procurement. (i) The **Beijing Declaration, including the Action Plan to Accelerate the Implementation of the Incheon Strategy** (also known as the Beijing Declaration and Action Plan), states that governments are to incorporate universal design principles into relevant laws and adopt accessibility standards in the public procurement of all goods, services, and software to ensure accessibility for persons with disabilities.<sup>153</sup> (ii) The **CRPD General Comment No. 2 on Accessibility** states that governments should ensure that laws on public procurement incorporate accessibility requirements. Using public funds to create or perpetuate the inequality that inevitably results from inaccessible services and facilities is unacceptable.<sup>154</sup> (iii) The **ASEAN Enabling Master Plan 2025: Mainstreaming the Rights of Persons with Disabilities** elaborates key action points for Member States to fully implement the CRPD at the national level to eliminate discrimination, remove barriers, and ensure accessibility. All ASEAN Member States have ratified the CRPD. In addition, the ASEAN Master Plan recommends promoting products made by persons with disabilities to wider markets to increase demand for these products, including through national procurement policies and regulations and awareness-raising.<sup>155</sup>

**Lessons and success factors:** Despite the normative frameworks above, policymakers in ASEAN have largely overlooked the opportunity to use public procurement to implement affirmative action for persons with disabilities and to mainstream and enhance accessibility. While the **public procurement law in Thailand encompasses preferential contracting**, stakeholders have been campaigning to amend the public procurement law to include a guarantee of accessibility. This is because open procurement aligns with the social model of disability inclusion. According to ESCAP, **if public procurement is based on universal design and accessibility, the purchasing power of governments can serve as an effective leverage to promote a disability-inclusive society with the involvement of both the public and private sectors.**<sup>156</sup>

Implementing disability-inclusive public procurement policies can create an outward spiral of market-driven accessible goods and services. The increased supply provides a broader range of accessible goods and services to consumers with diverse domestic and international needs since importing and exporting accessible goods and services has become more widespread. Healthy competition in the market ensues, leading to products and services that are more affordable and the potential for the improved quality of universal design-based accessible goods and services. For example, in 1998, the US adopted the world's first disability-inclusive public procurement policy.

152 United Nations CRPD, General Comment No. 2 (2014). Article 9: Accessibility. CRPD/C/GC/2, 22 May 2014, 10.

153 ESSCAP, Incheon Strategy to "Make the Right Deal" for Persons with Disabilities in Asia and the Pacific and Beijing Declaration including the Action Plan to Accelerate the Implementation of the Incheon Strategy, 2018, 56. Available from: <<https://www.unescap.org/resources/incheon-strategy-make-right-real-persons-disabilities-asia-and-pacific-and-beijing>>.

154 United Nations CRPD, General Comment No. 2 (2014). Article 9: Accessibility. CRPD/C/GC/2, 22 May 2014, 8.

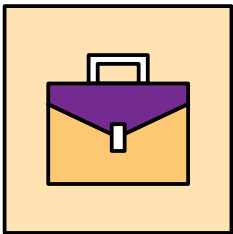
155 ASEAN, ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities, December 2018, 14. Available from: <<https://asean.org/wp-content/uploads/2018/11/ASEAN-Enabling-Masterplan-2025-Mainstreaming-the-Rights-of-Persons-with-Disabilities.pdf>>.

156 ESCAP, Disability-Inclusive Public Procurement: Promoting Universal Design and Accessibility, 2019, 24. Available from: [https://www.unescap.org/sites/default/files/PP%202019-01\\_Disability%20Inclusive%20Procurement\\_rev.pdf](https://www.unescap.org/sites/default/files/PP%202019-01_Disability%20Inclusive%20Procurement_rev.pdf).

Section 508 of the Rehabilitation Act requires federal departments and agencies to comply with accessibility standards when procuring electronic and IT products and services, including telephones and websites. Large manufacturing companies selling products to the US market must comply with such regulations to be competitive. In 2019, the government of Japan began developing its disability-inclusive public procurement policy covering some information communication technology products. This is the **business case for disability-inclusive public procurement laws and policies in the ASEAN region**. In order to implement such policies, companies could hire product testers with disabilities, designers with disabilities, include persons with disabilities in market research focus groups, etc.

### 3.3 ORGANIZATIONAL CULTURE

A disability-inclusive organizational culture entails evolving one's internal systems to attract, recruit, retain, and promote persons with disabilities in the workforce; building the capacities of staff to understand disability inclusion; and developing one's communications to promote the rights of persons with disabilities, reduce stigma and discrimination, and raise awareness on disability inclusion. This section provides good practice examples in the UNDIS indicator areas of (a) employment; (b) capacity development; and (c) communication.



#### 3.3.1 Employment<sup>157</sup>

The CRPD recognizes the right of persons with disabilities to work equally with others, including the right to earn 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.<sup>158</sup> Article 27 of the Convention incorporates several interdependent and interrelated rights within the right to work, including, in Article 27 (1) (b), the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work and safe working conditions, including equal

opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.<sup>159</sup>

Despite some progress, lack of access to the open labour market and segregation continues to be the greatest challenges for persons with disabilities. Discrimination, such as denial of reasonable accommodation, inaccessible workplaces, and harassment, pose further obstacles to employment in an open labour market and work environment. This leads to a false choice of employment in a closed workplace based on disability.<sup>160</sup>

Meaningful work and employment are essential to economic security, physical and mental health, personal well-being, and identity. However, a value system known as “ableism” adversely affects the opportunities for many persons with disabilities to have meaningful work and employment. Ableism and its impacts have been described as “a value system that considers certain typical characteristics of body and mind as essential for living a life of value. Based on strict standards of appearance, functioning and

<sup>157</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 18. Employment policy/strategy and other human resources- related policies/strategies include provisions to attract, recruit, retain and promote the career development of employees with disabilities.

