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DISCRIMINATION OF PEOPLE WITH DISABILITIES ON THE LABOR MARKET AND CURRENT ASPECTS OF THE EUROPEAN UNION'S ANTI-DISCRIMINATION POLICY

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***Abstract:** The article is considered one of the priority directions for the development of anti-discrimination policy of the European Union in the field of disability in the new social and political realities of the twenty-first century, which is associated with providing more employment opportunities for people with disabilities and protect them from discrimination on the labor market. The critical review of the anti-discrimination policy on disability on European and national level brings the need for: viewing people with disabilities as active participants in economic and social life; taking more effective action in the political and normative aspects to provide more adapted jobs for people with disabilities and to promote diversity in the working environment; monitoring the employment of disability and development of diversity in the workplace, respect for the rights of people with disabilities and their protection against discrimination, including in areas other than employment. The inclusion of people with disabilities in the labor market contributes to the realization of the Europe 2020 Strategy's goal of increasing employment and overcoming poverty in people with disabilities.*

***Keywords:** anti-discrimination policy of the European Union, discrimination of people with disabilities in the labor market, employment of people with disabilities, workplace diversity .*

***JEL Codes:** J71, J78, J83*

INTRODUCTION

European Union's anti-discrimination initiatives, strategy papers and policies are highly committed to the problems of people with disabilities, which account for about one-sixth of EU's population. One of the essential aspects is the prevention and counteraction against discrimination of people with disabilities in the field of employment, which is one of the important directions in their social integration and professional realization.

EXPOSITION

1. Leading aspects of European Union's anti-discrimination policy and legislative framework on disability

The first legislative measure within the European Union, providing protection against discrimination of disabled people in recruitment and right to work, was adopted in November 2000 through Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (Council Directive 2000/78/EC). It introduced a general framework for non-discrimination based on both disability and race, ethnic origin, faith, religion, gender and sexual orientation. The responsibility and commitments that the European Union assumes with regard to the UN Convention on the Rights of Persons with Disabilities, are reflected in the European Disability Strategy 2010-2020: the Renewed commitment to a barrier-free Europe (SEC (2010) 1323; SEC (2010) 1324), and are expressed in the creation of conditions for the equal exercise of basic human rights by people with disabilities and the elimination of barriers they face in their everyday lives both at European Union level and at national level (European Disability Strategy 2010-2020. {C OM (2010) 636 final} {SEC (2010) 1324 final}). In this way, disabled people's opportunities for full inclusion in society and the economy are guaranteed. Key aspects

of the European Disability Strategy for the 2010-2020 period in an anti-discrimination aspect are: opposing discrimination based on disability; ensuring accessibility of goods, services, aids, education and the open labor market; increasing the quality of services provided (social and health); combating poverty and social exclusion by ensuring adequate living conditions; promoting the rights of people with disabilities through international programs and programs of the European Union; raising the level of public awareness of disability issues and explaining people with disabilities in an accessible way their rights and ways of exercising them; increasing the usability of the European Union's financial instruments to ensure accessibility and anti-discrimination.

