

DISABILITY AWARENESS MANUAL FOR EMPLOYERS

AZERBAIJAN SOCIAL WORK PUBLIC UNION



**Project Promoting and Supporting Labor Rights of People with Disabilities with
Holistic Approach in Azerbaijan, Georgia and Moldova**



"Disability need not be an obstacle to success. I have had motor neuron disease for practically all my adult life. Yet it has not prevented me from having a prominent career in astrophysics and a happy family life." Professor Stephen W Hawking, theoretical physicist, cosmologist, and author director of research at the Centre for Theoretical Cosmology at the University of Cambridge at the time of his death.

1. Introduction

Disability is a global public health issue and over 1 billion people which constitutes 15% of world's population live with some form of disability. Disability is part of being human. Nearly all of us will temporarily or permanently experience disability at some point in our life. Personal and environmental factors including negative attitudes, inaccessible transportation and public buildings, and limited social support results in disability in people as it is outcome of the interaction between individuals with a health condition such as cerebral palsy, down syndrome and depression as well as personal and environmental factors including. People with disability experience poorer health outcomes, have less access to education and work opportunities, and are more likely to live in poverty than those without a disability. Disability is also a human rights issue – people with disability are among the world's most discriminated people, often experiencing violence, prejudice and denial of autonomy as well as facing barriers to care.

Azerbaijan as one of the post-Soviet countries which tries to reform the society to include people with disabilities into the mainstream society. The provision of the labor rights of people with disabilities (PWD) is also important in this direction. Thus, the purpose of this manual is to bring some awareness for employers to increase the employment of the people with disabilities. Although employment of PWDs is progressing, but there are some issues still exist. This manual tries to help employers by increasing their awareness on disability and PWDs.

This manual covers description disability, discuss medical and social approaches of disability and four different categories of disabilities. The manual also includes detail information about each category of disability, and recommendations for employers for hiring and supporting them during their jobs.

2. What is Disability

The concept of disability has evolved over the past 50 years. Historically, disability had been understood through a medical approach. On the other hand, "the social model" has also been dominant in interpreting disability. In recent years, "the interactive social model" has become a commonly used framework to understand disability. Further information on these models are as follows. The United Nations Convention on the Right of Person with Disabilities (UNCRPD) says that: "Person 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". (Article 1, United Nations Convention on the Right of Person with disabilities).

The medical model defines disability as an individual health problem, illness, or impairment. By this model social exclusion is seen as the result of limitations imposed by the impairments rather than barriers in the environment. In other hand the social model defines disability as a consequence of environmental, social, economic, and attitudinal barriers that prevent persons with disabilities from fully participating in society. The social model differs from the medical model because people are viewed as being disabled by society rather than by their impairments. In the interactive social model, disability is not considered as a characteristic of the person, but rather the result of interaction between the person and his/her environment. This is in line with the definition of the UNCRPD, which promotes the principle that all people must have equal opportunities to access and participate in society. Over last few decades, there has been a paradigm shift from charity-based approach to human rights-based approach.

The medical model and the social model are often presented as dichotomous, but disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience problems arising from their health condition. A balanced approach is needed, giving appropriate weight to the different aspects of disability. There is a recent model which is called a "bio-psycho-social model", it represents a workable compromise between medical and social models. Disability is the umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors).

3. Environmental factors

A person's environment has a huge impact on the experience and extent of disability. Inaccessible environments create disability by creating barriers to participation and inclusion. Examples of the possible negative impact of the environment include:

- a deaf individual without a sign language interpreter.
- a wheelchair user in a building without an accessible bathroom or elevator.
- a blind person using a computer without screen-reading software.

The environment may be changed to improve health conditions, prevent impairments, and improve outcomes for persons with disabilities. Such changes can be brought about by legislation, policy changes, capacity building, or technological developments leading to. Practical examples of changes are:

- accessible design of the built environment and transport.



- sign language to benefit people with sensory impairments.
- more accessible health, rehabilitation, education, and support services.
- more opportunities for work and employment for persons with disabilities.

Environmental factors include a wider set of issues than simply physical and information access. Policies and service delivery systems, including the rules underlying service provision, can also be obstacles. Analysis of public health service financing in Australia, for instance, found that reimbursement of health providers did not

account for the additional time often required to provide services to persons with disabilities: hospitals that treated patients with a disability were thus disadvantaged by a funding system that reimbursed them a fixed amount per patient.

Institutions and organizations also need to change – in addition to individuals and environments to avoid excluding people with disabilities. Knowledge and attitudes are important environmental factors, affecting all areas of service provision and social life.

4. Discrimination Against People with Disabilities in Work Place

Discrimination can be direct or indirect:

- Direct discrimination occurs when one person is treated less favorably because of disability than another in a comparable situation.

- Indirect discrimination occurs when laws, policies, or practices which appear neutral at face value have a disproportionate negative impact on some individuals. Negative attitudes towards disability can result in negative treatment of people with disabilities, for example:

- children bullying other children with disabilities in schools.
- bus drivers failing to support access needs of passengers with disabilities.
- employers discriminating against people with disabilities.
- strangers mocking people with



disabilities.

Negative attitudes and behaviors have an adverse effect on children and adults with disabilities, leading to negative consequences such as low self-esteem and reduced participation. People who feel harassed because of their disability sometimes avoid going to places, changing their routines, or even moving from

their homes. Stigma and discrimination can be combated, for example, through direct personal contact and through social marketing.

Discrimination is of the challenges that persons with disabilities in Azerbaijan face concerning employment such as:

- access to, and poor quality of education.
- lack of capacity and confidence to look for a job.
- lack of information, technical assistance and transportation.
- negative attitudes of employers or co-workers.
- lack of accessible workplaces.
- inadequate training facilities or capacity-building programs or exclusion from existing training facilities or capacity-building programs.

