

2017

Does the Work Of Disability NGOs Seeking Decent Work for Persons With Disability Impact Public Employment Policies in Palestine?

Shatha Abusrour
Grand Valley State University

Follow this and additional works at: <https://scholarworks.gvsu.edu/spnhareview>

Recommended Citation

Abusrour, Shatha (2017) "Does the Work Of Disability NGOs Seeking Decent Work for Persons With Disability Impact Public Employment Policies in Palestine?," *SPNHA Review*: Vol. 13 : Iss. 1 , Article 4.
Available at: <https://scholarworks.gvsu.edu/spnhareview/vol13/iss1/4>

**Does the Work Of Disability NGOs Seeking Decent Work for
Persons With Disability Impact Public Employment Policies
in Palestine?**

Shatha Abusrour

Grand Valley State University

Abstract

Persons with disability often face discrimination and exclusion in ways that limit their full and equal participation in society. Such practices diminish not only the individual's experience and opportunities, but also deteriorate cultural and economic progress for their societies. Public policies of many varieties have sought to remedy these inequalities. This research paper explores the impact of advocacy efforts organized by disability NGOs on employment policies in Palestine. After reviewing relevant literature, the paper presents findings from a unique survey administered to representatives of both government agencies and the NGO community regarding efforts to promote fairer disability employment policy.

Keywords: disability policy, employment policy, advocacy

“...for the work to be just, it has to be suited to the nature of the workers who perform it. Some jobs fail this test. They are so dangerous, repetitive, and deadening as to be unfit for human beings. In those cases, justice requires that the work be reorganized to accord with our nature. Otherwise, the job is unjust in the same way that slavery is” (Sandel, 2009, pp. 203).

In relation to the right to decent work for persons with disability, Sandel's statement could be translated to mean that the work environment must be designed to accommodate qualified workers regardless of their physical or socio-economic differences. If justice requires work to be reorganized in accordance with human nature, then it must consider all types of differences among human beings that exist in nature. This perspective is in harmony with disability models and approaches that have

Disability NGOs Impact on Employment Policies in Palestine

emerged during the last few decades such as the social/interactive model of disability and the human rights-based approach. These perspectives suggest that disability occurs when persons with physical, intellectual, psychological and sensory differences are prevented from interacting or participating in the surrounding environment because of physical, institutional, communicational and attitudinal barriers. Persons with disability have faced several types of discrimination which limit or hinder their access to rights and services and their full participation in society on an equal basis with others. International lobbying, activism and advocacy work by persons with disability and their allies pushed against disability models that promoted segregation, medicalization and charity-based policies, procedures and interventions.

Until present, the prevailing policies and interventions in relation to persons with disability are not based on the fact that disability is an integral part of human nature and society. Persons with disability are viewed as a minority who require specific interventions and policies, if any. Consequently, persons with disability experience many forms of segregation, exclusion, marginalization and exposure to vulnerability. These injustices not only negatively affect persons with disability, but contribute to the deterioration of social, human, cultural and economic progress as a whole.

This research paper focuses particularly on employment policies in relation to persons with disability in Palestine; it explores the effectiveness of advocacy campaigns run by disability NGOs (non-government ministries) and their impact on employment policies and procedures. The paper encompasses a literature review on advocacy and employment policies impacting persons with disability, as well as a brief summary on the economic status of persons with disability in Palestine. In addition, the paper offers important findings regarding the work of NGOs on employment policies and procedures. These findings are based on the participation of three national disability NGOs and three major government ministries working on the economic inclusion of persons with disability.

This research paper highlights several facts about programs for decent work for persons with disability and their impact on employment policies. For example, it shows that NGOs processes for designing projects and advocacy campaigns are not based on sound research or need assessment studies. Instead, processes reflect donors' mandates and agendas. In

addition, projects focus on the issue of disability separate from Palestine's social, economic and political context. As a result, successes are measured on an individual scale by direct beneficiaries while systemic change influencing public policies and interventions is limited. In other words, the sustainable impact of these programs and projects is highly questionable and requires further evaluation and research.