2. Perceptions of discrimination of people with disabilities in the labor market

Discrimination of people with disabilities in the labor market is one of the current problems in European society. In this respect, the Eurobarometer periodic research on discrimination in the European Union identifies perceptions of inequalities in recruitment between people with and without disabilities. The results of the 2012 survey reveal that 40% of the respondents from Member States and Bulgaria perceive physical disability (broadly disability) as one of the factors leading to discrimination of people with disabilities in job applying and recruitment, despite the fact that their skills and qualifications are equivalent to those of their non-disabled competitors (Discrimination in the EU in 2012: Special Eurobarometer 393). The relative share of these perceptions among European and Bulgarian citizens is differently positioned in terms of certain signs of discrimination in the labor market. For respondents in the Member States, it is third in value, after the share of perceptions of discrimination on the basis of over 55 years of age - 54%, and in appearance, dressing and representation - 45%. Although discrimination on grounds of disability is less pronounced than discrimination on other grounds, it can be noted that disability is still one of the risk factors for discrimination in the labor market. This requires not only to increase the effectiveness of the measures for protection against discrimination of this group of people in a sphere important for their social functioning and integration, but also to improve the policies in this field and to promote the image of people with disabilities as capable as all other citizens to be active in the labor market and to contribute to the economy and to the development of society. In the same survey, the economic crisis is seen as a major factor in the discrimination of people with disabilities in the labor market by more than half of the respondents from the Member States (53%) and 41% of the Bulgarian citizens surveyed. These are relative shares that rank second in value after those for labor market discrimination on the basis of over 55 years of age for the two groups of respondents. Within the context of the dynamic social, economic and political conditions, also fall the findings of Eurobarometer on Discrimination in the European Union of 2015 of changes in the perceptions and attitudes of citizens from all Member States and Bulgarian citizens for discrimination of people with disabilities in the labor market (Discrimination in the EU in 2015: Special Eurobarometer 437). Compared to the results of the 2012 survey, a trend of increase of the relative share of perceptions of discrimination of people with disabilities in the labor market stands out - at the European level by 6% and at the national level by 9%. This trend reflects a negative and at the same time worrying in anti-discrimination aspect process, as a change has also been identified in the positioning of these perceptions in relation to those related to discrimination on other grounds. At the level of Member States, 46% of respondents are of the opinion that they perceive disability as a factor of discrimination in the labor market. This relative share is equal in value to the perceptions of discrimination on the basis of skin color or ethnic origin - 46%, and in quantitative aspect it is in the third position compared to the perceptions of discrimination on the basis of age over 55 years - 56% and appearance, way of dressing and presentation - 52%, which also registered an increase. Unlike respondents from the Member States, about half of Bulgarian citizens surveyed (49%) perceive disability as a factor of discrimination in the labor market. By the value of the relative share, these perceptions are again in the second position after the shares of perceptions of discrimination on the basis of age over 55 years - 59%. This reveals that, along with the established increase in the perceptions of Bulgarian citizens for discrimination on the labor market on the basis of disability, the trend from the previous study

continues to be maintained and disability is again one of the most important factors of discrimination in recruitment despite the equal level of skills and professional qualifications of competitors to take up a job. The quantitative and qualitative analysis of the survey results in the area under consideration reveals that the perceptions of disability as a factor in discrimination in the labor market and in the employment field are of major importance in the Member States in general and at national level in particular. Such positioning can be interpreted not only as a result of existing in part of the people in the society, negative attitudes, prejudices and intolerance towards people with disabilities but also as a serious factor for their dynamization and growth in certain social, political and economic conditions, non-acceptance of the contribution of disability to diversity in society, and discrimination on the basis of disability, which in many cases is combined with discrimination on other grounds and generates a significant risk to social functioning and integration of people with disabilities. This requires a careful analysis of disability policies at European and national level, and on that basis undertaking actions for their improvement and development in an area essential for the integration and active inclusion of people with disabilities, such as the labor market and employment. At the same time, it is necessary to work to shape the image of people with disabilities as active and responsible citizens who, depending on their functional limitations (mental, physical and sensory), can be equal to their competitors without disability in terms of skills and qualifications, able to be active on the labor market and in their employment and to contribute to the development of the economy and society.

3. Promoting diversity in the workplace

Promoting diversity in the workplace is one of the measures to develop diversity in employment and society, including disability, in accordance with the ideas of the social model of disability and the anti-discrimination perspective in European social policy. In this respect, the Eurobarometer surveys in 2012 and 2015 on discrimination in the European Union present the views of citizens in the Member States on measures to promote diversity in the workplace, including disability as an element of it. The majority of respondents from the Member States and Bulgarian respondents (between 76% and 80%) support the training of workers and employers on issues of diversity as a factor and condition for creating inclusive, tolerant and non-discriminatory working environment. Similar is the relative share represented by the participating citizens of the Member States and Bulgarian citizens, who defend the position to monitor the recruitment procedures in order to ensure the necessary conditions for the candidates from groups at risk of discrimination (including people with disabilities) with respect to the equality with others when possessing the same skills and qualifications. Carrying out observation of the composition of the workforce with a view to permanent assessment of the representation of people from groups at risk of discrimination (including people with disabilities) is supported by 69% of the respondents from the Member States and between 71% and 78% of the Bulgarian citizens surveyed, while their lower relative share was established in the 2015 survey. Regardless of the marked decrease in the share of Bulgarian citizens surveyed, who adhere to the vision for the implementation of the given type of measures, the data reveal that more Bulgarian citizens are insisting on the implementation of these measures compared to the participants in the survey from the Member States. An important positive moment in the survey is the presence of about three quarters of respondents at European and national level who show sensitivity to disparities on the basis of disability at work, value diversity in employment and society and respect the right and ability of people with disabilities to lead active social life and work activity in accordance with the type of disability and the conditions for accessibility and inclusion. Research results reveal that the most supported by European and Bulgarian respondents measures to promote diversity at work are related to training of workers and employers on diversity issues, including disability issues, as well as monitoring of recruitment procedures to ensure a level playing field for the candidates from groups at risk of discrimination with respect to their competitors with the same skills and professional competence. These measures stand out with their anti-discrimination character due to their orientation towards providing a non-discriminatory working environment and affirming tolerance and equality. These