The majority of difficulties faced by persons with disabilities are caused by other people's misunderstanding of their capabilities. Examples of discrimination against persons with disabilities in the workplace:

- Places or buildings that do not have assistive features such as ramps, handrails, banisters or elevators.

- Prejudice based on the preconceived idea that persons with disabilities cannot work.
- Employment policies that exclude persons with disabilities from jobs that they are able to perform.
- Lack of accessible communication such as through a sign language interpreter or materials printed in braille.
 - Offensive teasing and hostile remarks about a person's disability, which might result in an unfair treatment or decision concerning his/her employment such as demotion or layoffs.

5. Diversity of disability

The disability experience resulting from the interaction of health conditions, personal factors, and environmental factors varies greatly. Persons with disabilities are diverse and heterogeneous, while stereotypical views of disability emphasize wheelchair users and a few other "classic" groups such as blind people and deaf people. Disability encompasses the child born with a congenital condition such as cerebral palsy or the young soldier who loses his leg to a landmine, or the middle-aged woman with severe arthritis, or the older person with dementia, among many others. Health conditions can be visible or invisible; temporary or long term; static, episodic, or degenerating; painful or inconsequential. Note that many people with disabilities do not consider themselves to be unhealthy.

Generalizations about "disability" or "people with disabilities" can mislead. Persons with disabilities have diverse personal factors with differences in gender, age, socioeconomic status, sexuality, ethnicity, or cultural heritage. Each has his or her personal preferences and responses to disability. Also, while disability correlates with disadvantage, not all people with disabilities are equally disadvantaged. Women with disabilities experience the combined disadvantages associated with gender as well as disability and may be less likely to marry than non-disabled women. People who experience mental health conditions or intellectual impairments appear to be more disadvantaged in many settings than those who experience physical or sensory impairments. People with more severe impairments often experience greater disadvantage. Conversely, wealth and status can help overcome activity limitations and participation restrictions.

There are four major disability categories: **physical disabilities, visual disabilities, hearing disabilities, and mental, cognitive and mental disabilities.**

5.1 Physical disabilities

Individuals with physical or mobility impairments are those with physical conditions that involve significant difficulty in walking, moving around and using their lower and upper parts of their body. They generally require the use of a mobility aid such as leg braces, artificial limbs, crutches, canes, wheelchairs, three-wheeled vehicles, walkers or even holding onto another person's arm. They may also lack coordination or not have full use of their arms or hands. Individuals with mobility impairments can also include those with cardiac or respiratory problems or arthritis. Their ability to walk may be significantly impaired but they may not normally utilize a mobility aid. Mobility impairments may be present at birth or have resulted from an illness or accident. They may also result from the normal process of aging. Some examples of the latter are arthritis, impaired eyesight, or hearing loss. They can all leave parts of our

bodies in different stages of weakness, paralysis, limitation, or loss.

Some environmental elements of concern to people with walking difficulties include steps or steep slopes, uneven surfaces, walks interrupted with raised or uneven expansion joints, slippery surfaces such as highly polished floors or wet shower rooms, walks filled with debris, areas that collect standing water, sand, and/or ice, etc. Having to stand or walk for extended periods of time also presents a problem for many people. Reduced agility, speed of movement, difficulty in balance, reduced endurance, or even a combination of these may contribute to impaired mobility. Often energy reserves are used faster than average, as a person who walks with difficulty may be required to spend extra energy in trying to keep their balance or otherwise meet challenges of the environment as they confront their limitations. Some environmental concerns of persons using wheelchairs or three-wheeled vehicles



Jamila Mammadli
27 years old

"I think that if we want to change something, we have to start changing ourselves first."

Unlike many people, I always try to change the image of the "people with disability" in the minds of people around me, my family & even myself. That's why I went to work everyday by bus, using that tool to send people the message that people with disabilities are also part of this society.

It is not right doing nothing, isolating oneself based on the judgment of others. Since 20 years old, I taught Mathematics & English at home to children in my village. Despite living in the village at the age of 23, I found an online job in Baku and started working. I came to Baku at the age of 25 and started working as an actress at the "ESA" inclusive theater. I also started working as a specialist in another company. Sometimes I worked for two or even three jobs at a time. In addition, I used to write my own stories.

"Co-worker at my new job asked me "Are you being paid for working here?", because in his mind it was impossible for a person with disability to work".



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include: the presence of steps or curbs, maneuvering through narrow spaces, going up and down steep paths, moving over unsmooth or slippery surfaces, making use of conventional restrooms and water facilities, and reaching and viewing things placed at conventional heights.

Persons with upper limb impairments or limited use of their arms or hands may have difficulty opening heavy doors and using certain styles of knobs, buttons, dispensary devices and handles to operate doors, drinking fountains, coin operated machines, telephones, and elevator controls. Persons with upper limb impairments may also have some difficulty with balance, especially when climbing stairs or walking up inclines. Some persons with impaired mobility also lack the ability to control their body temperature to meet external demands. For example, in hot weather, these persons may not be able to perspire freely, and thus may suffer heat stroke at a relatively low temperature. In some conditions, pain and/or muscle and joint flexibility may be affected by cold weather temperatures and dampness. Also, some persons with physical impairments must significantly increase their daily intake of liquid, making accessible water facilities and restrooms a critical need. Many persons have multiple health problems which may include cardiovascular and cardiopulmonary diseases, hypertension, and degenerative conditions of aging. These persons may also have less than average agility, stamina, and slower reaction time.