Disability and the Economic Status of Persons with Disability in Palestine

The definition of disability remains complex, controversial and changeable. Over the last three decades this definition has become more comprehensive. The UK Department for International Development (2001) describes disability as “the outcome of complex interactions between the functional limitations arising from a person's physical, sensory, intellectual, or mental condition and the social and physical environment.” It is worthy to note that disability has a human rights dimension and is associated with social exclusion, vulnerability and extreme exposure to poverty. Disability is the experience of having physical, sensory or intellectual characteristics that lead to social and economic disadvantages, denial of rights and limited opportunities to fully participate in society on an equal basis with others. For the objective of this paper, the light should be shed on the fact that people with disability in developing countries face deeper levels and types of exclusion. The social, cultural and political context of these countries is a major factor of the disabling circumstances surrounding persons with disability. Also in these countries many persons with disability are denied the right to education, which results in minimizing their chances to access the job market. Exclusion of persons with disability from employment limits their chances to be productive members of the community which in turn negatively impacts the whole community.

Disability and Poverty in Developing Countries: A Multidimensional Study (2013) profiled the employment status of people with disability compared to people without disability in 15 developing countries, not including Palestine. The study estimated that disability affects 10% to 15% of adults worldwide (WHO, 1981; WHO and World Bank, 2011) and recent evidence based on internationally comparable data shows that developing countries have higher disability prevalence than developed

Disability NGOs Impact on Employment Policies in Palestine

countries (WHO and World Bank, 2011). The same sources indicate that disability prevalence in the high-income countries is higher than the middle and low-income countries, which is partially because of the disability measures used in these countries. Mitra, Posarac, and Vick (2013) shed light on changes among developmental organizations such as the World Bank, DFID and UNDP during the last fifteen years, whereby disability is addressed from the perspective of development. Mentioned therein is the UN Convention on the Rights of Persons with Disability (UNCRPD), one of the most comprehensive universal declarations that exists. The UNCRPD represents a significant shift in views of disability from welfare-based to human rights. It includes safeguards for persons with disability in health, education, and employment, and protection in areas of conflict and the right to an adequate standard of living and social protection. Reasons behind the gaps in access to employment among persons with disability compared to persons without disability in developing countries are varied (Mitra, Posarac, and Vick, 2013). Most jobs in developing countries are in the primary sector (agriculture, forestry) and may involve heavy manual labor, thus people who have different walking or carrying abilities will be left out of such markets. Also there is absence or lack of readiness among employers to provide workers with disability with the reasonable accommodations and assistive devices they need to do their jobs. In addition, there are many types of discrimination faced by persons with disability in the job market, such as the prejudices among employers towards persons with disability regarding their ability to be productive and beneficial, the exploitation of persons with disability by employers, and the negative impact of prejudices among household members on the provision of conducive environment to persons with disability entry into the labor force. Baldwin and Johnson, (2005) are succinct in their analysis that “the effect of disability on employment will depend on the accessibility of the work environment, the availability of workplace accommodations, and the presence of discrimination.”

Employment rates of persons with disability is consistently lower than employment rates of persons without disability especially in developing countries. Burkina Faso has the most significant statistical gap, where the employment rate of persons with disability is 34% compared to 59% among persons without disability; in Pakistan, the difference in employment rates is 22% (Mitra, Posarac, and Vick, 2013). In addition,

for those persons with disability who have employment, they are disproportionately self-employed (Mitra and Mizunoya, 2013). The disparity in employment rates in Palestine between persons with disability and those without exceeds those of the previous 14 countries studied. The last national disability survey conducted by the Palestinian Center for Bureau Statistics and the Ministry of Social Affairs (2011) indicated that 87% of persons with disability over the age of 15 in Palestine were absent from the job market.

In 2013 the Independent Commission for Human Rights in Palestine conducted a study aimed at assessing and addressing the barriers facing the inclusion and full participation of persons with disability in the job market from the perspective of employers and persons with disability themselves. The study targeted 200 employers and 1520 persons with disability of employment age. 57% of respondents among persons with disability did not work at all; 78% were not included in the job market; and 22% of them were employed. The study showed that 19% of the respondents among persons with disability were employed before but did not work anymore. Most of these employees were targeted in temporary employment programs and projects implemented by the governmental and non-governmental sectors. The major reasons behind leaving work were: contracts or projects finished; the absence of reasonable accommodations and accessibility requirements in the work place; barriers to reach the work place; the absence of accessible transportation means; the negative attitudes towards persons with disability; and the absence of promotion opportunities (Altamimi, 2014). In addition, the study showed that the private sector provided most job opportunities for persons with disability in Palestine, including self-employment. Most employed persons with disability obtained their jobs through individual efforts, which is a reflection of the fact that Palestine lacks national policies, programs, and processes that facilitate access to job opportunities for persons with disability. The governmental and non-governmental sectors coordinate with disability NGOs that work on disability and employment when they intend to offer job opportunities for persons with disability. Only 11% of the private sector organizations or companies do so. According to the study results, employers focus on the availability of specific criteria in order to employ persons with disability: the ability to perform the duties of the job; the ability to communicate with working colleagues; efficiency; the ability to see and move. The study indicates compounding reasons

Disability NGOs Impact on Employment Policies in Palestine

persons with disability lack access to the job market, such as the high unemployment rate in Palestine, high birth rate, a continuous increase of graduates, strong competition in the job market, and the deteriorating political and economic situation.

