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Employment of people with disabilities: European experience and ways of improvement in Ukraine

Empleo de personas con discapacidad: experiencia europea y formas de mejora en Ucrania

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Abstract

According to the norms of modern international human rights law, the concept of equality of all people in the exercise of their natural rights is approved. Ensuring the rights of persons with disability directly indicates the country development level. The purpose of this scientific article is to determine the theoretical and legal norms that directly derive from the legislative acts of national and international law on the protection of labor rights of persons with disabilities. In addition, the analysis of legal approaches of the EU and Member States to the employment of persons with disabilities is also the purpose of this article. The author analyzes Ukrainian legislation in this area and identifies legal and practical shortcomings, providing his own recommendations for their improvement. Moreover, the article analyzes European approaches to solving the relevant issue; substantiates the opinion that the approaches of other European countries are more advanced than Ukrainian ones.

Keywords

Rights protection; persons with disabilities; labor rights of the disabled; human rights; employment of people with disabilities.

Resumen

De conformidad con las normas internacionales modernas de derechos humanos, se aprueba el concepto de igualdad de todas las personas en el ejercicio de sus derechos naturales. La garantía de los derechos de las personas con discapacidad indica directamente el nivel de desarrollo del país. El propósito de este artículo científico es determinar las normas teóricas y jurídicas que se derivan directamente de los actos legislativos del derecho nacional e internacional sobre la protección de los derechos laborales de las personas con discapacidad. Además, el análisis de los planteamientos jurídicos de la UE y de los Estados miembros sobre el empleo de las personas con discapacidad es también el objetivo de este artículo. El autor analiza la legislación ucraniana en esta esfera e identifica deficiencias jurídicas y prácticas, y formula sus propias recomendaciones para mejorarlas. Además, el artículo analiza los enfoques europeos para resolver el problema relevante; corrobora la opinión de que los enfoques de otros países europeos son más avanzados que los ucranianos.

Palabras clave

Protección de los derechos; personas con discapacidad; Derechos laborales de los discapacitados; Derechos Humanos; empleo de personas con discapacidad.

1. INTRODUCTION

Over the past decade, the social policy of many European countries towards persons with disabilities has undergone significant changes. The attitude towards this social group of people as

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patients who need only to be taken care of and who cannot join active social life has changed to the attitude towards them as full members of society with equal rights with other citizens of the country (Anns et al., 2012). Most states, in accordance with international law and ratified international instruments, have obligations to support persons with disabilities. Moreover, they have an obligation to ensure that such persons have every opportunity to exercise their rights in the workplace on an equal basis with all other citizens. Despite the fact that the approaches of international law to persons with disabilities have changed in a more progressive direction, the issue of their protection does not lose its relevance. Thus, duty of the state and society is to ensure adequate social protection and support, social integration, creation of equal opportunities for self-realization, full life, education and employment, involvement of persons with disabilities in spiritual, cultural and sports life (Kuliieva, 2014).

Since ensuring human rights and freedoms is the main task not only of the state, but also of the international community and international human rights organizations, it is worth noting that today the issues of determining, ensuring and implementing the international legal mechanism for the protection of the rights of people with disabilities in the aspect of their right to work are relevant. A person, his or her rights, freedoms and interests determine the direction of international and national policy, as well as form the functionality of international organizations and supranational structures to ensure and protect human rights and freedoms.

In all EU member states, the level of economic activity of people with disabilities is different. But, despite this, the problems of disabled people are not ignored. Although in Europe most services to assist people with disabilities in finding a job are provided through the State Employment Services. Non-governmental organizations also provide significant support to them. The relevant issue is also relevant for Ukraine. According to the State Statistics Service of Ukraine, as of January 1, 2021, there are 2 million 703 thousand people with disabilities in Ukraine. As noted in the press service of the Verkhovna Rada of Ukraine, a significant part of the provisions of the current legislation on socio-economic policy to ensure the rights of persons with disabilities is outdated and does not meet the needs of today and is not consistent with generally accepted international norms and standards. The legal framework, although containing many positive steps towards addressing the numerous problems of persons with disabilities, is mostly declarative, lacking material resources and proper implementation mechanisms (Press Service of the Verkhovna Rada of Ukraine, 2021).

In our opinion, the above requires appropriate scientific comprehension and analysis of the norms of the main international documents that are sources of international human rights law in order to identify areas for improving the mechanism of involving persons with disabilities in employment (Kuznetsova, 2020). The development of a democratic society in Ukraine requires new strategies and approaches to the formation of social policy for people with special needs. It should take into account existing trends in international policy, global innovative approaches to addressing disability issues, and best practices of European countries.

According to I. Yefremova, Ukraine, having chosen the path of joining the European community, recognized the need to develop international cooperation. Such cooperation is manifested not only in the development of relations with the EU countries but also with countries around the world, given the recent processes that are taking place in the direction of unification of the application of the principles of law, the principles of human rights and the mechanism of protection of rights in case of their violation. Taking into account the requirements of the development of modern law, Ukraine is actively implementing reforms to comply with the terms of the Association Agreement with the EU on the European integration of national legislation in the field of economy, politics and culture

(Yefremova, 2019). Thus, the study of the peculiarities of employment of people with disabilities is important both at the international level and in the context of improving national legislation.

2. MATERIALS AND METHODS

In the research, the author applied a system of general scientific, philosophical and special methods, the use of which ensures the reliability of the results obtained and the achievement of the objectives of the article. The main method used in the article is the formal-legal method. This made it possible to trace the relationship between the internal content and external expression (form) of state-legal phenomena. Its application allowed to analyze the legal framework used in the scientific research. It was applied in the analysis of international legal acts of universal level, EU law, national legislation of European countries, including Ukraine. The special importance of the formal legal method was manifested in the analysis of Ukrainian legal acts that have not yet been adopted but are under consideration by the legislative body. These are the Labour Code and the Draft Law on Amendments to Certain Laws of Ukraine on Creating Favourable Conditions for the Employment of Persons with Disabilities. The author substantiates the expediency of adopting these acts. In addition, the application of this method is manifested in the study of who is considered to be a person with disabilities under various legal acts.

The comparative method is also applied by the author in the article. It manifested itself through the comparison of different legal approaches to the legal regulation of labor rights of persons with disabilities. The application of this method made it possible to compare the opportunities provided to persons with disabilities in Ukraine and other countries in employment. In addition, the legislation of Ukraine and acts of international law, as well as EU member states are compared. Based on the analysis, the author proposes legislative and practical changes that should be made in Ukraine in order to expand opportunities for the employment of persons with disabilities and create appropriate conditions for them. These views of the author are reflected in the conclusions of the article.