5.2 Visual Disabilities

Persons with visual impairments include those who are totally blind and the larger number of persons with seriously limited vision. Most persons who are visually impaired do have some vision even if they are "legally blind." Someone who is legally blind is defined as having measured vision of 20/200 in their better eye with correction. This means that they are able to see at 20 feet what a normally sighted person is able to see at 200 feet. The term "totally blind" refers to the total absence of vision and light perception. There are many kinds of visual impairments, each with a wide range of disability and limitation. A person described as legally blind may be able to read large print and walk without a mobility aid in many or all situations. They may also be able to perceive lightness and darkness and perhaps even some colors. On the other hand, someone else who is legally blind may not have any of these skills. There are also some conditions in which the individual's vision may be better one day over another, depending on fatigue and other factors. It is impossible to generalize visual impairments into one problem with one solution. People who have lost their sight later in life may have retained some visual memory or concepts of space, color, etc. However, persons born with visual impairments may have a different frame of reference for these same elements.

Similarly, persons born with visual impairments may have skills in reading braille and using tactile aids which may be more useful to them than to persons who have later lost their sight. The process of aging also affects visual perception. Both visual acuity and opacity are affected. Visual acuity influences how we perceive objects at a distance, and opacity of the lens determines the way light is transmitted, affecting perception of colors and textures. Colors often blend together, and closely related textures cannot be discerned. Glare is a major problem for many persons, particularly senior adults. Do not confuse the term "glare" with low "light level." Low light levels cast heavy shadows, making it difficult for many persons with low vision to perceive hazards such as stairs, changes in floor surface, etc. Glare usually results when too much light bounces off light colored walls and floors, making it difficult and uncomfortable to navigate.

Some environmental elements of concern to persons with visual impairments include: maneuvering past obstacles placed in the path of travel, going up or down steps, reading signs or printed materials, understanding information/exhibits that require visual perception, etc. It is important to remember that many persons who are blind or visually impaired do not read braille. In fact, less than 10 percent of the people who are blind or who have severe visual impairments are able to use this system. Many persons prefer to receive information by audio cassette, large print, or through oral presentation. This is not to say braille should not be provided. People who use braille appreciate its availability. However, this should not be the only method available to present information to visitors who are blind or visually impaired. It isn't always easy to identify someone as having a visual impairment. Some of the more obvious ways to better identify them can include seeing a person using a white cane with a red tip or using a guide dog for a mobility aid and/or wearing dark sunglasses.

5.3 Hearing Disabilities

Persons with hearing impairments include those who are totally deaf and the larger numbers of persons with seriously limited hearing. People with seriously limited hearing have difficulty hearing sounds or other people's speech but can often understand it with some sort of amplification technique or device. People who are deaf cannot hear sounds or speech well enough to understand it, even with amplification. A person who is deaf may also have impaired speech since they may not be able to hear well enough to correct phonetic errors in their own speech. Most people with severe hearing impairments have a voice; they may choose not to use it if other communication techniques will be clearer.

The major handicap to a person with a hearing impairment is communication. This person is cut off from the usual way of acquiring and transmitting information and therefore, communication can be severely affected. The time at which hearing loss occurs in a person's life has an effect on the development of communication, personal, social, and educational skills. Impairments present at birth are often caused by certain contagious diseases such as rubella, mumps, or influenza during the mother's pregnancy or hereditary factors. A person who is born deaf does not learn language in the usual manner and, therefore, does not have the language frame of reference when learning to speak, write, or read. They tend to think in pictures versus words. As a result, reading comprehension and writing may be at a lower level than indicated by their intelligence level. Other hearing impairments may develop at anytime during life as a result of childhood diseases, injuries, or audio deterioration resulting from old age. Persons who have an acquired hearing loss usually have a relatively strong language base.

A wide variety of communication methods are used by persons with hearing impairments including the use of sign language, reading and writing, mime and gesture, lip reading, or a combination of these methods. The two most commonly used methods to communicate are writing and the use of sign language.

Writing is the only means of communication for some people with hearing and speech impairments. Some people also have keyboard devices called TTYs or TDDs, which enable them to communicate over the telephone. Signing is often used as a communication technique by people with speech as well as hearing impairments. Signing involves using the position and movement of the hands, as well as other body language, to create pre-defined symbols for words. Various sign languages are used to communicate.

Spoken language signing follows the syntax of standard speech. Finger spelling, a more specific kind of signing, involves using the position and movement of the hands to create a pre-defined symbol for each letter in a word. It is usually used in conjunction with word signing to cover words or names for which there is no pre-defined sign. Lip-reading is a technique learned by some people with hearing loss which assists them in understanding others' speech when they can't hear it well or at all. Lip-readers watch a speaker's mouth and identify words by the shape and position of the lips and tongue.



Azer Alizade

Everyone just needs to define their goal and constantly strive to achieve it

I was born with cerebral palsy and have the first group of disability, but I am very connected to life. Currently I work as the social media manager at Avirtel Ltd. Disability for me means accepting the person's situation and struggling for it. That is why I have participated in various government agencies, international games and various personal development courses. At the same time, I have participated as a trainer and speaker on "Rules of Ethical Code of Conduct with Persons with Disabilities" within different projects and training programs. Any limitations of a person can not hinder their development.

I continuously focus on my personal development and accepting myself as I am rather than on opinions of people in the society

Restrictions on peoples' physical appearance cannot prevent them from achieving their goals

Basic means of communication and most people who use lip-reading will have limited skills with those people that they haven't talked with before. Context and non-verbal communications are essential components to this skill. Lip-reading should not be relied on as a viable means of communication with most persons with hearing impairments. Since deafness is an invisible disability, you may not be aware a park visitor has a hearing impairment until communication is required. The major barriers to persons who are deaf or have a hearing impairment include understanding audio presentations,

interpretive programs, or information that is communicated only through speech or sound.