Finally, a participatory study was conducted in 2014 by Partners in Creative Solutions on the Palestinian job market and employment opportunities for persons with disability. The study describes the compounding factors surrounding economic inclusion of persons with disability in Palestine, including high competition in the job market, restrictions imposed by Israeli control and discrimination, environmental and attitudinal barriers, and the lack of support through the legal framework. Most persons with disability are employed in manual labor. This reflects the low expectations associated with persons with disability.

Social Construction Theory and Public Policy

There are different competing theoretical perspectives and frameworks about the policy process. These theories help to understand how problems are identified, prioritized and addressed in the context of decision-making and policy-making. Also, these theories help to improve the content, purpose and impact of public policy (Theodoulou, 2004). Relevant to the topic of this paper is the concept of social construction of target populations, introduced in the late 1980s (Deleon, Ingram and Schneider, 2007). This concept posits how policy-makers socially construct target populations negatively or positively. These constructions are reflected or perpetuated through the distribution of benefits and burdens (Deleon, Ingram and Schneider, 2007). This concept became a framework for understanding how public policies address certain problems and not others, resulting in policies that perpetuate injustice and unequal citizenship and debilitate democratic institutions (Deleon, Ingram and Schneider, 2007). This framework offers legitimate analysis of the interconnectedness between different dynamics, political powers, political resources and target populations, and why certain populations are less of a priority to policy-makers. Social construction draws lines between policy orientation and participation patterns on one hand and the level of inclusion or exclusion of certain populations on the other hand. Furthermore, this framework depicts the impact of socially constructed characteristics on the identity and social perspectives of

target populations and resulting policies. (Deleon, Ingram and Schneider, 2007).

There are several propositions on how social construction of target populations is practiced in policy design. For example, sometimes the government designs a policy that rewards a specific group which directly or indirectly reflects that group's value. Material resources and symbolic policies that indicate the importance of certain groups to the government devalue other groups who are not similarly recognized through policies. As a result, negatively constructed groups are more likely to become more marginalized and less active in the political process. The other proposition explains how the allocation of benefits and burdens to target groups in public policy depends upon their political power and socially constructed images. Socially constructed images guide policy-makers to decide who is more or less worthy. Schneider and Ingram (1997) describe the social construction of four groups: the advantaged group which has a high level of political power resources and enjoy positive social construction as deserving people; contenders who have substantial political resources but are viewed to be untrustworthy and selfish; dependents who are socially constructed as deserving at least in terms of sympathy and pity; and deviants, such as criminals, who lack political power and positive social construction. Persons with disability belong to the category of dependents, lacking a role in creating national wealth, incapable of changing their powerless situation, reliant on others and therefore politically disempowered (Schneider and Ingram, 1997).

Another proposition describes how policy design elements including tools, rules and delivery structures differ according to the social structure and power of target groups (Deleon, Ingram and Schneider, 2007). Regarding the social construction theory in relation to disability, Horejes (2013) states that "the objective of legislative history is to integrate cultural judgments and observations to better understand the nature, complexity, and history of disability when guiding disability policy pluralistically." He stresses how disability policies are designed based on positive and negative social constructions including the cultural characterizations of persons or groups whose behavior and wellbeing are directly affected by public policy.

Employment Policies for Persons with Disability

There is abundant literature on employment policies for persons with disability worldwide. This section will highlight policies in the US, Europe, and Palestine. The Americans with Disability Act (ADA) 1990 Title I: Employment prohibits discrimination against persons with disability in all aspects of employment. It applies to employers who are engaged in any industry that affects commerce with 15 or more employees. The person seeking enforcement of the act must be a “qualified individual with a disability,” meaning “an individual with a disability who, with or without reasonable accommodation can perform the essential functions of the employment position that such individual holds or desires” (42 U.S.C. § 12111(8)). Title I seeks to prohibit discrimination through requiring employers to make reasonable accommodations in the workplace. Employers who have more than 15 employees are obliged to comply with this law four years after its enactment, when employers who have more than 25 employees have to comply two years after the enactment (ADA, 1990).