Along with the comparative method, the statistical method was actively used in the analysis of the percentage of disabled people in employment. It is a set of techniques and tools used to collect, process, and analyze information. The author applied this method when considering the general data on the number of persons with disabilities in Ukraine, as well as in the study of their employment. Also, the statistical method was applied when considering comparative data on the ratio of involvement of disabled and non-disabled persons in the labor market in the EU. The author also used the statistical method when considering the share of employed persons with disabilities in labor relations in different countries.

The author also applied the historical method when considering the transformation of the world community's attitude to the problems of persons with disabilities: from the assertion of the need to care for them to the realization of them as full participants in relations, persons in need of socialization and development, as well as the realization of their natural rights. Also, in the process of research, the author applied the methods of scientific cognition, which were used to study the peculiarities of the labor legislation of individual countries in the context of involving persons with disabilities in labor relations and its formation as an appropriate legal institution, which is subject to changes and transformations over time. The results of scientific and cognitive activities using the above method provided the need to clarify the ways to improve the relevant legislation in the countries under study.

The method of analysis and synthesis made it possible to study theoretical information, international legal acts, national legislation of Ukraine and on their basis to identify the problems existing in the research area and ways to solve them. In particular, through the use of this method,

the author identified existing problems in the employment of persons with disabilities and ways to overcome them. The system-structural method provided an opportunity to consider the labor legislation of Ukraine and the EU Member States as a single system of legal norms, the content of which is determined by the need to regulate labor relations. The application of the system-structural method made it possible to generalize and systematize dissipated information on the legal and doctrinal definition of disability in European countries, as well as to structure approaches to the involvement of persons with disabilities in the workplace in different countries.

3. RESULTS

3.1. International Legal Mechanism for the Protection of the Right to Work of People with Disabilities

The formation of an international legal mechanism for the protection of the rights of people with disabilities has specific tasks: to identify and assess the needs of people with disabilities; to ensure an appropriate response to specific needs and to ensure the availability of protection and assistance programs for people with disabilities on an equal basis with other stakeholders at both international and national levels; to create conditions in which people with disabilities are not discriminated against and participate in decisions that affect them; to ensure non-discrimination of such persons, taking into account gender, age, religious affiliation, etc.

In the XX century, the development of labour rights took place in two main directions. Firstly, until the middle of the XX century the role of the state in ensuring the labour rights of workers was growing, there was an expansion of labour rights and an increase in the level of their legal guarantees. Since the second half of the XX century the role of the state in the regulation of labour rights has changed, it has become a social partner of representatives of workers and employers. Secondly, the XX century was marked by the formation of international standards of labour rights contained in the acts of the UN, ILO, and regional organizations (Krasnov, 2008; Tomashevski & Yaroshenko, 2020).

Would like to emphasize that the rights of people with disabilities have become the object of attention of the UN and some other international organizations for a long time. The main normative legal act at the world level remains the Universal Declaration of Human Rights, which was adopted in 1948. Thus, Article 1 proclaims: “All human beings are born free and equal in dignity and rights. In addition, Article 2 states that everyone is entitled to all rights and freedoms <...> without distinction of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (General Assembly of United Nations, 1948). Thus, the Declaration established the basic, inalienable rights of persons with disabilities, including in the field of work. It is noteworthy that on November 20, 1959, the Declaration on Social Progress and Development was adopted, where Article XI proclaimed the principle of protecting the rights and ensuring the welfare of children, the elderly and the disabled; ensuring the protection of people suffering from physical and mental disabilities (Office of the high commissioner of United Nations, 1969).

On December 16, 1966, the UN General Assembly at its XXI session adopted the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Office of the high commissioner of United Nations, 1966). These legal documents are multilateral international treaties, which for the first time (a) formulate a broad set of norms for the promotion and protection of human rights and fundamental freedoms based on the provisions of the Universal Declaration of Human Rights, and (b) set forth specific international legal obligations of the States Parties to observe and implement these legal provisions (Sylenko, 2016). In 1980, an event took place that we consider important in the context of our research topic, namely: The World

Health Organization (WHO) adopted the International Classification of Functioning, Disability and Health. According to this document, disability is any limitation or absence (as a result of a defect) of the ability to perform a certain work within the limits that are considered normal for a person, and it is also stated that the concept of disability contains a combined significant number of defects and limitations that occur in the population (World Health Organization, 1980).

We cannot ignore two special international legal acts, the provisions of which are aimed at protecting persons with disabilities. The first one is the Convention on the rights of persons with disabilities, 2006. In accordance with the provisions of Article 1 of the Convention, persons with disabilities are persons who have long-term physical, mental, intellectual or sensory impairments. The presence of these impairments in combination with existing obstacles creates a barrier to the full and effective participation of these persons in society on an equal basis with other participants. That is, it can be stated that one of the defining features used by the legislator in the formation of the relevant concept is time (it is the long-term impairment that is the identifier of whether a person can be considered a person with disabilities). Given the subject of the article, it is worth noting Article 27 of the Convention, which regulates the right to work and employment for persons with disabilities. According to it, Member States are obliged to treat persons with disabilities equally and not to discriminate against them on this basis. Such persons have the right to earn their living on an equal basis with others through work freely chosen by them. States should ensure an inclusive work environment and open labour market for persons with disabilities and encourage such persons to exercise the right to work (Department of Economic and Social Affairs of United Nations, 2006). It should be noted that as of today the Convention on the Rights of Persons with Disabilities has been ratified by 185 states, which indicates its high importance in the context of human rights protection. Ukraine also ratified the Convention in 2010 in accordance with the Law of Ukraine "On Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto" (Law of Ukraine No. 1767-VI, 2010).

Therefore, the Convention actually laid the foundation for the development of state mechanisms to protect the rights of persons with disabilities. Its adoption at the universal level is a kind of catalyst for how the attitude towards persons with disabilities has changed globally and their affirmation as full members of society with the need to exercise their rights and obligations on an equal basis with everyone else, including employment. In fact, this Convention is the first international legal document that prohibited any discrimination on the basis of disability and proclaimed the guarantee of equal and effective legal protection of persons with disabilities against discrimination.