5.4 Mental, Intellectual and Emotional Disabilities

Individuals with mental disabilities include those with mental retardation, learning disabilities, and emotional disorders. While common behavioral characteristics may sometimes be found among members of these groups, each disability is marked by distinctive features and should be considered separately from the others. People who have mental disabilities have a wider range of abilities and limitations than any other disability group, both because of distinctions between mental retardation, learning disability, and



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emotional disturbance, and because of the wide range of abilities within each group. Some of the most severe barriers a person with a mental, learning, or emotional disability faces are attitudinal barriers because these impairments are generally least understood by the general public. This often results in apprehensiveness and the general avoidance of persons with this type of disability. Consequently, the person with a mental, learning, or emotional disability will frequently keep their often "invisible" disability to themselves.

Mental Retardation:

In people described as having mental retardation, learning develops slower than average. Reasoning and judgment capabilities may also develop at a slower pace. For most people with mental retardation, it is not the ability to learn that is missing, but the speed and ease at which things are learned is slower. Just as there are different levels of "normal" intelligence, there are different levels or categories of mental retardation. Keep in mind that a specific category of mental retardation may give you a general idea about the intellectual level and adaptive behavior of a person but does not mean that all people within that category share the same characteristics or abilities. The general categories used are mild, moderate, severe, and profound. The range between mild and profound retardation is extremely broad and the gap between abilities and age may appear greater for persons with more severe mental retardation.

Some people with mental retardation may have problems with communication. Some may have a limited vocabulary, while others may be non-verbal and rely on sign language or some form of a "communication board" for expression. However, most people with mental retardation can generally communicate without modification. People with mental retardation may also have accompanying physical disabilities and may as a result require some assistance. People with mental retardation are often overprotected and discouraged from exploring the world or interacting with others. Often, they are limited to participating in programs that are designed "especially for their needs," and allowed to socialize only with "other persons with mental retardation." After finishing a specialized education program as a child or young adult, many may spend their adult years in inactivity.

Fortunately, the practice of segregating or institutionalizing persons with mental retardation is changing. With more appropriate training and education, many people learn to become independent citizens, manage their own homes, money, and successfully compete in the job market. Others may

live in small group homes, supervised by live-in counselors, and work in sheltered workshops or semi-skilled jobs.

Learning Disabilities:

Persons with learning disabilities are defined as persons exhibiting a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. Obviously, this definition covers a wide spectrum of potential obstacles a person with a learning disability may encounter when attempting to receive or process information. For purposes of understanding persons with this disability as distinct from persons with mental retardation, it is important to keep in mind that a learning disability is generally confined to one aspect of learning.

While both learning disabilities and mental retardation interfere with a person's ability to learn, learning disabilities are more specific and occur in people with average or above average intelligence. A person with a learning disability can experience poor spatial orientation or have a poor sense of direction or have severe difficulty in reading. The severity of the disability frequently determines if a disability is identified at all. Many adults today who dropped out of school because "they just didn't do well" may have mild learning disabilities. Persons with learning disabilities are even less identifiable than persons who have mental retardation. There are many different combinations of learning disabilities which may have an impact on programming. Someone may have problems with reading information, while others may have difficulty distinguishing left from right. Subsequently, a non-reader may be especially attuned to spoken information. Someone having difficulty with a string of verbal instructions may need simple, direct statements aided by a diagram. Because there are no reliable clues to indicate a person may have a learning disability, any assistance or programmatic adjustments for these visitors will be largely dependent on sensitive and alert staff who can adjust communication, programs, or presentations to meet individual needs.

Emotional/psychological Disorders:

The number of people experiencing emotional or psychological disorders is very high. Estimates vary according to the nature, severity, and duration of the disability considered. Persons with emotional disturbance may include persons with disabilities ranging from relatively short-lived depression to

severe psychosis that may last for years. Clinical diagnoses include such widely different variations as anxious-neurotic, manic-depressive, passive-aggressive, and personality disorders, as well as numerous others. Like other mental disabilities, emotional disturbance is not easily defined. It may be said that, in general, persons with emotional disabilities may display an inability to concentrate, an inability to build or maintain satisfactory interpersonal relationships, inappropriate behavior or feelings under normal conditions and, frequently, a general, pervasive mood of unhappiness.

The practice of institutionalizing persons with emotional disorders has declined dramatically in the past 25 years. Therefore, these persons are predominantly living in the community and are possible park visitors. In addition, various institutional settings use park facilities and programs to complement their recreational offerings to clients. The ability of the person with emotional disturbance to benefit from recreational programming is affected by his emotional state and rarely by his innate intelligence. It is a mistake to confuse the two, especially since persons with emotional disturbance are frequently highly intelligent and, therefore, would be greatly offended if considered mentally retarded. Developing guidelines for working with visitors with mental disabilities is difficult when one considers the varying abilities of persons with various disabilities. It is even more difficult when considering persons with mental or learning impairments because the categories of Mental Retardation, Emotional Disorders, and Learning Disability are unique within themselves.

Recognized types of disabilities in Azerbaijan:

According to "Criteria for determining disability" Resolution of the Cabinet of Ministers of the Republic of Azerbaijan from 2019 the following classification of disabilities in Azerbaijan:

2.1.1. Disorders of mental functions - consciousness, direction, intelligence, personality features, will and motivation functions, attention, memory, psychomotor, emotions, feelings, thinking, high-level learning functions, speech mentality functions, sequential complex movements.

2.1.2. language and speech disorders:

2.1.2.1. oral (rhinolalia, dysarthria, stuttering, alalia, aphasia).

2.1.2.2. written (dysgraphia, dyslexia).

2.1.2.3. verbal and non-verbal speech disorders.

2.1.2.4. disturbance of sound formation.

2.1.3. Impairment of sensory functions - sight, hearing, smell, touch tactile sensation, sensation of pain, sensation of heat, vibration and other types, vestibular function, pain.

2.1.4. Neuromuscular, skeletal and other (statodynamic) functions related to movement disorders - movement of bones, joints, muscles, including the head, body, limbs, statics, violation of coordination of movements.