<sup>158</sup> United Nations CRPD, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2011, 19–20.

<sup>159</sup> Article 27 (1 and (1) (b) and (c) relate directly to three interdependent articles of the International Covenant on Economic, Social and Cultural Rights, namely Articles 6, 7, and 8. The Committee on Economic, Social and Cultural Rights (CESCR) has issued general comments on Articles 6 and 7 of the Convention.

<sup>160</sup> United Nations CRPD, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2011, 3–4.



behaviour, ableist ways of thinking consider the disability experience a misfortune that leads to suffering and disadvantage and invariably devalues human life.”<sup>161</sup> Ableism is the foundation of the medical and charity models of disability that lead to social prejudice, inequality, and discrimination against persons with disabilities, as it underpins legislation, policies and practices such as segregated employment, for example, “sheltered workshops”, and can result in involuntary participation in the informal economy.<sup>162</sup>

Persons with disabilities face barriers to gaining access to and exercising their right to work and employment in the open labour market on an equal basis. Persons with disabilities face high unemployment rates, lower wages, instability, lower standards in hiring conditions, lack of accessibility of the work environment, and are less likely than other persons to be appointed to managerial positions when they are formally employed, all of which are exacerbated for women with disabilities. Persons with disabilities are more likely to earn lower wages than persons without disabilities. They are more likely to be in vulnerable employment, including employment in the informal sector, self-employed, or part-time employment.<sup>163</sup> Data and other evidence indicate that these differences mainly affect persons with disabilities based on age, gender, sex, ethnicity, place of residence, etc.

Evolving conditions in economies and the labour market create new challenges and opportunities to ensure the right to work. In addition, new technologies, including artificial intelligence and the shift to digital work, can create new barriers or forms of discrimination and offer new pathways into work and new forms of employment.<sup>164</sup>

## UNDP: moving towards a disability-inclusive organizational culture

**Background:** The United Nations Secretary-General launched the UNDIS in 2019 to ensure a sustainable and transformative change in the United Nations system. The policy establishes a strategic vision for the United Nations system on disability inclusion for the next decade. The accountability framework establishes clear and achievable objectives against which United Nations organizations are held accountable. The accountability framework consists of four focus areas and 15 indicators, which serve as benchmarks for a disability-inclusive organizational culture.

**Results to date:** UNDP is moving towards a disability-inclusive organizational culture. This is illustrated by the achievement of some of the benchmarks contained in the UNDIS. For example, each UNDP country office in Indonesia, Lao PDR, Malaysia, Philippines, Thailand and Viet Nam has a disability focal point with substantive expertise in the HRBA to disability. These country offices employ persons with disabilities, including women with disabilities, youth with disabilities, persons with physical and sensory impairments, and others with undisclosed disabilities. For example, the country offices in Lao PDR, Thailand, and Viet Nam have a UNDP/UNV Talent Programme for Young Professionals with Disabilities. Job advertisements include provisions to encourage applications by persons with disabilities.

161 United Nations General Assembly, Report of the Special Rapporteur on the rights of persons with disabilities, A/HRC/43/41, 17 December 2019, 3. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/346/54/PDF/G1934654.pdf?OpenElement>.

162 United Nations CRPD, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2011, 1.

163 United Nations DESA, Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities: 2018, 2019, 155. Available from: <https://digitallibrary.un.org/record/3829277?ln=en>.

164 ILO Making the future of work inclusive of persons with disabilities, 21 November 2019, 18. Available from: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_729457.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_729457.pdf).

UNDP has a Guidance Note on Reasonable Accommodation and has implemented this policy, for example, by ensuring elevator access at United Nations premises in Jakarta, Vientiane, Bangkok, and Hanoi for persons with physical impairments and by providing screen readers, voice guides in elevators, and a tactile brick path for employees with visual impairments in one country office. UNDP Viet Nam is a model of accessibility. It has accessibility checklists for conference and event participants with disabilities covering the venue, conference hall, and accommodation. In 2021, UNDP Viet Nam completed an accessibility audit of Green One United Nations House (Hanoi) against the accessibility standards contained in ISO 21542:2011, which found that the building has adhered to the basic building principles of access for persons with disabilities, and proposed renovation for items that have not yet met the standard. Some of the features of Green One United Nations House include a tactile brick path for persons with visual impairments and ramps, priority exit doors, and wide doorways for wheelchair users.

In terms of leadership, senior managers at country offices in Indonesia, Lao PDR, Philippines, Thailand, and Viet Nam internally and publicly champion disability inclusion. UNDP Viet Nam elaborated an inclusive communications guidance in 2021 to ensure that internal and external communications are respectful of persons with disabilities. These guidelines are comprehensive and also refer to the new United Nations Disability-Inclusive Communications Guidelines,<sup>165</sup> which provide practical information and tips on how to include and represent persons with disabilities in United Nations external communications — from written to visual and digital — and how to make United Nations internal and external communications inclusive of and accessible to persons with disabilities. Accordingly, persons with disabilities are reflected in mainstream communications of UNDP country offices in Lao PDR, Thailand, and Viet Nam.

**Lessons and success factors:** United Nations agencies advocating for disability inclusion to other stakeholders in ASEAN are leading by example. The results achieved to date by UNDP country offices in the ASEAN region demonstrate the increasing awareness and implementation of the benchmarks contained in the UNDIS. Moreover, the organizational culture is in line with the rights contained in the CRPD, which affirms the rights of persons with disabilities to employment, reasonable accommodation, accessibility, non-discrimination, participation, and inclusion. Importantly, UNDP promotes the employment of persons with disabilities in the open labour market, consistent with the human rights model of disability. This supports the 2030 Agenda for Sustainable Development and is particularly aligned with SDG 8 on promoting inclusive and sustainable economic growth, employment and decent work for all, and SDG 10 on reducing inequality within and among countries.