Important achievements in the protection of labour rights of workers are the activities of the International Labour Organization (hereinafter – ILO). It has paid considerable attention to the protection of the rights of workers with disabilities by adopting a number of important documents, including ILO Convention No. 37 concerning Compulsory Disability Insurance for Industrial and Commercial Workers, Freelancers, Homeworkers and Domestic Servants, 1933; ILO Convention No. 38 concerning compulsory insurance against disability of workers in agriculture, 1933; ILO Convention No. 88 concerning the Organization of the Employment Service, 1948; ILO Convention No. 142 concerning Vocational Guidance and Vocational Training in the Field of Human Resources Development, 1975; ILO Convention No. 168 concerning the Promotion of Employment and Protection against Unemployment, 1988; ILO Convention No. 181 concerning Private Employment Agencies, 1997 etc. That is, such a number of different conventions, in one way or another aimed at protecting the labour rights of persons with special needs testifies to the extreme importance of their protection as vulnerable categories of the population and the need to respect the human rights of such persons without any discrimination (International Labour Organization, 1933a; 1933b; 1948; 1975; 1988; 1997).

However, the author of the article proposes to pay special attention to two ILO Conventions: Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, where Article 3 enshrines the obligation of States to pursue a national policy aimed at promoting, by methods consistent with national conditions and practices, the same opportunities and attitude in the field of employment to eliminate any possible discrimination (International Labour Organization, 1958). Currently, this Convention has been ratified by 175 states, including Ukraine (since 1961).

The next ILO Convention worthy of attention in the context of the topic of the article is ILO Convention No. 159 on Vocational Rehabilitation and Employment of Disabled Persons, 1983. Its provisions are already directly aimed at protecting the labour rights and rehabilitation of such persons. It is important to note that in the understanding of this Convention, the term "disabled person" means a person whose ability to obtain, retain suitable employment and advance in employment is substantially impaired by a duly recognized physical or mental impairment. First of all, the Convention imposes obligations on the parties to develop, implement and review national policies on vocational rehabilitation and employment of such persons. It is also worth noting the provisions of Article 4, which states that such policies on the employment of disabled persons should be based on the principles of equal opportunities and gender non-discrimination (International Labour Organization, 1983).

Thus, the ILO paid considerable attention to the issue of employment of persons with disabilities, adopting both general legal acts on this issue and a special convention. Among the main trends in the development of labour rights at the beginning of the XXI century Ye. Krasnov singles out the following: labour rights are characterized by the unity of private and public principles; labour rights are inherent, inalienable human rights, based on the principles of freedom and equality. In this sense, labour rights should be considered as natural rights. On the other hand, the scope and content of labour rights are determined by the state, and ensuring labour rights is the duty of the state. In the context of globalization, the importance of international standards of labour rights proclaimed in the acts of the UN, ILO, and regional organizations is increasing (Krasnov, 2008; Yaroshenko et al., 2021).

3.2. European Experience of Employment of Persons with Disabilities

According to statistics, 50.6% of people with disabilities are employed in the EU. For comparison: 74.8% of persons without disabilities are employed. The unemployment rate for persons with disabilities (20-64 years) is 17.1%. In turn, among persons without disabilities is 10.2%. (Lecerf, 2020). The rights of persons with disabilities have been enshrined in EU treaties since 1997. According to Article 19 of the Treaty on the Functioning of the European Union, in the definition and implementation of its policies and activities, the Union shall aim at combating discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (European Parliament, Council of the European Union & European Commission, 2012). Moreover, according to Art. 26 of the Charter of Fundamental Rights of the European Union 2000, all persons with disabilities, regardless of the nature of their problems and other features, have the right to receive additional guarantees from the state for their integration into normal working life. In particular, such measures include the creation of conditions for mobility, vocational training and accessibility for persons with disabilities. Entering into force in 2009, the Lisbon Treaty gave the Charter the same legal force as treaties (European Parliament, Council of the European Union & European Commission, 2000).

In 2021, the EU adopted a ten-year Strategy for the rights of persons with disabilities 2021-2030. The document builds on the results of the previous European Disability Strategy 2010-2020,

which paved the way for a barrier-free Europe and the empowerment of people with disabilities so that they can enjoy their rights and participate fully in society and the economy (Bouronikos, 2021). The Strategy envisaged a number of implementations to provide persons with disabilities with normal employment conditions, in particular: adaptation of workplaces to special needs; non-discrimination in employment; financial incentives; job search mechanisms for persons with disabilities; accessibility etc. (European Commission, 2010). Despite the progress made over the past decade, persons with disabilities still face significant barriers and are at higher risk of poverty and social exclusion. With this in mind, the EU has adopted an updated Strategy (Zwan & Beer, 2021). The purpose of the document is to ensure for all persons with disabilities in Europe the observance of their rights regardless of race, religion, etc. In addition, they had equal opportunities to participate in public life; independently choose their place of residence; were provided with the right to free movement; are not discriminated against; and are not subject to discrimination (European Commission, 2021).

Notwithstanding the existence of EU law on the protection of human rights, each Member State has its own legal regulation of the relevant issue. In most EU Member States, there are quotas for the employment of persons with disabilities in enterprises. In addition, there are regulated requirements for the adaptation of workplaces for the work of such persons, the installation of special machines and special requirements for the dismissal of such persons (Prokopchuk, 2009). In all EU Member States, the level of economic activity of people with disabilities is different. But, despite this, the problems of disabled people are not ignored. Although in Europe the majority of services to help people with disabilities to find a job are provided through the State Employment Services, NGOs also provide significant support (Drobotun, 2017).

Let us consider the peculiarities of employment of persons with disabilities in the example of the EU Member States bordering Ukraine. Let us take Poland as an example for analysis. This state began to take care of the rights of citizens with disabilities long before joining the EU. Back in 1997, the Act on the Vocational and Social Rehabilitation and Employment of Persons with Disabilities was signed. Among other things, the law established a quota system for the employment of people with disabilities in private and public sector companies with more than 25 employees. At least 6% of the staff of such companies must be people with disabilities (Law of Poland No. 123-776, 1997). The country has laws prohibiting direct or indirect discrimination against persons with disabilities, starting from the stage of recruitment and employment and ending with the dismissal procedure. People with disabilities who have faced discrimination against them have the opportunity to claim compensation for non-pecuniary damage and lost economic benefits. Before starting work, the employee undergoes a mandatory medical examination and receives consent to work from a doctor, according to all conditions of employment. It is worth remembering that a person with a disability cannot hide the fact of disability before the doctor, who determines possible contraindications to employment.

