

People with disabilities
– active players in the internal market,
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Elimination of barriers that people with disabilities must cope with, when they try to play an active role in the market, is a long and ongoing process. This process has many aspects, and in my view it cannot be put in a simple and rigid scheme. Had it been so easy, with all our good will involved, we would have resolved this problem. However, as we all know too well – active role of people with disabilities is still a wish far from being fulfilled.

The most important barrier – before we consider any other ones – is in ourselves. It is running through our minds. The division I am talking about is founded on a false perspective that sees human beings as two separate groups, namely those who are able, and those with disabilities. I am far from being a relativist, but because I am realistic, I can tell from my own experience that each of us is to some extent disabled – at different stages of our life, and in different ways. And each of us needs others to help us eliminate the barriers posed by our disabilities.

This is the main objective of our living in a society: to supplement what we have been deprived of, because of our disabilities. It is true, of course, that many of us have been at a more disadvantaged position, and the European Day of People with Disabilities makes us focus on their situation.

But once again, let me make this point clear: if we see ourselves somehow disable, we will also start seeing ourselves as essentially equal. And our strive to improve the situation of people with disabilities will become a strive for true equality of all mankind.

Another consequence of this misconception is a view that it is important only to involve persons with disabilities in the course of the so-called normal life. In other words, people with disabilities need those who are more able. Again, this is not quite true. We need them just as much as they need us in order to develop proper understanding of who we really are, as they remind us of how fragile our human condition is. Persons with disabilities are also needed in our social and economic life, and certainly it is for a reason that we want them to be active players in the internal market of the European Union.

I could not have resisted unfolding this somehow philosophical perspective, which in my opinion sets the proper framework for our debate. I realize, however, that I am expected to be more specific.

There are three major categories of inaccessibility for people with disabilities that I am going to talk about. First, there is a problem of access to public life in a broad sense. Second, access to education. And third, access to work.

Access to Public Life

Physical accessibility is a pre-condition of full and equal participation of citizens with disabilities in public life, and one of the Polish Ombudsman's priorities. There is no such participation as long as the right to vote is an illusion. Unfortunately, Polish regulations in this respect are far from being satisfactory, and alternative forms of voting have not yet been introduced. People with mental disabilities, or those with seeing or hearing impairment are virtually discriminated in our election system.

Nor is full participation in public life enabled as long as there exist basic architectural obstacles in access to public transportation or any other public facilities, such as office buildings or civic or recreational centres.

Access to Education

Access to education and professional training is the second problem I mention, but it is certainly not a problem of a second category. It is through education that our disabilities may disappear to certain extent, and that we become active, responsible and self-confident individuals. It is through the education that the world becomes accessible, and within our reach. Education is not an act of grace from the state, but a duty that each citizen must be able to execute from public authorities. Negligence in this field is at the root of the problems that people with disabilities deal with in the job market.

An unemployed person with disabilities is entitled to such instruments as professional schooling or training and internship. Such services are financed by the national Work Fund in Poland, and by the National Fund for Rehabilitation of Disabled Persons.

Access to Work

Certainly working is one of the most important aspects of our adult life that no one should be deprived of. Only in some marginal cases work should be viewed as a therapy. It is much more fair to start seeing the actual contribution that people with disabilities bring into their work environment, and ultimately to the common good. Work has also an important individual dimension, as it adds to one's self-esteem, mobilizes to the undertaking of different forms of social activity, requires responsibility and cooperation.

According to the polls only 20 per cent of people with disabilities in Poland enjoy permanent job. This cannot be explained only by resistance of employers to hire them as workers. The complaints that my office is receiving show that the system of incentives for employers is rather ineffective, and the main act of law has been amended 40 times in ten years period!

Even when the situation in Poland's work market is considered, with all its instability and competitiveness due to high unemployment and the fact that employers prefer those who are more fit and flexible. Employers naturally tend to avoid organizational and infrastructural costs connected with the employing of people with disabilities. But we must also be aware of the damaging effect of this policy. By not being able to attain professional experience, people with disabilities become even more disabled in the work market, and the evil circle keeps turning round!

Poland's accession to the EU has resulted in the adoption of measures pertaining to the system of support for employing persons with disabilities. Higher costs for the employers are subject to refund from the central budget, but formalities may create an additional barrier in this area.

The new law that will enter into force on January 1, 2008 states that at least 6 per cent of the employees of public institutions should be persons with disabilities. Currently this percentage is only 1.5 per cent. Failure in meeting his requirement results in obligation to make special

payments for the National Fund for Rehabilitation of Disabled Persons. Last year I lodged a complaint to Polish Constitutional Court, questioning the law that effectively narrowed the rights of the employers who hire persons with disabilities, and the judgment of the court confirmed my position. I am also dealing with a number of individual complaints from disabled persons who claim that they are not provided with proper working conditions, payments are low and often delayed.

Polish Ombudsman is also taking active steps for systemic changes. In August I have established an experts' committee for the improvement of the situation in this area, and among the members there are representatives of various NGO's, but also representatives of UNDP in Poland. I also monitor Poland's preparations for the ratification of the Convention on the Rights of Persons with Disabilities.

It is a common thing to call for action, and certainly action is needed. Our meeting offers probably the greatest opportunity to call for a harmonized definition of a person with disability or disability itself within the European legal framework. But let me stress it once again: no action can achieve its aim, as long as our attitude towards disability remains unchanged. The myths and fears about disabilities accumulated by our societies are as handicapping as the limitations that flow from actual disability.