Article 27 of the CRPD sets out the principles and standards of the right of persons with disabilities to work and employment and provides the basis for States parties to meet their commitments under the SGDs, particularly target 8.5, on achieving, by 2030, full and productive employment and decent work for all persons, including persons with disabilities, and equal pay for work of equal value. In addition, article 27(f) promotes opportunities for self-employment, entrepreneurship, the development of cooperatives, and starting one's own business.

<sup>165</sup> United Nations, Disability-Inclusive Communications Guidelines, March 2022. Available from: [https://www.un.org/sites/un2.un.org/files/un\\_disability-inclusive\\_communication\\_guidelines.pdf](https://www.un.org/sites/un2.un.org/files/un_disability-inclusive_communication_guidelines.pdf).

## Viet Nam: Laws, policies, and programmes supporting entrepreneurs with disabilities

**Background:** Because persons with disabilities in Asia and the Pacific are predominantly employed in the informal economy (and mainly in self-employment), legislation, policies and programmes to support the entrepreneurship endeavours of persons with disabilities are in place in some nations of the region. These include measures to facilitate business development skills training, microcredit, loans, grants and business equipment, and support to access markets and business networks.<sup>166</sup>

**Results to date:** In Viet Nam, more than an estimated 15,000 persons with disabilities were working at more than 400 businesses owned by entrepreneurs with disabilities in 2018. To support entrepreneurs with disabilities in accessing credit, the government established the National Employment Fund to encourage the entrepreneurship of persons with disabilities through subsidized loans. The Viet Nam Bank for Social Policy provides loans for entrepreneurs with disabilities at a preferential interest rate of 3.96 per cent. According to national decrees, the lending interest rate for persons with disabilities is half that for persons from near-poor households. The maximum loan for a self-employed person is 100 million Vietnamese dong with a repayment term of up to 120 months.<sup>167</sup>

In partnership with the Nippon Foundation, the Viet Nam Bank for Social Policy is also disbursing small loans to businesses employing, serving or owned by persons with disabilities under the auspices of a technical cooperation project. The total outstanding loans reached 8.8 billion dong with 158 active borrowers at the end of 2019.<sup>168</sup>

**Lessons and success factors:** General policies and services to promote enterprise development can potentially benefit entrepreneurs with disabilities as long as they are disability-inclusive and accessible. For example, websites with information on these schemes and application platforms should be in accessible formats, and the built environment of relevant service centres should be physically barrier-free. Moreover, government personnel providing such mainstream services should be aware of and practise the principles of non-discrimination in their interactions with entrepreneurs with disabilities.<sup>169</sup>

Research indicates that, in practice, entrepreneurs with disabilities may still face difficulties in accessing subsidized loans despite their eligibility due to existing prejudices and stereotypes. Therefore, further actions are required to enhance the access of entrepreneurs with disabilities to such credit.<sup>170</sup>

Limited data are available on persons with disabilities as employers and entrepreneurs in the ASEAN region. However, it is important to promote opportunities for self-employment, entrepreneurship, the development of cooperatives, and starting one's own business, in line with Article 27(f) of the CRPD. Entrepreneurs with disabilities can be empowered to become agents of change. Furthermore, it is important to recognize that human rights, peace and security, and sustainable development for all can be enjoyed only if persons with disabilities in all their diversity are included in society on an equal basis with others and as both agents of change and beneficiaries of the outcomes of disability-inclusion work. It is, therefore, imperative that disability inclusion be mainstreamed systematically into the work of all.<sup>171</sup> This is critical for creating an enabling environment that supports the leadership of persons with disabilities.

<sup>166</sup> ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, 51.

<sup>167</sup> ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, 53.

<sup>168</sup> ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, 53–54.

<sup>169</sup> ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, 63.

<sup>170</sup> ESCAP (2021), Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, 2021, 54.

<sup>171</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 5.

**Leave no one behind (LNOB)** is the central, transformative promise of the 2030 Agenda for Sustainable Development and its SDGs. It represents the unequivocal commitment of all United Nations Member States to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals and humanity. **Member States have pledged to reach the furthest behind first.** LNOB not only entails reaching the poorest of the poor but also requires combating discrimination and rising inequalities within and amongst States and their root causes. A significant reason for people being left behind is persistent discrimination, including disability discrimination, which leaves individuals, families and whole communities marginalized and excluded. It is grounded in the United Nations normative standards, foundational principles of the Charter of the United Nations,<sup>172</sup> international human rights law, and national legal systems worldwide. This includes the CRPD. LNOB compels us to focus on discrimination and inequalities (often multiple and intersecting) that undermine people's agency as rights holders. Many of the barriers people face in accessing services, resources, and equal opportunities are not simply accidents of fate or a lack of availability of resources but rather the result of discriminatory laws, policies, and social practices that leave particular groups of people further and further behind. Regarding disability discrimination and inequality, **groups of persons with disabilities often the furthest behind include women with disabilities, persons with psychosocial disabilities, and persons with intellectual disabilities.**

## Multinationals supporting persons with disabilities that are the furthest behind

**Women with disabilities** are more likely to be discriminated against than men with disabilities and women without disabilities. Besides the general barriers that persons with disabilities face in work, women with disabilities experience multiple and intersectional discrimination.<sup>173</sup> These include sexual harassment, unequal pay for work of equal value, fewer career options, and a lack of access to redress because of discriminatory attitudes that result in dismissing their claims.<sup>174</sup> Article 6(1) of the CRPD requires States to ensure the full and equal enjoyment by women with disabilities of all human rights and fundamental freedoms. Furthermore, Article 27 of the CRPD obliges States to protect the right of persons with disabilities to equal opportunities and remuneration for work of equal value and safe and healthy working conditions, including protection from harassment and the redress of grievances. Harassment is a form of discrimination when unwanted conduct related to disability or other prohibited grounds (including gender) takes place to violate a person's dignity and create an intimidating, hostile, degrading, humiliating, or offensive environment. It can happen through actions or words that perpetuate differences and oppression of persons with disabilities.<sup>175</sup> Microsoft requires its suppliers to embrace its commitment to integrity by complying with and training its employees on the **Microsoft Supplier Code of Conduct**.<sup>176</sup> This includes **policies on non-discrimination, non-harassment, and equal pay**. Suppliers must commit to a workplace free from retaliation and ensure their business practices respect the rights of different demographic groups, including women with disabilities. Suppliers must provide employees with **effective grievance procedures** and work with Microsoft to remedy any identified human rights violations.