The employee should inform the employer about the degree of disability only if he/she wishes to exercise additional rights, depending on the degree of disability. In recent years, a number of improvements have been made to the legislation governing the rights of persons with disabilities. For example, amendments to the Polish Labour Code (International Labour Organization, 1974) and the Act on the Promotion of Employment, 2004 were aimed at combating labour discrimination and access to specialized education for disabled people (International Labour Organization, 2004). The amendments made to the Employment Promotion Act and the Rehabilitation Act allow people with disabilities who are registered as jobseekers with district employment offices to benefit from certain labour market instruments and programs that were previously reserved only for people with disabilities registered as unemployed. This was an important change, as previous rules restricted access to labour market programs and instruments for people with disabilities who were entitled to a disability pension or social pension, as they could not be registered as unemployed (Wapiennik, 2007).

It is worth noting that the Polish government also takes a number of practical measures to integrate persons with disabilities into the workforce. In 2004, the municipality of Warsaw organized the collection and removal of garbage from residential buildings within the project of the environmental organization ECON. People with disabilities were engaged in the collection. In total, almost 400 people with disabilities were employed. Thus, the city was able to integrate people with disabilities into the work process and improve the ecology of the city. In March 2017, the Polish State Fund for Rehabilitation of Persons with Disabilities launched three programs for the employment of people with disabilities. These programs are called Graduate, Work - Integration and Stable Employment. The first program is designed for people with higher education. The second aims to help people with disabilities find their own place in the labour market. The last program will enable such people to work in public administration. With the help of these three programs, it is planned to employ at least 5000 people. We believe that similar initiatives involving people with disabilities in certain paid work could be adopted by other countries, including Ukraine.

Taking into account the situation in Ukraine as a result of the Russian invasion, it is also important to pay attention to the recognition in Poland of Ukrainian disability certificates issued to persons from Ukraine who have been granted temporary asylum in Poland. Refugees who wish to exercise the rights of disabled persons must obtain a Polish certificate confirming such status. To do this, you will need a certificate issued by the district group for making a decision on disability (pol. powiatowy zespół ds. orzekania o niepełnosprawności). Local authorities have asked the government to introduce rules that would recognize Ukrainian documents, but the government has no such plans. Due to the lack of special solutions for refugees, disability assessment is carried out on the same principles and according to the same procedure as for Polish citizens. They have to apply to the district disability assessment team for a disability certificate (for children aged 0-16 years) or a certificate of mild, moderate or severe disability (for persons aged 16 years and older). That is, such rights are not automatically granted, but must be additionally confirmed.

3.3. Employment of People with Disabilities in Ukraine: Legal Regulation, Current Status and Ways of Improvement

Ukraine has long proved its European aspirations by choosing the European vector of development of society, which determines the direction of state policy to bring the standard of living of Ukrainian citizens closer to European standards, the introduction of European values in all spheres of state and society. As noted earlier in the article, Ukraine has undertaken a number of international obligations to respect the rights of persons with disabilities. According to Article 9 of the Constitution of Ukraine, 1996, the international treaties in force, which have been ratified by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine (Law of Ukraine No. 254k/96-VR, 1996). Thus, ratified acts of international law are part of Ukrainian law. In accordance with the commitments undertaken by Ukraine, in the field of state policy, one of the strategic goals is to ensure an environment of equal opportunities and inclusion in public life for persons with disabilities. In addition, the goal is a new understanding of the need not just to provide social assistance for the disabled, but to create appropriate support for their social activity.

By ratifying the Convention on the Rights of Persons with Disabilities, Ukraine assumed legal obligations to implement this Convention, and NGOs continued their work aimed at monitoring Ukraine's compliance with its obligations to ensure the realization of the rights of persons with disabilities in accordance with the standards of the Convention. In 2010, the National Assembly of Disabled Persons of Ukraine initiated the creation of the Expert Council of NGOs to prepare an alternative report to the UN Committee on the Rights of Persons with Disabilities. It included organizations that work in the field of protection of the rights of people with disabilities, are aware of

the relevant issues and wanted to unite their efforts in a common cause - the protection of the rights of people with disabilities.

Pursuant to the requirements of the Convention, in 2021, the Cabinet of Ministers of Ukraine approved the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities for the period up to 2025 by Resolution No. 285-r. The purpose of its adoption is to protect and ensure the exercise of fundamental human rights by persons with disabilities in all spheres of life. According to it, the list of tasks to be carried out in order to implement the provisions of the Convention in Ukrainian law is defined. Among them: creating conditions for ensuring equal rights and opportunities for persons with disabilities; dissemination of information about existing legal remedies and best practices aimed at facilitating access of persons with disabilities to legal protection in cases of discrimination; formation of a culture of perception of a person with disabilities as a full participant in public life; ensuring the availability of services for persons with disabilities provided through electronic services and others (Resolution of the Cabinet of Ministers of Ukraine No. 285-p, 2021). In general, the plan contains a large number of aspects to be implemented in accordance with the Convention, a list of tasks, deadlines and responsible bodies and institutions. The implementation of the UN Convention should significantly increase the share of persons with disabilities involved in the open labour market.

Moreover, Ukraine is also influenced by European standards and values. In particular, in 2014 Ukraine signed the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part. The provisions of the Agreement are also devoted to specific issues of cooperation in the field of employment, social policy and equal opportunities. According to Article 419 of the Agreement, the Parties agreed to deepen cooperation on the basis of equality to ensure decent work, employment, safe working conditions, social integration and protection (EU & Ukrainian Parliament, 2014). Directive 2000/78/EC, which is to be implemented in accordance with Article 424 and Annex XL of the Association Agreement, provides a framework for equal treatment in employment, to which national legislation must comply, establishes a general system of equal treatment in employment and occupation, in particular for persons with disabilities. The Directive was introduced in the EU with the aim of establishing equal distribution of jobs, combating discrimination on physical grounds and ensuring equal opportunities for the development of all people (Council Directive No. 2000/78/EC, 2000). In practice, this means that Ukraine must finally move away from the practices inherited from the Soviet era and finally reform the Labour Code, which is currently under consideration by the Verkhovna Rada and which should have been amended long ago. Improvement of social protection of persons with disabilities through approximation of EU labour legislation and introduction of working conditions, most of which are closely related to the content of the International Labour Organization conventions, is one of the tasks.