2.1.5. Cardiovascular system, respiratory system, digestive system, endocrine system and metabolism, blood and immune systems, urinary system, skin and all related to it dysfunction of systems.

2.1.6. Deficiencies associated with external physical deformity - (face, head, body and deformations of the extremities leading to external deformity), digestion, urination, respiration anomalous holes of systems, violation of body dimensions.



Javad Gasimov

The problem here is not the limited mobility of the hand, arm or leg, but a weak will-power

People with disabilities should first of all have a self-confidence and love themselves, not to lock themselves in the house, and minimize their dependence on others

I am vice-president of the National Olympics of Abilities Federation of the Republic of Azerbaijan, the founder and the chairman of "Talented People with Disabilities" Public Union. I never accepted my disability as a complex and consider that as the beginning of my successes. But my successes were not easy to gain. At first, I struggled with stereotypes in the society against people with disabilities. People in the society continuously considered individuals with disabilities as "poor", "helpless", "heartache", "undesirable person", "beggar", "a person incapable to do anything" and so on. While they were having a rest in the parks like other people, people approaching them and giving them money is one of the obvious examples of stereotypes in the society against people with disabilities. In order to break stereotypes of people in the society and to develop myself, I constantly participate in various events and socialized with people. I conduct various exhibitions, training, presentations, seminars and still continue to hold these activities which have helped to identify talents of hundreds of people with disabilities and stimulate development of skills of people with disabilities. I actively continue my work in the Azerbaijani National Olympics of Abilities Federation which is aimed at improving skills of people with disabilities and ensure self-employment.

People with disabilities should not think that someone should help them, but instead set a goal and constantly strive to achieve that goal.

6. Disability in Azerbaijan and Labor Rights

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol was adopted on 13 December 2006 by the United Nations and was opened for signature on 30 March 2007. Azerbaijan ratified the CRPD and its Optional Protocol in January 2009, becoming one of the first countries in the region to do so. In line with the requirement under Article 31(1) of the CRPD, Azerbaijan submitted to the

Committee on the Rights of Persons with Disabilities a comprehensive state party report on measures taken to give effect to its obligations under the CRPD and on the progress made in that regard within two years after the entry into force of the CRPD for Azerbaijan in January 2011.

There are 624 thousand PWD in Azerbaijan which constitutes 6.3% of the population and 72 thousand of them are children. Disability was seen as sickness and defect during the Soviet times and many services and social protection means were provided was minimalist and rehabilitative during the USSR. The medical approach to the disability was prevalent and Soviet services for PWD did not try to empower them and include to the mainstream society. Azerbaijan inherited this approach; thus policy makers, specialists and general public see PWD as a "miserable" people and feel sorry for them instead of providing them with services and policies to make them equal part of the society. After the collapse of the USSR, Azerbaijan joined many human rights conventions and treaties where it took obligation to provide environment for PWD to grow and develop. Slowly but gradually some improvements are obvious. The Ministry of Transport, Communication and High Technologies together with other institutions has established information centers in 3 regions of Azerbaijan to expand access to information technologies for persons with physical disabilities (including visually impaired), which has benefited more than 60 thousand PWD in 3 regions. In 2009, a Communication and Vocational Rehabilitation School was established by the Association of Visually Impaired Persons of Azerbaijan with the cooperation of The Ministry of Transport, Communication and High Technologies.

The current situation in Azerbaijan on employment of PWD is underdeveloped. About 26,000 people out of 624,000 PWD receive a pension as the disabled of the first group, and 22,000 receive social benefit due to unemployment. The most frequently occurring type of disability in Azerbaijan is physical impairment, followed by sensory impairment and mental impairment. Most disability in Azerbaijan originates either from birth or from early childhood. Other causes of disability include by accident. The severity of disability in Azerbaijan is quite high, with 57% reporting very limited or total loss of function. There is only statistics coming from the government statistical committee which indicates that half of the able adult people with disabilities are employed which does not depict the reality. The national Labor Code of Azerbaijan enforces quota for hiring PWDs for companies and other employers. Azerbaijan also signed and ratified the Convention the Rights of Persons with Disabilities and its Optional Protocol in 2009. But there is not much information on compliance of it in work world of PWDs in the country.

Labor Rights of PWD in Azerbaijan

One of the main objectives of the state policy in the country is to create conditions necessary for the full use of the potential of persons with disabilities, facilitate their inclusion into society, increasing employment rate, provide them with open, inclusive and equal access to the labour market and strengthen their social protection. This issue is reflected in the Constitution of the Republic of Azerbaijan, the Laws of the Republic of Azerbaijan "On Employment", "Labour Code" and "On the Rights of Persons with Disabilities".

The Law of the Republic of Azerbaijan "On Employment" of June 29, 2018 provides that the categories of persons with special needs for social protection and those who have difficulty finding a job, include persons with disabilities and children with disabilities under the age 18, young people up

to the age 20, single parents and large families raising minor children, parents raising children with disabilities under the age of 18, persons with less than 2 years to retirement, former prisoners, and internally displaced people.

The Articles 21 and 22 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities" enable realization of labor rights of people with disabilities. Persons with disabilities have the right to work on an equal basis with others, including participation in the labor market, which they freely

Labor Rights of People With Disabilities

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What is Disability?

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. Disability is the umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors).

Categories of Disabilities

- Physical
- Visual
- Hearing
- Mental
- Psychological
- Intellectual

Barriers for Employment of PWDs

Environmental factors

- a deaf individual without a sign language interpreter.
- a wheelchair user in a building without an accessible bathroom or elevator.
- a blind person using a computer without screen-reading software.