172 United Nations, Charter of the United Nations, 1945. Available from: <https://www.un.org/en/about-us/un-charter/full-text>.

173 United Nations CRPD, General comment No. 3 (2016) on women and girls with disabilities, CRPD/C/GC/3, 25 November 2016, 1. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/262/56/PDF/G1626256.pdf?OpenElement>.

174 United Nations CRPD, General comment No. 8 (2002) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2002, 14–15.

175 United Nations CRPD, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, 26 April 2018, 8. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/119/05/PDF/G1811905.pdf?OpenElement>.

176 Microsoft, "Supplier Code of Conduct (SCoC) and training". Available from: <https://www.microsoft.com/en-us/procurement/supplier-conduct.aspx?activetab=pivot%3aprimar7>.

**IBM is taking an HRBA to support its employees with psychosocial disabilities.** Persons with psychosocial disabilities, such as anxiety, depression, and post-traumatic stress, are growing, particularly in the post-pandemic era. In many countries, these individuals are deprived of basic social and economic rights and are under-employed<sup>177</sup> and vulnerable to being left behind, facing enormous barriers in realizing their rights to work and employment. IBM employed its first employee with a disability in 1914, long before the business case for respecting the rights of persons with disabilities was established and before laws on the rights of persons with disabilities were introduced. Its leaders actively support including persons with disabilities by setting company-wide norms, taking a public pledge to be an ally to persons with disabilities, and visibly participating in and contributing to all other interventions. Seeing the leaders “walking the talk” helps encourage employees to do the same.<sup>178</sup> By 2021, about 1 per cent of IBMers self-identified as persons with disabilities, and this has grown each year.<sup>179</sup> In order to support its employees with psychosocial disabilities, **IBM has partnered with an external company to provide on-call expert counsellors for any staff members to talk to on a confidential basis. Moreover, there are general staff sessions on how to care for one’s mental well-being and manage depression and anxiety, making it easy for people to access support without having to disclose or self-identify as a person with a psychosocial impairment, which tends to be highly stigmatised.**

Notwithstanding, many employees have disclosed this because IBM has fostered a working environment and organizational culture supportive of persons with disabilities. This has included training hiring managers to be inclusive and unbiased and providing individualized accommodations. Furthermore, at IBM, the focus is on enabling employees to become actively supportive of colleagues with disabilities through ongoing training and sensitization sessions and panel and roundtable discussions showcasing employee stories. They leverage humour to make it easy to receive messages and organize film shows focused on disability-inclusion themes, followed by open discussions. A team of trainers and facilitators expands on this training with all teams, training vendor support staff to be more aware and receptive. Reverse mentoring is arranged, pairing leaders with employees with disabilities. IBM also sponsors and participates in external forums to foster wider acceptance of the theme of disability inclusion.<sup>180</sup> All this has resulted in persons with psychosocial disabilities working in open employment at IBM in all sorts of roles, including in technical positions and as senior managers.

The **United Nations Special Rapporteur on the right to health** has emphasized that States must promote conditions in which mental health and well-being can be realized, which requires action in workplaces and communities. Harmful stereotypes and stigmatization in the workplace dismantle the supportive and inclusive environments required for good mental health and well-being. Discriminatory attitudes increasingly influencing laws, policies, and practices undermine the social structures required to support well-being and inclusion. History shows that improving conditions in the formal and informal labour market and strengthening the accountability of employers depend on affiliation: the opportunity for meaningful relationships of mutual recognition with other workers. Relationships of solidarity, including through dignity at work, are critical to promoting mental health.<sup>181</sup>

177 United Nations General Assembly, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/41/34, 24. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/105/97/PDF/G1910597.pdf?OpenElement>.

178 ILO, EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific — A guide for employers, January 2022, 9.

179 IBM, ESG Report, 24. Available from: [https://www.ibm.com/impact/files/reports-policies/2021/IBM\\_2021\\_ESG\\_Report.pdf](https://www.ibm.com/impact/files/reports-policies/2021/IBM_2021_ESG_Report.pdf).

180 ILO, EmployAbility: Tapping the potential of persons with disabilities in Asia and the Pacific — A guide for employers, January 2022, 13.