Considering the legislation of Ukraine, first of all, it is worth noting the Constitution of Ukraine of 1996 as the Basic Law of the country. According to Article 43, every person has the right to choose his/her work freely and earn a living by it. The state is obliged to ensure such conditions for its citizens, in particular, equality in choosing a specialty and direction of labor activity (Law of Ukraine No. 254k/96-VR, 1996). Based on this, it can be argued that persons with disabilities should be provided with the opportunity to exercise their labour rights on equal terms. In accordance with the Law of Ukraine "On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine", in order to realize the creative and productive capabilities of persons with disabilities and ensure the realization of their potential, they are provided with equal opportunities for employment in institutions, enterprises and business. According to Article 18 of the same Law, organizations that hire disabled persons must provide them with places with proper working conditions, taking into account

their special needs. In addition, in accordance with Article 19 of the Law, the standard for enterprises is set at 4% of the average number of full-time employees on the payroll for the year, and if there are from 8 to 25 people working - one workplace (Law of Ukraine No. 875-XII, 1991).

In accordance with the Law of Ukraine "On Labour Protection" of 1992, enterprises employing disabled persons are obliged to create working conditions for them, taking into account the recommendations of the medical and social expert commission and individual rehabilitation programs, to take additional safety measures that meet the specific characteristics of this category of workers (Law of Ukraine No. 2694-XII, 1992). It is important to pay attention to the Labour Code of Ukraine, 1971. Its provisions also regulate the employment of persons with disabilities. At the same time, the Labor Code of Ukraine, adopted during the Soviet Union in 1971, does not meet the requirements of modernity and cannot properly guarantee the protection of workers. Thus, to address this issue, it is necessary to adopt an updated Labor Code of Ukraine, which will reflect a modern approach to the regulation of labour relations, including taking into account the latest forms of employment and inclusiveness.

According to Art. 2-1 of the Labor Code of Ukraine provides for equality of labour rights of citizens. Thus, the Labour Code of Ukraine, as well as the Constitution of Ukraine, enshrined the most common grounds for discrimination. However, in order to more clearly enshrine the principle of legal equality in the state and the prohibition of discrimination against persons with disabilities, in our opinion, it is necessary to supplement Article 2-1 with the words on the basis of disability. In addition, it is worth noting that the employment of persons with disabilities is an employer's obligation under a number of legislative provisions, in particular Article 172 of this Code (Law of Ukraine No. 322-08, 1971). The Law of Ukraine "On Rehabilitation of Persons with Disabilities in Ukraine", 2005 establishes state guarantees for labour and vocational rehabilitation so that persons with disabilities can work both in ordinary and specially created production conditions. Today, the State sets itself the important task of creating a barrier-free environment that will facilitate the social adaptation of persons with disabilities and enable them to take an active part in public life (Law of Ukraine No. 2961-IV, 2005).

Thus, in order to ensure the labour rights of persons with disabilities, the legislation provides for a number of benefits and guarantees, the implementation of which in practice is aimed at preventing discrimination against persons with disabilities in the labour market and the full realization of their labour rights.

4. DISCUSSION

In-depth research on the development of international labour law was carried out by Ye. Krasnov. His dissertation generally analyzes the main trends in the formation and development of labour law to identify the main trends at the present stage of its development. He determined the place of labour rights among human rights, as well as highlighted their features, characteristics and legal originality. The scientific work analyzes international legal acts of regional and universal character on the protection of labour rights. In addition, on the basis of the analysis of international acts, European standards in the field of human rights protection and the current legislation of Ukraine, a comparative legal analysis was carried out and the gaps in domestic legislation were emphasized, along with relevant proposals for their correction.

Despite the fact that the scientific work of Ye. Krasnov is only tangentially related to the labour rights of persons with disabilities, the conclusions made by Ye. Krasnov in his work were analyzed by the author in the context of comparing the peculiarities of the formation of labour rights

in general and the labour rights of persons with disabilities. Based on this, the author of the article concluded that initially the rights of persons with disabilities were considered in the context of the need for proper care for them, and now they are regulated in the direction of observance and exercise of their rights and freedoms on the basis of equality, as well as the need to integrate them into normal life. This idea is reflected in the conclusions to the article (Krasnov, 2008).

The peculiarities of the implementation of labour rights of persons with disabilities at the universal international level were studied by M. Kuznetsova. The author considered the specific problems faced by persons with disabilities in exercising their rights. She stressed that the sources of international human rights law contain properly prescribed mechanisms for the protection of the rights of persons with disabilities and they should be systematically studied to identify ways to improve the mechanism of involving persons with disabilities in employment. The author also explored approaches to understanding the concept of disability and concluded that it is the States that bear the primary responsibility for creating conditions for the realization of the right to work by persons with special needs (Kuznetsova, 2020).

The problems faced by persons with disabilities were discussed by N. Adamovych. She drew attention to the fact that the employment rate of persons with disabilities in Ukraine is much lower than in many other European countries. Based on a social survey of people with disabilities, the author emphasizes that disability is a significant obstacle to the exercise of the right to work. This is due to the lack of adaptation of workplaces for people with special needs, lack of specialized educational institutions, lack of proper knowledge of employers, complexity of legislation, etc. She notes that most working respondents claim that disability has become one of the factors that influenced the choice of profession and place of work, as well as career opportunities. In addition, the author analyzed in detail the Draft Law "On Amendments to Certain Laws of Ukraine on Creating Favourable Conditions for the Employment of Persons with Disabilities" noting its significant benefits for persons with disabilities (Adamovych, 2022).

Despite the fact that the need for persons with disabilities to exercise their labour rights is undisputed, established over the years along with the evolution of human rights and reflected in international and national legislation, there are still certain obstacles faced by such persons. There are a large number of scientific papers on the relevant topics, which have repeatedly shown the problems and suggested ways to improve the existing system in Ukraine. And despite the fact that Ukraine is moving towards improving its legislation and practical implementation of labour rights by disabled persons, there are still obstacles and legal contradictions faced by disabled persons.