This non-discrimination provision includes making reasonable accommodations. An employer’s obligation to provide reasonable accommodation may include: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring: part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications or examinations; training materials or policies; the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities (42 U.S.C. § 12111(9)(A)(B)). However, due to undue hardship, employers are allowed to consider several factors when providing reasonable accommodations, such as the nature and cost of the accommodation, the overall financial resources of the facility and the overall size of the business. Interestingly, this title does not apply to corporations owned by the US government nor private membership clubs exempt under 501(c) status.

With regard to resources appropriated to this title, there is no budget specified to facilitate the implementation of this title and others in this act. Instead, the Internal Revenue Service (IRS) may offer employers tax

credits in order to encourage them to remove physical barriers that hinder including persons with disability in the labor force.

There are two major agencies that have the authority to enforce the implementation of Title I. The primary one is the Equal Employment Opportunity Commission (EEOC) and the other agency is the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) which has coordinating authority under this title. It is challenging to assess or identify how exactly the two responsible agencies are working to safeguard the implementation of Title I of the ADA. The agencies that have authoritative and coordination responsibilities have various other tasks related to employment standards, anti-discrimination, investigation and reporting. Moreover, most of the tasks that are relevant indirectly to Title I seem to focus on prohibiting discrimination rather than increasing the employment rate among persons with disability. In other words, actions and procedures put forth to implement Title I are more likely to be reactive and passive. Most surveys, polls and reports show that there is no significant increase in the employment rate among persons with disability. To the contrary, some reports and surveys show that the employment rate of working age of persons with disability was better before the passage of the ADA.

Based on a recent survey of disability activists across the US, employment ranks the biggest disappointment and the area in which the coming ten years should witness change (Frieden, 2015). Respondents attributed low employment rate of persons with disability to lack of aggressive enforcement, the issue of disincentives and the connection between employment status and federal disability benefits. According to the 2014 Progress Report of the National Council on Disability, there has been a significant decrease of employment rate and in numbers of these who are seeking employment. Statistics from the Equal Employment Opportunity Commission (EEOC) indicate that discrimination charges rose from 18,108 in 1997 to 25,957 in 2013, reflecting increased discrimination, increased awareness of discrimination, or both (USEEOC, 2014).

The ADA of 1990 as an anti-discrimination act seems to be a symbolic policy, through which enforcement mechanisms are not necessary from the perspective of policy-makers and legislators. In addition, research findings, complaints and lawsuits are the only ways one could measure whether this policy is successful. Added to that, it is unclear what role the

Disability NGOs Impact on Employment Policies in Palestine

US Department of Labor and its state-level branches have in protecting the right to employment for persons with disability. Most government staff working on disability related issues focus mainly on policy-making, reporting to Congress, and trainings. As a result, Title I is not effective enough and does not have the capacity needed for the fulfillment of its objectives.

M. Garbat (2013) compares three employment policies for persons with disability in the European countries. The first employment policy is based on the quota system which aims at forcing employers to employ persons with disability in the labor market in a certain proportion. This system does not aim at maximizing profit, rather it aims at creating new jobs or maintaining existing ones for persons with disability. Based on this policy, the percentages of employees with disability in the respective countries are as follows: Greece 8%, Italy 7%, France and Poland 6% and Germany 5%. The policy applies to government and private sector institutions; however, it requires that persons with disability meet specific criteria in order to benefit from the policy, such as the degree or type of disability and the compliance with particular registration. Moreover, this policy only applies to employers with a certain number of employees, i.e. Russian employers with a minimum of 100 employees, Spain employers with a minimum of 50 employees (Garbat, 2013).

The second employment policy is based on a civil rights approach, on the recognition of persons with disabilities' right to employment in an efficient and equal manner within the job market. It aims at eliminating discrimination on the basis of disability through the design of an inclusive job market. It applies to more developed countries that have richer economies such as Britain, Switzerland, Ireland, and Finland. These countries adopted anti-discrimination acts with provisions for inclusive employment processes, recognizing the right to employment for persons with disability in accessible and accommodating work environments.

The last employment policy, as adopted in Denmark and Norway, is based on the motivation of employers. This policy regulates the obligation of employers to provide accessible work environments as well as rehabilitative services for persons with disability. Intrinsic to the policy is awareness-raising activities aimed at challenging the stereotypes of persons with disability through the use of incentive instruments. Two major principles of the policy are compensation for persons with

disability who are deprived of job opportunities and the responsibility of all sectors for the employment of persons with disability.