181 United Nations General Assembly, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/41/34, 14.



**Persons with neurodiversity, such as persons on the autism spectrum**, are a group that is particularly vulnerable to being left behind in terms of access to employment. Many persons on the autism spectrum struggle to get and keep jobs because of their disability. If they disclose their disability to seek accommodations when applying for a job or working, they risk facing discrimination from managers or colleagues who mistakenly believe autism — because it affects the brain — must make them less able workers. The unemployment rate among this group is extraordinarily high — up to 80 per cent, according to the advocacy group Autism Speaks — though precise figures are hard to find.<sup>182</sup> The issues experienced by the autistic workforce are attracting the attention of people who are in the position to change it: high-level corporate executives who happen to have autistic children and understand that, in the right setting, autistic people not only thrive but demonstrate skills and traits that non-autistic people are less likely to have, such as being detail-oriented and methodical. Microsoft's corporate vice president of worldwide operations and chief accessibility officer believes that hiring more autistic employees is well aligned with Microsoft's broader goals. **Microsoft** has built a successful **Neurodiversity Hiring** programme specific to people on the autism spectrum. The goal of this programme is to attract talent and build an inclusive approach to support individuals on the autism spectrum that will contribute to the way they work as a company in building and servicing its products by strengthening the workforce with innovative thinking and creative solutions. The Neurodiversity Hiring programme is a multi-day, hands-on academy with an extended interview process focusing on workability, interview preparation, and skills assessment. The event allows candidates to showcase their unique talents and meet hiring managers and teams while learning about Microsoft as an employer of choice. **Persons with neurodiversity are hired as coders, software engineers, and programmers.** Diverse teams positively impact the company culture, working environment, and how it serves customers. The Neurodiversity Hiring programme seeks to attract talented candidates with neurodiversity and provide the training and support needed for career growth and success.<sup>183</sup>

Microsoft has created a **Supported Employment Program for persons with intellectual or developmental disabilities**. In its jurisprudence on Article 5, the CRPD sets out the immediate steps States must take to achieve de facto equality and ensure non-discrimination on the grounds of disability in relation to the right to work and employment, including **facilitating the transition away from segregated work environments for persons with disabilities, supporting their engagement in the open labour market, and promoting the right to supported employment**, including working assistance, job coaching, and vocational qualification programmes and ensuring the right to freely chosen employment.<sup>184</sup> To enable employment diversity and inclusion, Microsoft real estate and facilities partners with vendors and employment agencies to create job opportunities for people with intellectual/developmental disabilities (I/DD) at Microsoft facilities across the globe. People with I/DD face particular challenges in entering the job market. However, Microsoft believes when people are hired for jobs that match their interests and abilities and have support, they can become successful, productive workers. Fulfilling employment promotes independence and helps persons with disabilities become fully integrated community members. Workers with I/DD receive wages and benefits from their vendor employers, plus the social benefits of working alongside colleagues in the open labour market. Supported employees have been hired into over 30 roles, including laboratory technicians, audio-visual assistants, and facility inspectors.<sup>185</sup>

182 Vauhini Vara, "Microsoft Wants Autistic Coders. Can It Find Them And Keep Them?", Fast Company, 6 September 2016. Available from: <https://www.fastcompany.com/3062835/microsoft-autism-hiring>.

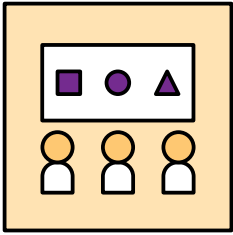
183 Microsoft, "Microsoft Neurodiversity Hiring Program & FAQ". Available from: <https://www.microsoft.com/en-us/diversity/inside-microsoft/cross-disability/neurodiversityhiring>.

184 United Nations CRPD, General comment No. 8 (2002) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2022, 14.

185 Microsoft, "Supported Employment". Available from: [https://www.microsoft.com/en-us/diversity/supportedemployment?activetab=pivot\\_1:primary2](https://www.microsoft.com/en-us/diversity/supportedemployment?activetab=pivot_1:primary2).



### 3.3.2 Capacity development for staff<sup>186</sup>



Article 8 of the CRPD requires States to raise awareness throughout society, including at the family level, regarding persons with disabilities and to foster respect for their rights and dignity. It also requires States to promote awareness of the capabilities and contributions of persons with disabilities, including by fostering awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities. Furthermore, Article 9 obliges States to train stakeholders on accessibility issues facing persons with disabilities. The UNDIS

recognizes that developing and strengthening staff capacity and competence with regard to disability inclusion is essential to mainstream a disability perspective into policies and programmes successfully. Staff members responsible for programme design and implementation and those responsible for technical advisory services require capacity development to ensure that an HRBA to disability is reflected in their work at all times. Capacity gaps should be addressed comprehensively and systematically through awareness-raising campaigns and training at the individual, entity, and system levels.

#### Capacity development for staff, suppliers, and customers in inclusive organizational culture, digital accessibility, and universal design

Although neither a State nor a United Nations entity, Microsoft is an excellent model of a business entity implementing the principles elaborated above, including through **awareness-raising initiatives such as capacity development for its staff and customers**. Microsoft requires its employees and suppliers to prioritize accessibility, including by providing accessible digital content, products, and an accessible organizational culture. It has **mandatory disability-inclusion training for staff and supervisors**; every employee must undertake training on topics including universal design, inclusive organizational culture, and reasonable accommodation. **Suppliers are required to comply with a Supplier Code of Conduct and training**. The code outlines Microsoft's expectations for suppliers, their employees, personnel, agents, and subcontractors, including a commitment to integrity while conducting business with and/or on behalf of Microsoft.

When creating any deliverable, each Microsoft Supplier must comply with the latest published version of the **international digital accessibility standard - Web Content Accessibility Guidelines**<sup>187</sup> and all legal and Microsoft-provided accessibility requirements and standards for creating accessible devices, products, websites, web-based applications, cloud services, software, mobile applications, content, or services. Moreover, Microsoft has expanded its resources so that everyone — including its customers and the public — has the tools to create more inclusive content and experiences. **Training for the public** includes a LinkedIn Learning course to learn about digital accessibility across tools and processes. Training on Microsoft Learn provides basic to intermediate accessibility training to become familiar with its products. Furthermore, there is the opportunity to attend a free virtual workshop taught live by Microsoft experts, and there are video playlists on its YouTube channel to learn more about accessibility and disability resources at Microsoft.