Only 16.2% of people with disabilities in Ukraine were employed in 2020, in absolute terms, this corresponds to 410 thousand people out of a total of more than 2.5 million able-bodied persons. Similar figures were in the previous 2019 and 2018 - 16.7 and 16.4%, respectively. Such statistics were announced by the Commissioner of the President for Barrier-Free Accessibility T. Lomakina in December 2021 during the discussion of the draft law, which should improve the access of people with disabilities to work. For comparison, there are about 69.4% of people with disabilities in the German labour market, 80% of people with disabilities work in China, 40% in the UK, 29% in the US, 55% in Italy, and 68% in Sweden (Adamovych, 2022). In general, all problems faced by persons with disabilities in exercising their labour rights in Ukraine can be divided into two categories: legal and practical. The former is related to imperfect legal regulation, and the latter - to the real obstacles they face, ranging from the adaptation of public and workplaces for the needs of the disabled, ending with the attitude of ordinary Ukrainians to the disabled. And as practice shows, the former is much easier to eradicate than the latter.

To improve the legislation of Ukraine, Draft Law No. 5344-1 "On Amendments to Certain Laws of Ukraine on Creating Favourable Conditions for the Employment of Persons with Disabilities" was submitted to the Verkhovna Rada in 2021. The Draft Law is currently under consideration by the relevant committees. Due to the war in Ukraine, its consideration has not yet taken place. The Draft Law substantiates the need to reform the mechanisms involved in the job search. In particular, reformatting the work of the State Employment Service and involving private employment agencies in the employment of persons with disabilities. In addition, the Draft Law provides for the development of measures to support enterprises that employ people with disabilities, such as subsidies, reimbursements, etc. It is important that these measures have transparent mechanisms for obtaining them. In addition, programs are envisaged to stimulate people with disabilities who want to work vouchers for training, tax refunds for a certain period of time, arrangements at the workplace, providing quality support, etc. It is necessary to develop a program to support own businesses for persons with disabilities and a set of benefits and advantages for employers who employ 50% or more of this category. At the same time, the mechanism for providing such benefits should be transparent and automated to avoid any corruption or abuse (Draft Law of Ukraine No. 5344-1, 2021).

According to the estimates of the Ministry of Social Policy, the adoption of the Draft Law on amendments to certain legislative acts of Ukraine on the employment of disabled people will increase the number of working disabled people to 1 million, including 35 thousand people with severe mental disorders. The need to adopt the law is important because it is about the integration of a significant part of Ukrainian citizens into the normal life of society and their employment. The most important changes that will take place in this area are to bring Ukrainian society closer to the EU norms in the policy towards people with disabilities. This means that the mechanisms enshrined in the draft law - in particular, the introduction of quotas to preserve jobs for people with disabilities, as well as strengthening the responsibility of employers - will result in limiting discrimination both in public life and in employment (Hnatiuk, 2019; Yaroshenko et al., 2020).

Regarding the second aspect, we note that the realization of the right to work is important in the context of integration into society. Most often, persons with disabilities face denial of employment because of their condition. Thus, unemployment is one of the most significant problems that persons with disabilities suffer from (Triukhan & Zanko, 2020). Among a number of other problems is the low level of education of people with disabilities due to the architectural and informational inaccessibility of higher education institutions. In turn, the lack of a diploma reduces the chances of employment. Lack of low-floor transport for people in wheelchairs leads to the inability to get to the workplace.

At the same time, those who can offer a job to a person with disabilities face a lot of obstacles. In particular, it is the lack of clear understanding of the rules for the employment of persons with disabilities and misunderstanding of the benefits and challenges. For example, employers are not aware of the possibility of training at the expense of social funds and the possibility of receiving social insurance benefits. Also, potential employers do not understand where to find candidates with disabilities. At the same time, there is a lack of qualified specialists among people with disabilities and the system of professional development is not built. The offered services in the field of vocational guidance and vocational rehabilitation for persons with disabilities do not meet the requirements of the labour market, or their volume is insignificant. There are also no incentives for the private sector to hire such people.

All of the above problems need to be addressed. First of all, some of them could be partially solved through the adoption of relevant legal acts, in particular the already mentioned Draft Law, as well as the new Labour Code, which would properly regulate and cover the rights of persons with disabilities to work. It is necessary to build transparent and clear mechanisms to ensure job search.

For example, as a single platform. The trend of digitalization of society on a global scale is evident. This process is the basis for a new round of technological development and a chance for developed countries to improve their internal socio-economic situation. Digital transformation and development are the main agenda for many countries today (Pyshchulina, 2020).

Today Ukraine is one of the most progressive countries in the world in the field of digital services. A striking example of this is the existence and functioning of the mobile application Diia. We believe that Ukraine should not rest on its laurels, but should constantly develop its digital space, including for the support of people with disabilities. It is possible to create a single digital platform that would unite people with special needs and employers who have the ability to provide such people with jobs. All this should be open. Such a platform will also provide people facing similar problems with the opportunity to communicate and mutually support each other. In addition, educational activities, training courses, etc. could be introduced for such persons to improve their education and future employment prospects. It is also necessary to expand the opportunities for employment in the civil service for people with disabilities by creating a special competition for those applicants who, for health reasons, cannot pass certain stages of the competition procedure. It would be appropriate for employers to introduce benefits for the employment of such persons in order to encourage them to do so. In our opinion, the state should share with the employer the economic risks of such employment (to finance additional measures to organize the work of a person taking into account his or her individual capabilities, to provide basic and additional technical equipment on lease, etc.)

In addition, it is important to develop the surrounding space, making it more suitable for such persons. It is worth noting that Ukraine has taken great steps in this direction, but they were unfortunately interrupted by the war. In 2021, the First Lady of Ukraine O. Zelenska initiated the creation of the Barrier-Free Council, as well as the adoption of the National Strategy, within which an action plan will be adopted to ensure equal opportunities for all members of society without exception. Taking into account the initiative of O. Zelenska and the existing gaps in this aspect in Ukraine, in April 2021, the Cabinet of Ministers of Ukraine adopted the Resolution "On Approval of the National Strategy for the Creation of Barrier-Free Space in Ukraine for the period up to 2030" (Resolution of the Cabinet of Ministers of Ukraine No. 366-p., 2021; Fesenko & Lysiuk, 2021). The provisions of this Order provide for the need to approve the National Strategy, as well as to adopt a plan for its implementation.

The purpose of adopting this Strategy is to create a barrier-free environment for all members of society without exception in order to ensure equality and opportunities for everyone to exercise their rights through the integration of barrier-free environment in various spheres of public policy (information, social, digital, physical, economic, etc.) (Resolution of the Cabinet of Ministers of Ukraine No. 366-p., 2021). It should be noted that the National Strategy provides for six main areas in which Ukraine should develop in order to build equal opportunities for all: physical, information, digital, public and civil, educational and economic barriers. That is, we see that the Ukrainian government pursues a comprehensive policy to protect the rights of persons with disabilities. This is another evidence that Ukraine is moving in the European direction to ensure equality for all. Finally, it is necessary to conduct the right educational and upbringing policy to ensure that all people realize that persons with disabilities are equal participants in public life and have the opportunity to exercise their rights, including the right to work, on an equal basis with all participants in public life.