Employment policy in Palestine pertaining to persons with disability is based on four pieces of legislation (Altamimi, 2013). The first is the Palestinian Constitution of 2003 which is considered the basis for all other laws in the country. The ninth article of this law recognizes that all Palestinians are equal before the law without any discrimination on the basis of religion, ethnicity, color, political affiliation or disability. Article 10 confirms the commitment of the Palestinian Authority to safeguard all human rights and adopt all relevant international declarations. Article 22-2 recognizes the right to education, access to social services, and health insurance for persons with disability. Finally, Article 25 of this constitution recognizes the right to work for all citizens who are capable, and work relations should be regulated in a just manner.

The Palestinian Law of the Disabled No. 4-1999, the second of the four, is randomly implemented according to each ministry officials' interpretation, and there are no financial resources allocated to its implementation (Altamimi, 2013). It specifies that 5% of employees in each governmental and non-governmental institution should be persons with disability. Article 10 of this law confirms that persons with disability should be employed in these institutions in accordance with the nature of the job, and employers should design the work environment to accommodate employees with disability. As an incentive for employers, salaries of persons with disability are tax exempt. Altamimi (2013) states that there are several problematic issues in relation to this law. In the preamble, there is no emphasis on the importance of the law nor is there mention of implementation. The definition of 'persons with disability' in this law is problematic, as it focuses on the functional and physical limitations and the impact of these limitations on the persons' activities. This definition is not in conformity with the definition stated in the UN Convention on the Rights of Persons with Disability (UNCRPD) 2006. Additionally, the definition of sheltered workshops is limited to lodging while it should include rehabilitative services. The law is also lacking any reinforcement, monitoring mechanisms, and consequences for employers who do not comply. The bylaws do not offer interpretations on practical steps the government will take to implement the law. Lastly, the law assigns authority for follow up and implementation only to the Ministry

Disability NGOs Impact on Employment Policies in Palestine

of Social Affairs instead of allocating tasks and responsibilities to all stakeholders in a cross-sector manner.

The third piece of legislation influencing employment is the Palestinian Law of Labor No. 4-2000. In some ways this law overlaps with the Law of the Disabled with its quota specifications. It differs in how this law defines persons with disability according to two main elements: a sensory, physical and intellectual 'impairment'; and the impact of this 'impairment' on the persons' work, retention or promotion. Altamimi (2013) believes that the quota of 5% is not fair because most work institutions do not have 20 employees. Therefore, he thinks that the percent should be increased in order to facilitate access to job opportunities for persons with disability. Also he states that the law does not address the right for persons with disability to access vocational training centers.

The fourth law is the Civil Service Law No. 4-1998 which regulates employment processes in governmental institutions. The first article of this law recognizes the right to employment for Palestinians injured by the Israeli occupation who have become disabled, as long as their injury or 'impairment' does not make them less capable of performing the job. Altamimi (2013) thinks this article is discriminatory as it recognizes the right to work for injured Palestinians but does not mention persons with disability since birth or disability resulting from other causes. Article 24 of this law addresses recruitment conditions indicating that employees should not have physical or intellectual 'impairment' which might prevent them from performing job tasks. However, the same article states that persons who are blind or have a physical disability can be recruited as long as the disability will not affect their ability to do the job for which they apply.

Advocacy and Non-governmental Organizations in Palestine

Advocacy is capable of creating a collective position regarding specific forms of governance. It utilizes methods and activities that can lead to systemic social change. Successful advocacy is based on a bottom-up approach, fostering citizens' involvement in shaping policies that affect them. Citizens can contribute to building systems and policies that drive public services through policy advocacy and grassroots and legislative advocacy (Reid, 1999).

Advocacy is a core activity of NGOs. It frames civic activism impulses. Social problems resulting from social, economic, and political power structures that disadvantaged individuals face in society are the source of this impulse (Salamon, 2012). Advocacy is the mobilization of social and political pressure to change those power structures and allow for equal access to opportunities. It aims at protecting basic human rights through the utilization of different methods and tools such as representation, public education, the use of media, lobbying and empowerment (Reid, 1999). NGOs work to improve lives and circumstances of various groups in society and facilitate the processes that develop those groups' capabilities to advocate for themselves and to build better communities. Advocacy is generally understood to encompass well organized processes, activities and communications designed to change or influence public policy. It can be for individuals, specific populations or causes, for the self-interest of an organization or sector, or for broad public benefits (Boris & Maronick, 2012).