**Lessons and success factors:** At Microsoft, entity-wide learning and training opportunities are available to increase staff capacity at all levels in disability inclusion. Moreover, successful completion of learning activities and using available learning resources on disability inclusion are mandatory, and fulfillment and use are tracked. In addition, tailored learning activities and learning resources on

<sup>186</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 19. Entity-wide learning and/or training opportunities are available to increase the capacity of staff at all levels in disability inclusion.

<sup>187</sup> World Wide Web Consortium, "Web Content Accessibility Guidelines (WCAG) 2.2", 17 May 2023. Available from: <https://www.w3.org/TR/2023/CRD-WCAG22-20230517/>.

disability inclusion are available, particularly for senior managers and staff. This promotes positive perceptions and greater social awareness towards persons with disabilities. It also supports recognizing the skills, merits, and abilities of persons with disabilities and their contributions to the workplace and the labour market.

Since technology is a critical part of work, having accessible solutions is essential to providing an inclusive workplace. In addition, Microsoft is committed to helping its suppliers and customer base create a culture of accessibility. Technology can empower people to achieve more, help strengthen education opportunities, and make the workplace more inviting and inclusive for persons with disabilities. Microsoft employs more than 150,000 employees worldwide and is committed to providing disability-inclusion skills training and inclusive economic opportunity in the communities where it operates — including its offices in Indonesia, Malaysia, Philippines, Thailand and Viet Nam — with a focus on equitable and inclusive growth spurred by access to technology to contribute to SDG 8 on decent work and economic growth.

### 3.3.3 Communication<sup>188</sup>



Disability-inclusive communication entails developing internal and external communications to promote the rights of persons with disabilities and raise awareness of disability inclusion. Communications must be inclusive and respectful of persons with disabilities and their rights, aim to reduce and eliminate stigma and discrimination, and build trust.

### Communications that are respectful and inclusive of persons with disabilities

Central Group was first established in Thailand and is now one of the largest retail businesses in the world, with operations in South-East Asia (including Indonesia, Malaysia, and Viet Nam) and Europe. Central Group has retail and commercial properties and businesses in food, fashion, home décor, electronics, office supplies, books, and stationery. **In Thailand, the Persons with Disabilities Empowerment Act (PDEA)<sup>189</sup> contains a quota system requiring private and public sector employers to hire one person with a disability for every 100 employees.** This is in line with Article 27(1)(h) of the CRPD, which provides for **affirmative action measures**, such as quotas. Central Group has always aimed to employ more than the quota and employs persons with disabilities in various managerial and executive roles. The CRPD underlines that **employers must not restrict persons with disabilities to certain occupations.**<sup>190</sup> Moreover, the PDEA provides that **employers may assist persons with disabilities by providing grants for self-employment, apprenticeships, and training opportunities.** Central Group partners with the Mahat Thai Foundation in Pattaya to train persons with disabilities to work at its call centre. What began 10 years ago with a handful of persons with disabilities has grown to around 50 persons with disabilities, most of whom have been working there long term. Central Group attributes this to a supportive working environment, supervisors, and the opportunity for promotion into supervisory and managerial roles.

<sup>188</sup> United Nations, United Nations Disability Inclusion Strategy, January 2019, 19. Guideline(s)/procedures are in place to ensure that internal and external communication are respectful of persons with disabilities.

<sup>189</sup> National Office for Empowerment of Persons with Disabilities, Persons with Disabilities Empowerment Act B.E.2550", 18 September 2007. Available from: <http://web1.dep.go.th/sites/default/files/files/news/2.pdf>.

<sup>190</sup> United Nations CRPD, General comment No. 3 (2016) on women and girls with disabilities, CRPD/C/GC/3, 25 November 2016, 4.

The CRPD has emphasized that **employers must not restrict persons with disabilities from advancement and career growth opportunities**. Furthermore, Central Group supports persons with disabilities to set up cooperatives in rural areas, for example, making baskets or honey, which these groups sell online and offline in Central Group retail businesses. Central Group assists these groups with seed funding, training, design, packaging, and connecting with markets. Central Group also supports persons with disabilities in producing food, including chicken, fish, or agricultural products, to supply its restaurants or sell directly to customers through its supermarkets.

As a member of the Valuable 500, Central Group's Executive Director, Mr. Pichai Chirathivat, has publicly committed to hiring persons with disabilities over and above the quota, providing a supportive working environment with equal pay, benefits, and training, ensuring its retail outlets are fully accessible, and sponsoring various disability projects across Thailand. For example, Central Group currently sponsors the Sports Association for the Disabled of Thailand, focusing on table tennis, athletics, and swimming. **In addition to senior managers publicly championing disability inclusion, persons with disabilities are reflected in Central Group's communications.** Moreover, there are **guidelines to ensure that internal and external communications are respectful of persons with disabilities**. For example, Central Group's employee manual requires all staff to treat persons with disabilities equally. This helps to foster an organizational culture that recognizes and values persons with disabilities and seeks to eliminate stigma and discrimination through awareness-raising and trust-building.

# CONCLUSION

This study has analysed the challenges and opportunities linked with disability in the business environment. It provided a short overview of the legal framework that constitutes the architecture for an inclusive business community. This paper has explored the nexus between disability inclusion and business integrity. It has found that corruption exacerbates the effects of marginalization for persons with disabilities and may serve as a vehicle for discrimination, including in employment. Small business owners and organizations of persons with disabilities have observed that corruption diminishes the public's potential purchasing power, resulting in increasingly unfair competition for market participants. Persons with disabilities may also be exposed to corruption through government agencies that may misuse funding intended to benefit persons with disabilities. Power asymmetries in such situations mean persons with disabilities may struggle to report corruption. Multiple and intersecting identities may compound the risk of exposure to corruption by persons with disabilities, including women, youth, and informal sector workers with disabilities.