5. CONCLUSIONS

Persons with disabilities are a significant social group that exists in every society. They require special attention and protection from the state. Work in this context is important not only to provide a

person with the opportunity to earn a decent standard of living, but also to increase social activity and integration into society of such people. Paying attention to the problem of protecting the labour rights of persons with disabilities, the international community has developed an appropriate regulatory framework Analysis of international documents shows that over the years, with the development of human rights and international law in general, the global policy towards the disabled has changed. If earlier their rights were considered in the context of the need for protection and proper care, now they are regulated in the direction of observance and realization of their rights and freedoms on the basis of equality, as well as the need to integrate them into normal life. As a result of this process, conventions have been adopted to ensure the realization of their labour rights and international organizations have been established to improve the living conditions of disabled people. Thus, after the Second World War, the concepts of the need to integrate people with disabilities into normal life and the integration of society developed.

In order for persons with disabilities to exercise their labour rights, States must develop and periodically update and review national policies on the employment of persons with disabilities. At the EU level, a number of legal acts have been adopted that regulate general human rights and special employment rights of persons with disabilities. However, the relevant norms are of general nature and are supplemented and clarified in the national legislation of the Member States. In the example of Poland, we can see that the States take all possible measures to integrate persons with disabilities into normal life and labour relations. Poland not only constantly improves its labour legislation in the context of protection of the rights of persons with disabilities, but also takes practical and organizational measures to provide persons with special needs with employment.

Despite the fact that Ukraine has implemented significant improvements in international law on the protection of the rights of persons with disabilities, people with disabilities still face a lot of problems in employment. To solve the existing problems, it is advisable to carry out a number of reforms. First of all, in order to improve the exercise of rights by persons with disabilities, it is advisable to adopt an updated Labour Code, which will contain detailed provisions on the employment of persons with disabilities, their working conditions and the protection of their rights. On the other hand, the Code should contain benefits and guarantees for employers who provide jobs for such persons.

An important place in the legal realization of the right to work by persons with disabilities is the adoption of Draft Law No. 5344-1 "On Amendments to Certain Laws of Ukraine on Creating Favorable Conditions for the Employment of Persons with Disabilities". The prospects for the implementation of the Draft Law are extremely positive, as it will help to resolve social issues that are characteristic of Ukrainian society, in particular, transforms stereotypical thoughts about the impossibility of employment and unequal treatment of people with disabilities. Thus, the adoption of this Draft Law in accordance with the provisions of the Association Agreement is a key step in establishing European standards of social policy in Ukraine. In Ukraine, it is expedient to ensure maximum inclusiveness and barrier-free accessibility for further democratization and humanization of society, so further research is promising, which will scientifically substantiate the mechanisms for creating barrier-free accessibility at the local and sectoral levels. At present, it is important to improve the legislative framework, as there are some contradictions between the current requirements of regulatory documents, which hinders the implementation and realization of international norms and European standards in Ukraine, as well as the introduction of foreign practices.

In addition, education for persons with disabilities should be improved and employers should be encouraged to employ them. It is also possible to introduce digital innovations to facilitate such persons' access to job search and, on the other hand, the ability of employers to look for such

employees. The information contained in the article can be used in teaching specialized disciplines in higher education institutions. In law-making and law enforcement activities, the significance of the article is revealed in the context of improving existing and adopting new legal acts to protect the labour rights of disabled persons (proposals for this are set out by the author in the article and conclusions to it). Finally, the scientific achievements can be used to improve international relations between Ukraine and foreign countries in the context of the development of bilateral relations and the introduction of European standards and best practices in the legislation of Ukraine.

6. BIBLIOGRAPHY

Adamovych, N.: "Protection of labour rights of people with disabilities: The new law, but an old problem?", 2022. Retrieved from: https://zmina.info/articles/zahyst-trudovyh-prav-lyudej-z-invalidnistyu-novyj-zakon-ta-stari-problemy/

Anns, O., Burov S., Azin V.O., Hrybalskyi Y.V. y Naida Yu.M.: *Disability and society: Educational and methodological manual*, Kyiv, Kubg, 2012,

Bouronikos, V.: "The Status of employment and disability in the EU in 2021", 2021. Retrieved from: https://ied.eu/project-updates/the-status-of-employment-and-disability-in-the-eu-in-2021/

Council Directive, No. 2000/78/EC: "Establishing a general framework for equal treatment in employment and occupation", 2000. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078

Department of Economic and Social Affairs of United Nations: "Convention on the Rights of Persons with Disabilities", 2006, Retrieved from: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html

Drobotun, V.: "EU Strategy for the Employment of People with Disabilities", 2017. Retrieved from: https://www.prostir.ua/?news=stratehiya-es-schodo-pratsevlashtuvannya-lyudej-z-invalidnistyu

European Commission: "European Disability Strategy 2010-2020", 2010. Retrieved from: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2010%3A0636%3AFIN%3Aen%3APDF

European Commission: "Strategy for the rights of persons with disabilities 2021-2030", 2021. Retrieved from: https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes.

European Parliament, Council of the European Union y European Commission: "Charter of Fundamental Rights of the European Union", Official Journal of the European Communities, núm. 43. Retrieved from: https://www.europarl.europa.eu/charter/pdf/text_en.pdf

European Parliament, Council of the European Union y European Commission: "Consolidated version of the treaty on the functioning of the European Union", Official Journal of the European Union, núm. 55, 2012. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT.

EU y Ukrainian Parliament: "Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part", Official Journal of the European Union, 2014. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29.

Fesenko, O. y Lysiuk, V.: "Issues of safety of life and activity of low-mobility groups of the population", *Actual Problems of Life Safety*, núm. 1, 2021.

General Assembly of United Nations: "Universal Declaration of Human Rights. Retrieved", 1948. from: https://www.un.org/en/about-us/universal-declaration-of-human-rights.

Hnatiuk, M.: "Establishment of European standards of social protection of persons with disabilities in Ukraine", *European Integration Portal*, 2019. Retrieved from: https://eu-ua.kmu.gov.ua/analityka/vstanovlennya-yevropeyskyh-standartiv-socialnoyi-zahyshchenosti-osib-z-invalidnistyu-v.