Challenges for employment of PWDs

- access to education or poor quality of education.
- lack of capacity and confidence to look for a job.
- lack of information, technical assistance and transportation.
- negative attitudes of employers or co-workers.
- lack of accessible workplaces.
- inadequate training facilities or capacity-building programs or exclusion from existing training facilities or capacity-building programs.
- places or buildings that do not have assistive features such as ramps, handrails, banisters or elevators.
- prejudice based on the preconceived idea that persons with disabilities cannot work.

Laws Granting Labor Rights of People With Disabilities in Azerbaijan

- The Law of the Republic of Azerbaijan "On Employment" (2018) provides equal and inclusive access of PWD to labor market.
- The articles 21 and 22 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities" (2018) enable realization of labor rights of people with disabilities.
- The article 79 of Labor Code (1999) states that "Employees Whose Employment Contracts May Not be Terminated" indicates that the employer shall be prohibited from terminating the employment contracts of people with disabilities
- Article 91 of the Labor Code "Reduced Working Hours" also guarantees reduced work hours for PWDs.
- The convention on the Rights of Persons with Disabilities and its Optional Protocol (2009) grants equal rights to labor market for PWDs.



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choose or accept in an open, inclusive and accessible working environment. It is prohibited to discriminate on the basis of disability in labor relations, as well as to restrict the labor rights of persons with disabilities in relation to other employees in collective and employment contracts. Refusal to conclude an employment contract with a person with a disability due to disability, termination of an employment contract and other work without his / her consent, except in cases when the health of a person with a disability prevents him / her from performing his / her professional duties or endangers the health and safety of others) is not allowed. Except in cases of liquidation of the enterprise, the employer may not terminate the employment contract concluded with persons with disabilities undergoing treatment in a rehabilitation institution and other rehabilitation entities, regardless of the length of his/her stay in these institutions.

According to the Labour Code of the Republic of Azerbaijan Republic (Adopted by the Law of Azerbaijan Republic of February 01, 1999, N 618-IG)¹: Article 79 "Employees Whose Employment Contracts May Not be Terminated" indicates that the employer shall be prohibited from terminating the employment contracts of people with disabilities (group 1). Article 91 of the Labor code "Reduced Working Hours" states: 1. For different categories of employees, taking into consideration their age, health, terms of employment condition, duties, etc., reduced working hours may be determined by this Code, the proper Normative Legal Acts, as well as by the terms and conditions of the employment contract and collective agreements. 2. The following reduced working hours 36 hours per week must apply to: employees up to the age of 16, 24 hours per week; aged 16 to 18, group I and II employees with disabilities, pregnant women and women with a child under the age of one-and a-half.

Article 119 of the Labor code "Vacations for Physiological Reasons": 1. Employees under the age of 16 shall be eligible for 42 calendar days of vacation per year; employees aged 16 to 18 shall be eligible for 35 calendar days. 2. All employees with disabilities and those with restricted health condition up to 18 years old, regardless of the category, reason, or length of disability, shall be eligible for a base vacation of at least 42 calendar days. Article 133 of the Labor code "Order of Preference for Vacations", the following employees may be granted vacations at a time convenient for them: women with two children under 14 or a child with restricted health condition; a parent or a guardian raising children alone while the children are under 16; wives (husbands) of servicemen; and persons with disabilities.

Article 32 of The Law of the Azerbaijan Republic "About Individual Labour Contracts" states Persons, enjoying privileges for job retaining in case of reduction of the staff number at the enterprise²: 1. In case of reduction of employees number at the enterprise in connection with the change of its organizational-legal form or other reasons, the job is retained for employees with higher qualification. 2. In case of equal qualification the advantage is given to following persons:

- members of those dead at the war;
- war veterans;
- members of families of soldiers and officers;
- persons, having in their care two or more children under 16;
- persons, being the exclusive breadwinners of the family;
- persons, having been registered as disabled in labour or got professional disease at the given enterprise;
- refugees and internally displaced persons;
- persons, studying at evening departments or distance learning departments of institutes.

7. Myths and Realities about PWD

Misconceptions about the ability of people with disabilities to perform jobs are an important reason both for their continued unemployment and – if employed – for their exclusion from opportunities for promotion in their careers. Such attitudes may stem from prejudice or from the belief that people with disabilities are less productive than their non-disabled counterparts. In particular, there may be ignorance or prejudice about mental health difficulties and about adjustments to work arrangements that can facilitate employment.

Misconceptions are often prevalent not only among non-disabled employers but also among family members and disabled people themselves. Some people with disabilities have low self-expectations about their ability to be employed and may not even try to find employment. The social isolation of people with disabilities restricts their access to social networks, especially of friends and family members, that could help in finding employment.

Discrimination Employers may discriminate against people with disabilities, because of misconceptions about their capabilities, or because they do not wish to include them in their workforce. Different impairments elicit different degrees of prejudice, with the strongest prejudice exhibited towards people with mental health conditions. Of people with schizophrenia, 29% experienced discrimination in either finding or keeping a job, and 42% felt

² <http://www.azerb.com/az-law-labo-contracts.html?i=1>

the need to conceal their condition when applying for work, education, or training.

8. Recommendations for employing, accommodating and support of PWD at work

8.1 Employing people with disabilities

Employers may not ask disability-related questions before PWD have been given a conditional offer of employment. A disability-related question is one that will likely cause PWD to reveal information regarding your disability. Employers cannot ask PWD as a job applicant about the nature or severity of your disability, although employers can ask PWD if you can perform the duties of the job either with or without reasonable accommodation. An employer cannot require a medical examination before offering PWD a job. Even if PWDs' disability is obvious, such as a missing limb, that by no means makes their unhealthier than someone who has all of their limbs. Generally, most people with disabilities are just as healthy as people who do not have disabilities.

An employer can condition a job offer on PWD passing a required medical examination if all employees for that job classification have to be examined. Employers may not withdraw the conditional offer on the basis of PWDs' disability, unless doing so is job-related and consistent with business necessity.