However, we have seen that disability-inclusive business integrity practices are already being implemented in the ASEAN subregion. This includes multinational corporations with offices in some of the countries in this study whose disability-inclusive leadership, policies, and strategies at the global level have trickled down to the national level in Indonesia, Lao PDR, Malaysia, Philippines, Thailand, and Viet Nam. Moreover, requiring disability inclusion in international supply chains is an excellent means of cascading business integrity principles throughout the subregion. Private sector reporting on sustainability and inclusion illustrates how transparency can tangibly advance inclusion in the world of work. The accessibility of goods and services through universal design principles, accessibility laws and regulations, digital accessibility, and assistive technologies are

ways to increase disability inclusion for customers and clients throughout ASEAN. The business case for disability inclusion is a helpful tool for advocacy in this subregion. An HRBA to disability-inclusive law and policy reform should reference the international human rights standards in the CRPD, the UNDIS, the *Guiding Principles on Business and Human Rights*, and the disability-inclusive targets in the 2030 Agenda for Sustainable Development.

The public sector has huge potential for disability inclusion through public procurement laws and processes and public sector employment for persons with disabilities. In addition, in a subregion where micro-, small-, and medium-sized enterprises prevail, there is room for increased mainstreaming of disability inclusion in such businesses, of which there are 70 million in ASEAN, accounting for between 97.2 and 99 per cent of total establishments in ASEAN Member States.<sup>191</sup> The establishment of social enterprises by and for persons with disabilities should be encouraged, as should collaboration and systematic consultation with organizations of persons with disabilities. The private sector employment of persons with disabilities is nascent, with affirmative action measures such as quotas in some ASEAN countries yielding some results. However, barriers to the inclusive employment of persons with disabilities in the open labour market include attitudinal barriers such as stigma and discrimination and the accessibility of the built environment, transport, and ICT. Disability discrimination — including direct, indirect, and denial of reasonable accommodation — is a major barrier, which may be addressed through law and policy reform, awareness-raising, and training initiatives. Increasing access to workplace training

191 ASEAN, "Development of Micro, Small, and Medium Enterprises in ASEAN (MSME)". Available from: <https://asean.org/our-communities/economic-community/resilient-and-inclusive-asean/development-of-micro-small-and-medium-enterprises-in-asean-msme/>.

programmes and experience in the open labour market for persons with disabilities is a promising strategy for private-sector employment. Efforts should concentrate on particularly vulnerable groups, including women and youth with disabilities, and persons with psychosocial and intellectual disabilities, including neurodiversity. UNDP has an opportunity to lead by example.

Business integrity principles of transparency, corporate governance, and accountability can support disability-inclusive economic development in ASEAN. Persons with disabilities and their organizations must be at the centre of the disability-inclusive business integrity agenda, supported by business leaders and governments in the subregion and globally.

# RECOMMENDATIONS

The following 17 recommendations flow from the findings on the nexus between disability inclusion and business integrity and take inspiration from the case studies of promising practices throughout the ASEAN region. They are guided by the CRPD standards and the jurisprudence of the CRPD in its General Comments.<sup>192</sup>

## RECOMMENDATIONS TO POLICYMAKERS

1. Advocate for public procurement laws that ensure the incorporation of disability-inclusive accessibility and universal design requirements and that contracts are awarded to suppliers that comply with such criteria. Also, consider affirmative action public procurement laws that provide for preferential contracting, where contracts are awarded to organizations employing or led by persons with disabilities.
2. Promote the incorporation of universal design principles into national law and policy frameworks and raise public and private sector awareness of the benefits of disability-inclusive design for accessibility.
3. Improve the regular collection and quality of data on the employment of persons with disabilities across the Asia-Pacific as part of the overall labour market surveys or employment-related population censuses and promote disability disaggregation for administrative data across sectors.

## RECOMMENDATIONS FOR UNDP PROGRAMMING

4. Establish relationships with and systematically consult organizations of

persons with disabilities representing persons with all types of impairments in ASEAN countries in all disability-inclusive business integrity project activities, including at the design, implementation and monitoring and evaluation stages.

5. Raise awareness and build the capacity of public and private sector entities in ASEAN countries about how to address disability-inclusive business integrity in corporate compliance, procurement, employment, design of goods and services, and digital accessibility. This could include training programmes and knowledge products. Make the business case for disability inclusion.
6. Provide technical support to government and corporate employers to promote the recruitment, employment, and career advancement of employees with disabilities, including providing reasonable accommodation. Work with organizations of persons with disabilities and business associations to establish a placement system, match potential employees with disabilities with potential employers, and provide technical advice about reasonable accommodation and assistive technologies.
7. Promote the acquisition by persons with disabilities of work experience in the open labour market by supporting disability-inclusive workplace training and employment programmes through impact-sourcing models and compliance with the Impact Sourcing Standard.<sup>193</sup>
8. Work with ASEAN corporations with policies promoting hiring persons with disabilities

<sup>192</sup> OHCHR, “General comments: Committee on the Rights of Persons with Disabilities”.

<sup>193</sup> Global Impact Sourcing Coalition, “What is the Impact Sourcing Standard?”.



and remote/hybrid and digital working models to employ persons with disabilities in national offices in ASEAN countries, including providing technical assistance.