International Labour Organization: "Invalidity Insurance (Industry, etc.)", Convention No. 37, 1933a. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C037.

International Labour Organization: "Invalidity Insurance (Agriculture)", Convention No. 38, 1933b. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C038

International Labour Organization: "Employment Service", Convention No. 88, 1948. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C088

International Labour Organization: "Discrimination (Employment and Occupation)", Convention No. 111, 1958. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_Ilo_Code:C111

International Labour Organization: "The Polish Labour Code", 1974. Retrieved from: http://ilo.org/dyn/natlex/natlex4.detail?p_isn=45181.

International Labour Organization: "Human Resources Development", Convention No. 142, 1975. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C142

International Labour Organization: "Vocational Rehabilitation and Employment (Disabled Persons)", Convention No. 159, 1983. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312304

International Labour Organization: "Employment Promotion and Protection against Unemployment", Convention No. 168, 1988. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100_INSTRUMENT_ID:312313

International Labour Organization: "Private Employment Agencies", Convention No. 181, 1997. Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312326

International Labour Organization: "On Promotion of Employment and on Labour Market Institutions", 2004. Retrieved from: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=68870&p_lang=en

Krasnov, Ye.: *Basic labor rights: International standards and legislation of Ukraine*. Odesa: Odesa Law Academy, 2008.

Kuliieva, L.: "Priority directions of modern state policy in the sphere of social protection of disabled people", *Actual Problems of Public Administration,* 2, 2014.

Kuznetsova, M.: "International legal mechanism for the protection of the rights of people with disabilities", *Legal Scientific Electronic Journal,* 7, 2020.

Lecerf, M.: "Employment and disability in the European Union", 2020. Retrieved from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651932/EPRS_BRI(2020)651932_EN.pdf

Office of the high commissioner of United Nations: *General Assembly resolution 2200A (XXI), International Covenant on Civil and Political Rights,* 1966. Retrieved from: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

Office of the high commissioner of United Nations: "Declaration on Social Progress and Development", 1969. Retrieved from: https://www.ohchr.org/sites/default/files/progress.pdf

Press service of the Verkhovna Rada of Ukraine: "Committee hearings on the topic: Problematic Issues of Legislative Regulation and Implementation of State Policy on Ensuring the Rights of Persons with Disabilities", 2021. Retrieved from: https://www.rada.gov.ua/preview/anonsy_podij/214596.html.

Prokopchuk Y.: "International legal aspects of labour protection of disabled persons", *Journal of Kyiv University of Law,* 3, 2009.

Pyshchulina, O.: *Digital economy: Trends, risks and social determinants,* Kyiv, Zapovit, 2020.

Sylenko, N.: "To the issue of international legal regulation of the protection of the rights of persons with disabilities at work", *Scientific Bulletin of Public and Private Law: a Collection of Scientific Papers*, 6, 2016.

Tomashevski, K., y Yaroshenko, O.: "Problems of labour legislation codification in Belarus and Ukraine: History, current situation and prospects", *Transition Studies Review, 27* (2), 2020.

Triukhan, O. y Zanko, O.: "Legal mechanism for the protection of labor rights of persons with disabilities", 2020. Retrieved from: http://baltijapublishing.lv/omp/index.php/bp/catalog/download/35/580/1188-1?inline=1.

Wapiennik, E.: Report on the employment of disabled people in European countries, 2007. Retrieved from: https://ec.europa.eu/employment_social/empl_portal/ede/PL%20employment%20%20report.pdf

World Health Organization: International Classification of Functioning, Disability and Health, 1980. Retrieved from: https://www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health

Yaroshenko, O.M., Vapnyarchuk, N.M., Burnyagina, Y.M., Kozachok-Trush, N.V., y Mohilevskyi, L.V.: "Professional development of employees as the way to innovative country integration", *Journal of Advanced Research in Law and Economics, 11*(2), 2020.

Yaroshenko, O.M., Melnychuk, N.O., Moroz, S.V., Havrylova, O.O., y Yaryhina, Y.P.: "Features of remote work in Ukraine and the European Union: Comparative legal aspect", *Hasanuddin Law Review, 7*(3), 2021.

Yefremova, I.: "Features of the definition of the international legal mechanism for the protection of private rights", *Economics, Finance, Law, 7*(1), 2019.

Zwan R. y Beer P.: "The disability employment gap in European countries: What is the role of labour market policy?", *Journal of European Social Policy, 31*(4), 2021.

7. LAW REFERENCES

Draft Law of Ukraine No. 5344-1: On amendments to certain laws of Ukraine on creating favorable conditions for the employment of persons with disabilities, 2021. Retrieved from: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71675.

Law of Ukraine No. 322-08: "Labour Code of Ukraine", 1971. Retrieved from: https://zakon.rada.gov.ua/laws/show/322-08#Text

Law of Ukraine No. 875-XII: "On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine", 1991. Retrieved from: https://zakon.rada.gov.ua/laws/show/875-12#Text.

Law of Ukraine No. 2694-XII: "On Labour Protection", 1992. Retrieved from: https://zakon.rada.gov.ua/laws/show/2694-12#Text

Law of Ukraine No. 254k/96-VR: "Constitution of Ukraine", 1996. Retrieved from: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text.

Law of Poland No. 123-776: "On vocational and social rehabilitation and employment

disabled people", 1997. Retrieved from: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf

Law of Ukraine No. 2961-IV: "On rehabilitation of persons with disabilities in Ukraine", 2005. Retrieved from: https://zakon.rada.gov.ua/laws/show/2961-15#Text

Law of Ukraine No. 1767-VI: "On ratification of the convention on the rights of persons with disabilities and the optional protocol thereto", 2010. Retrieved from: https://zakon.rada.gov.ua/laws/show/1767-17#Text.

Resolution of the Cabinet of Ministers of Ukraine No. 285-p: "On Approval of the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities until 2025", 2021. Retrieved from: https://www.kmu.gov.ua/npas/pro-zatverdzhennya-nacionalnogo-pla-a285r.

Resolution of the Cabinet of Ministers of Ukraine No. 366-p.: "On Approval of the National Strategy for the Creation of Barrier-Free Space in Ukraine for the period up to 2030", 2021. Retrieved from: https://zakon.rada.gov.ua/laws/show/366-2021-%D1%80#Text.