Once PWDs have been hired and have started work, PWDs' employer cannot require a medical examination or ask questions about their disability unless such questions are related to the job and necessary for business. However, an employer can request documentation from a doctor or rehabilitation counselor when PWD request a reasonable accommodation. Finally, employer may conduct voluntary medical examinations as part of an employee health program, and may provide medical information required by state workers' compensation laws to local and state agencies.

8.2 Accommodating and supporting people with disabilities after hiring

Whether PWDs are a job applicant or an employee, you might find the following examples useful in thinking about the best reasonable accommodation to address your individual issue.

8.2.1 Physical accommodation

For physical disabilities

- Modification of a workspace or restroom

- An alternative input device such as a switch or joystick

For vision disabilities

- An application form in an alternate format such as large print
- Screen reading software
- Supplementing text descriptions of job duties with pictures

For hearing disabilities

- Visual ATTY or video relay system for telephone use
- A sign language interpreter at staff meetings

Mental, intellectual and emotional disabilities

- A quiet workspace to reduce distractions
- Daily to-do lists
- A watch with an alarm for going on and returning from breaks
- Supplementing text descriptions of job duties with pictures.

Other examples of reasonable accommodation include job restructuring, a modified work schedule, assistive technology, or modifying an exam. Reasonable accommodation also may include reassigning PWDs to a vacant position for which they are qualified if PWDs are unable to do your original job because of their disability.

Employers are usually not required to lower quality or quantity standards as an accommodation; nor are they obligated to provide personal use items such as glasses or hearing aids. In order to decide which accommodation is the appropriate one, an employer must base its decision on the particular facts of each case. Any reasonable accommodation must be effective. That means the accommodation must give you the chance to achieve the same level of performance, and to enjoy similar benefits, as an average person without a disability in the same situation.

8.2.2 Recommendations for relationships and supporting PWDs at workplace

Recommendations for PWD with physical disabilities

- Remember that a person who has a disability is a person like anyone else.
- Relax! If you don't know what to do or say, allow the person who has a disability to put you at ease.

- Speak directly to a person who has a disability. Don't direct the conversation to a companion.
- "Don't be sensitive about using words like "walking" or "running". These are common expressions in our language and people with disabilities use the same words.
- Treat a person with a disability as a healthy person. Because the person has a functional limitation does not mean they are sick. If the conversation is lengthy, sit down, kneel or squat if convenient. It is uncomfortable for a seated person to look straight up for a long period of time.
- Accept the fact that a disability exists, but do not ask personal questions.
- If you wish to offer assistance, do so, but wait until your offer is accepted before you help. Ask the person with the disability to instruct you in exactly how to help them.
- Do not lean on a person's wheelchair. It is part of the person's body space and should be respected as such.
- Do recognize that persons aren't "confined to wheelchairs." Some persons who use a wheelchair can walk with the aid of a cane, braces, walker or crutches. Using a wheelchair may be a means of energy conservation.
- A person who uses a wheelchair may also transfer out of their wheelchair to a car, seat, toilet, etc., but do not move the wheelchair out of their reach. Likewise, do not move a person's cane, crutches, or walker out of their reach. The individual will feel more independent and secure if they can reach them.
- When giving directions to visitors with physical (mobility) impairments, consider the distance to the destination, along with the weather and architectural barriers such as steps, steep hills, inclines, curbs, heavy or narrow doors, high counters or displays, and bathrooms not equipped for universal design ("handicapped access").
- Some persons with physical disabilities may have problems with speech. Give them your whole, unhurried attention. It may be necessary to ask them to repeat a word or phrase, but don't talk for them. Try to keep your manner encouraging rather than correcting. When necessary, ask questions that require short answers or a nod or shake of the head. Do not assume that they have a mental impairment because they have difficulty with speech.

- Be considerate of the extra time it may take for a person with a disability to get things said or done.
- Let the person set the pace for walking or talking.
- When employee with disability is expected to be seated for a presentation/activity/program, accessible seating or wheelchair space should be available to those who need it. Seating should be integrated with the rest of the audience, not in a separate area, so that individuals with disabilities may sit with their families, friends, and other visitors.

Recommendations for PWD with Visual Disabilities

When approaching an individual with a visual impairment, introduce yourself and identify yourself as an employee of the company/agency. Speak directly to them. This helps them to locate you. Speak with a normal speed and tone of voice unless you know there is a hearing loss.

- Offer assistance if it seems necessary, but don't insist if your offer is declined. If your offer is accepted, ask the person to explain how you should help.
- Touch may be appropriate to lightly touch the arm of a person who is blind after you speak so that person knows you are addressing them.
- When guiding someone who is blind, offer them your arm. Grabbing a person's arm to lead them when they are blind is dangerous as well as frightening. The person who is blind will walk about a half step behind you, following your motions. Be sure to identify steps, curbs, or obstacles which may be encountered. In narrow places, bring your arm back behind you and let the person follow you.
- When guiding a person who is blind to a chair, simply guide their hand to the back of the chair and tell them if the chair has arms.
- When you are leaving a person who is blind, let them know. No one wants to be left alone talking to themselves.
- If you get someone else to help them, introduce the helper.
- Don't avoid using words like "blind," "look," or "see." People with visual impairments use the same words.
- To orient the person with a visual impairment to new environments, describe the site, shapes, distances, boundaries, and any obstacles or potential hazards.