expectations of respondents at European and national level have their arguments, as the lack of training for diversity in the workplace and its effective management are some of the major factors for generating discrimination and behavior and actions in the form of illegal employment practices (Kaye, S., Jans, L., Jones, E., 2011). In this context, employers have certain responsibilities for including people with different types of disability so that they can actively participate with their colleagues without disabilities and contribute to the development and success of the organization or undertaking in which they are employed. At the same time, the monitoring and evaluation of the composition of the workforce is also important for the representation of people from groups at risk of discrimination, including people with different types of disabilities. It has the potential to contribute not only to the elimination of barriers of discriminatory nature to the promotion and development of disability diversity, but also to the employment prospects of people with special needs and the change of public attitudes towards them in order to be accepted and included in employment and at work as equal to their colleagues with the same skills and professional qualifications. The implementation of the presented measures and perspectives requires changes, introducing new elements, improving and increasing the effectiveness of policies, both to promote the employment of disabled people, including through certain social programs, and to combat discrimination based on disability (without ignoring the crossing of the disability sign with other signs of discrimination) and promoting equal treatment in employment and occupation. By assessing the situation of people with disabilities, the European Union has set its priorities to increase their employment. People with disabilities are one of the vulnerable groups facing low levels of employment, strong dependence on social benefits and a high risk of poverty (Report No. 29, October 2010). In this respect, it is essential to increase the share of active policies and measures to promote the social inclusion of people with special needs. Anti-discrimination legislation and policy in general and for people with disabilities, are an important part of the European Union's approach to social inclusion and employment. In this context, disability needs to be interpreted in a wider context, focusing on the preserved working capacity of the disabled person, not on his or her disability. This means that a balance needs to be struck between flexibility and security, while promoting the independent life of people with disabilities. The results of the study and their analysis reveal the need for even stricter application of the principles of equality and non-discrimination, which are one of the foundations of rights and values underlying the European Union. In this respect, a leading policy objective in the current context is to ensure the effective implementation of European anti-discrimination policy in all areas, including in the area of disability, in all Member States.

CONCLUSION

Preventing and overcoming the discrimination of people with disabilities in the labor market and promoting diversity in the workplace are important elements of the anti-discrimination policy of the European Union and the Member States. The introduction of new measures to increase the level of protection against discrimination of people with disabilities corresponds to the increase of the effectiveness of the related to its realization activities in informing the citizens about the problems of people with disabilities and the approaches of their social integration through employment (Nunev, S., 2016). An important factor in the outlined direction is the implementation of consistent and systematic actions for the application of the human rights and disability legislation and their protection against discrimination in the field of employment at national and European level. Promoting and integrating people with disabilities into the labor market helps achieve the Europe 2020 Strategy's goal of raising employment levels and tackling poverty among many European citizens, including a significant proportion of people with disabilities.

REFERENCES

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

Discrimination in the EU in 2012: Special Eurobarometer 393. Report. Fieldwork: June 2012, Publication: November 2012. European Commission, Directorate-General Justice and coordinated by Directorate-General for Communication.

Discrimination in the EU in 2015: Special Eurobarometer 437. Report. Fieldwork: June 2015, Publication: October 2015. European Commission, Directorate-General Justice and coordinated by Directorate-General for Communication.

European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe. {COM(2010) 636 final}; {SEC(2010) 1324 final}. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52010SC1323>

Kaye, S., Jans, L., Jones, E. (2011). Why don't employers hire and retain workers with disabilities? *Journal of Occupational Rehabilitation*, 21(4), pp.526-536.

Nunev, S. (2016). Aktualni aspekti na antidiskriminatsionnata politika na Evropeyskiya sayuz. ИК "Ахат", Русе. (*Оригинално заглавие: Нунев, С. (2016). Актуални аспекти на антидискриминционната политика на Европейския съюз, ИК „Ахат“, Русе*)

Report No. 29: The Mobility and Integration of People with Disabilities into the Labour Market. European Parliament. IZA Research. October 2010.