9. Support entrepreneurship development programmes and services that include providing business loans, grants, subsidies, and equipment with preferential terms and accessible business development skills training catering to the diverse needs of persons with disabilities and tailored support to facilitate access of entrepreneurs with disabilities to markets and business networks.<sup>194</sup>
10. Advocate for the use of tools that help assess and monitor the adoption of inclusive processes in companies and organizations, for example, (i) integrity toolkits, (ii) environmental, social, and governance (ESG) assessment tools, and (iii) the Viet Nam Business Integrity Index (VBII).<sup>195</sup>
11. Consider developing disability-specific tools — similar to the CoST disability diagnostic assessment tool — and disability assurance reports, taking inspiration from the equivalent tools focusing on gender equality.
12. Provide technical support and advocacy to reform national laws and policies in ASEAN countries to support disability-inclusive business integrity principles, including non-discrimination and accessibility laws, affirmative action measures, and incentives.
13. Promote digital skills training for persons with disabilities, including through considering partnerships with technology companies, such as ASEAN and multinational companies already doing well in disability inclusion and tech social enterprises.
14. Explore the scope of national action plans on business and human rights as a tool for

disability inclusion and business integrity. Consider human rights due diligence as an entry point for disability inclusion benchmarks in the checklist.

15. Support particularly vulnerable groups of persons with disabilities, including women and youth with disabilities, persons with psychosocial and intellectual disabilities, and persons with neurodiversity. Such support should include support to promote wage employment and self-employment, the development of cooperatives, and starting one's own business.

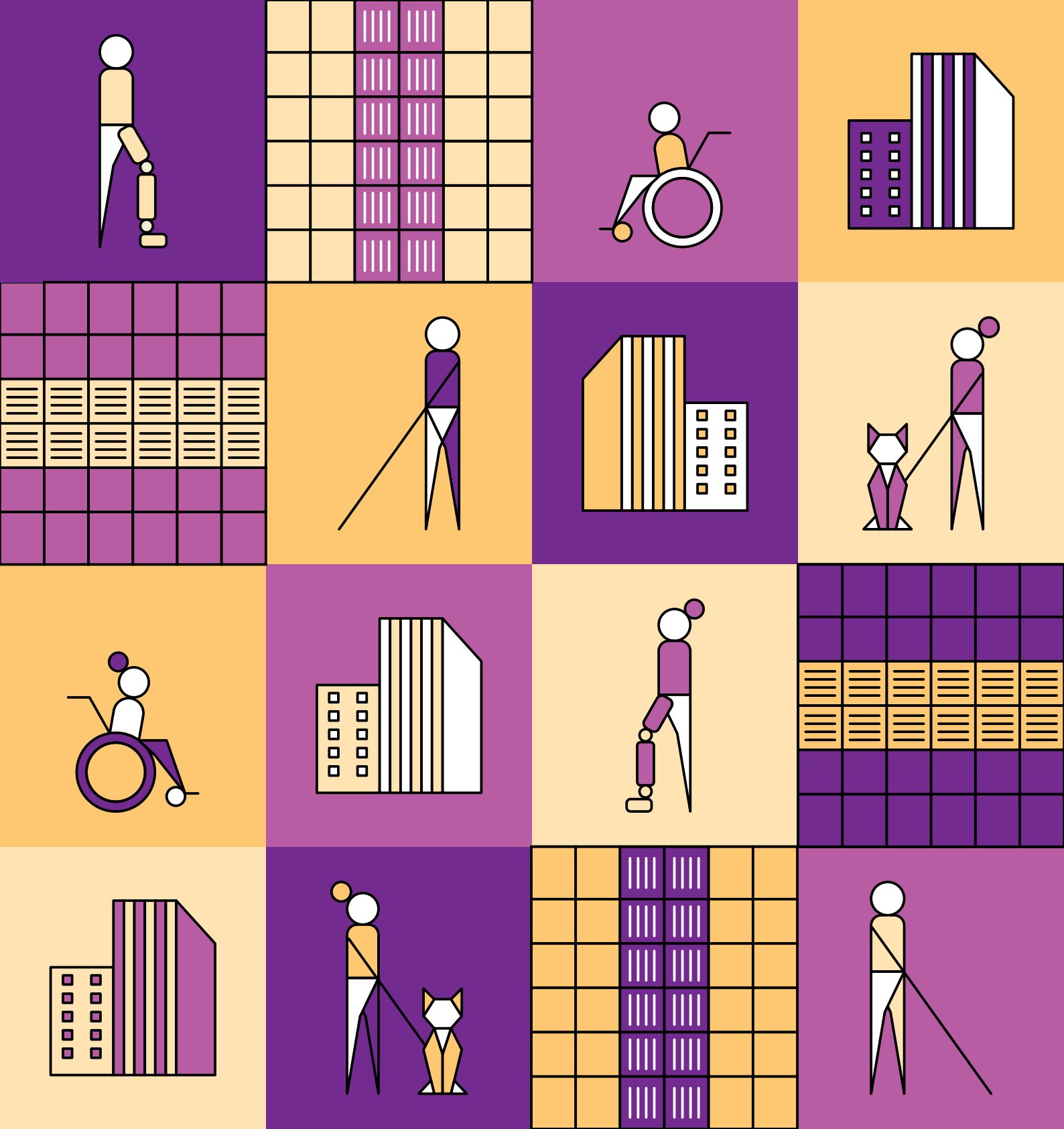
## RECOMMENDATIONS FOR UNDP INTERNAL INSTITUTIONAL PRACTICES

16. Advocate increasing the employment of persons with all types of disabilities, including through collaborating with organizations of persons with disabilities in ASEAN to identify candidates, expand the UNDP-United Nations Volunteers (UNV) Talent Programme for Young Professionals with Disabilities, and increase the availability of in-house substantive expertise on rights-based disability inclusion. Include disability-inclusive accessibility requirements in UNDP procurement processes.
17. Include disability disaggregated outputs, indicators, and targets in programmes and projects. Include references to international human rights in the CRPD and benchmarks in the UNDIS.

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<sup>194</sup> ESCAP, Disability At A Glance 2021: The Shaping of Disability-Inclusive Employment in Asia and the Pacific, v.

<sup>195</sup> UNDP, Business Integrity Toolkit — For Investors and Startups in Viet Nam, 27 July 2020.



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