- When giving directions to a person who is blind or visually impaired, be as clear and specific as possible. Mention things that may be passed which may serve as orientation cues. Colors, textures, movements, and directional indicators in a description can make it more vivid for someone with a visual impairment. Be sure to also mention obstacles in the direct path of travel.
- Many individuals who are blind use guide dogs as a mobility aid. It is tempting to pet or attempt to play with a working guide dog. However, distracting a guide dog from its work can put its owner in danger. Under no circumstances should you pet or otherwise distract the dog without the owner's permission. However, the owner may appreciate the offer of water for the dog, but this also should only be done with the owner's permission.
- Guide dogs for persons with visual impairments are legally permitted to accompany the user anywhere they want to go (i.e., restaurants, stores, park areas.)
- Most people who are blind have no trouble with ordinary table skills, but they do need help ordering from most menus. Offer to read the menu to them including the price of each item. As each item is placed on the table, call their attention to it as in "here's your water."
- In an interpretation, if anything is touchable, say so. Touching will enhance understanding of your interpretation for the person who is blind.
- Ninety percent of people who are legally blind have some vision and can see a great deal if you help them locate the object you are discussing. They may need help with color, lines, and details.
- If you are making change for someone in bills of more than one denomination, hand the person who is blind the bills separately and identify each denomination as you hand it to them. This is not necessary with coins; they usually know them by touch.
- During activities, orient the person with a visual impairment to the placement of objects around them that they will be using. The analogy of a clock face to explain positions is often used by people with severe visual impairments.

Recommendations for PWD with Hearing Disabilities

- Get the person's attention before you start talking. You may have to touch the person lightly, wave, or use another visual sign to attract their

attention. Face them directly while speaking. Stand close enough to them and so that they have an unobstructed view of your face to allow them to see your lips. Maintain eye contact. Even a slight turn of the head may make the person think the conversation is finished.

- If a person who is deaf is accompanied by a companion or an interpreter, speak directly to the person who is deaf. If you know some sign language, use it. Your attempts will usually be well received.
- Persons who are deaf cannot hear subtle changes in your tone of voice and they rely on the use of facial expressions, hand gestures, and body movements to aid in understanding you.
- Avoid background noises and prevent distractions and confusion as much as possible while communicating.
- Speak calmly and clearly. Speak in a natural way and at a moderate pace unless you are requested to slow down. Speak at a normal volume: Shouting often results in distortion of speech, especially for persons wearing hearing aids. It also displays a negative visual sign to your listener. Don't drop your voice at the end of a sentence. If you are aware that the person who has difficulty hearing has a better ear, stand or sit on that side.
- If the person with a hearing impairment doesn't seem to understand what you said, rephrase it or write notes. Clear communication is what's important, not how it's accomplished. Try to stay positive, relaxed, and be patient.
- Try to avoid eating, smoking, or chewing while you talk. It makes your speech harder to understand.
- Be sure the light, whether natural or artificial, falls on your face. (Don't stand with the sun to your back or in front of a window. Even at night, room lights will reflect into the pane, causing glare for the person who reads lips). Avoid shadows on your face like those cast by broad-brimmed hats or sunglasses.
- When changing the subject, make sure the person with a hearing impairment understood what was said before moving to the next point. Indicate the new subject with a phrase or perhaps gesture to it if the subject is within range of sight.

- Use visual aids such as diagrams, written instructions, pictures, maps, or other media in addition to verbal instructions to assist the person in comprehending directions and instructions.
- Speak in simple sentences and avoid abstract concepts.
- Programs can often be made more accessible by providing written information prior to the program which will convey the general content of the program.
- The Law requires any agency that receives federal or state funding to provide and pay for a sign language interpreter for recipients of their programs and services when one is requested in advance and available.
- Invest in telecommunications device for the deaf (**TDD**) so that persons with hearing impairments may communicate with your agency by phone.
- The use of captioning can help make slide presentations and video programs more accessible to persons with hearing impairments. This technique conveys the verbal information presented in a written form through a caption on the screen.
- For programs/presentations when seating is provided, persons with hearing impairments should have seating available to them with an unobstructed view of the presentation/ program and speaker(s). In low lighting situations, adequate lighting should be positioned on the speakers face to facilitate lip-reading.

Recommendations for mental, intellectual and emotional disabilities

- Don't underestimate an individual's abilities or interests and don't let your expectations and fears limit the opportunities you provide or encourage.
- Treat adults with mental retardation as adults, not children. Don't "talk down" to an individual or group, but keep your conversation or talk on an understandable level.
- Programs and activities should be "age appropriate." You may notice that some persons may seem to be standing too close to you or staring at you as you talk. This is not an uncommon action for some persons with mental impairments as they attempt to block out competing noises or activities and concentrate on what you are saying. If possible, try to eliminate background noises or distractions.

- A person's ability to understand speech is often more developed than their own vocabulary. So, don't talk about that person in front of them.
- Speak directly to the person with the mental impairment rather than to a companion, regardless of the severity of the impairment.
- Break directions down into simple, concrete steps or basic concepts. Repeat and rephrase them as necessary to reinforce points.
- Written information, instructions, and directions, in particular, may present problems for some individuals. Therefore, alternative methods of conveying messages should be considered. For example, signs with pictures or well-known symbols can often more effectively convey messages than written words (i.e., pictures for women's and men's restrooms).
- When possible, use demonstrations, visual aids, or "hands-on" learning techniques involving as many senses as possible.
- A person with mental retardation may have a short attention span. In programming, be sensitive to interest or lack of it. Be creative and flexible enough to modify programs accordingly.
- Be aware that some persons with mental retardation may not have good safety judgement in assessing dangerous situations.
- If you think a person needs help, offer to assist, but wait until your offer of assistance is accepted. The person may prefer to do the activity by themselves, even if it is not at the level you would do it.
- Be aware that persons with mental retardation may have problems with fine motor skills, balance, agility, strength, or stamina.
- Be supportive, friendly, and sincere in giving positive feedback and reinforcing strengths and abilities.
- Remember that people with emotional impairments may be very sensitive to stress and new environments and may become frustrated easily.
- When institutional settings or agencies inquire about visiting your park with their clients, stress their responsibility for providing adequate staff supervision for their participants.

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