NGOs in Palestine are comprised of charitable societies, cooperatives, associations, development organizations and some other social interest groups, such as unions representing persons with disability, women's organizations and youth movements. Jarrar (2005) states that there are over 1,400 NGOs in Palestine carrying out the provision of social, industrial, agricultural, medical, housing and public services. They have also managed to fill the role of a national government at times in the absence of political governance. In the last decade, non-governmental organizations began to take the lead in strengthening the legal system and enhancing Palestinians' enjoyment of fundamental rights and freedoms (Jarrar, 2005).

NGOs had no national legal framework that regulated their establishment and work in Palestine until 2000 when the Palestinian legislative council passed the Law of Charitable Associations and Community Organizations No. 1 (Dodeen, 2016). According to this law, organizations are bodies that have independent judicial personality, and are established by no less than seven persons aimed at achieving legitimate objectives of public concern. People who establish an organization should not aim at attaining financial profits to be shared among the members or achieving any personal benefits. Charitable organizations are supposed to implement community activities which comprise "any social, economic, cultural, community, developmental or

Disability NGOs Impact on Employment Policies in Palestine

other service or activity, undertaken voluntarily, that would lead to the improvement of the social, health, professional, material, spiritual, artistic, sports, cultural or educational conditions in society” (Law of Charitable Associations and Community Organizations, as cited by Dodeen, 2016). It is worthy to note that this law does not include provisions that regulate or limit in any way the organizations’ work on advocacy in Palestine. It focuses mainly on compliance with the bylaws of the organizations themselves as well as their responsibility to submit annual administrative and financial reports to the Ministry of Interior. According to the Palestine Economic Policy Research Institute, there were 2,845 NGOs in Palestine in 2015.

Research Methodology

This is a primary and qualitative research paper that explores whether the work of disability NGOs on the right to decent work for persons with disability impacts employment policies in Palestine. It aims at presenting the current employment policies, particularly in relation to Palestinians with disability. The research is concerned with the perspective of three main government ministries on the effectiveness of the advocacy role of disability of non-governmental organizations in the policy process in relation to employment of persons with disability, as well as their involvement in making changes at the procedural level. The three government ministries are: the Ministry of Social Affairs; the Ministry of Labor; and the General Personnel Council. The choice of those organizations was driven by the roles and responsibilities assigned to them according to the relevant national laws. The Ministry of Social Affairs is assigned to follow up the implementation of the Palestinian Law on the Rights of the Disabled No. 4-1999. The Ministry of Labor has several planning, regulatory, developmental and follow up roles and responsibilities related to the work relations in the civil society and the private sector institutions, while the General Personnel Council is assigned to follow up the implementation of the Civil Service Law which regulates employment in public institutions. The interviews targeted one representative of each organization of those who have previous experiences cooperating with disability non-governmental organizations and, occupy decision-making positions: the deputy of the recruitment department at the General Personnel Council; the Minister’s consultant

on disability issues at the Ministry of Social Affairs; the deputy of the inspection and work protection department at the Ministry of Labor. The research also examines the perceptions of three disability NGOs on their role in shaping employment policies and processes, and the government's response to their role.

The identification of those organizations was based on the following selection criteria: previous experience working in advocacy on the right to decent work for persons with disability; size and scope of work; experience in implementing economic inclusion and empowerment programs and projects for persons with disability; resources allocated to economic inclusion for persons with disability, and compliance with the human rights-based approach. One of the NGOs has the largest membership of persons with disability in Palestine and acts with authority to represent them at local, national, regional and international levels. Two of the organizations are in the process of implementing economic inclusion projects. Four respondents were surveyed representing the three organizations. The respondents occupied the following positions: a board of Directors member at the General Union of Palestinians with Disability, Projects Supervisor at the East Jerusalem YMCA Rehabilitation Program, and the director of programs' development and the economic inclusion program manager at Bethlehem Arab Society for Rehabilitation.

Two questionnaires (See appendix 1) were designed consisting of 14 open-ended questions. One of them targeted the government ministries and the other targeted NGOs. The questionnaires assessed the following: the possibility for the passage of new amendments of the current relevant policies; the inclusiveness of passed employment policies and procedures; the role of disability NGOs in making those policies and procedures inclusive of persons with disability; the effectiveness of the advocacy tools used by NGOs targeting the government; and the government's reactions and interactions with the advocacy initiatives. According to the respondents' interests and preferences, two methods were used to target them: written surveys and interviews in person. Given that the researcher was out of country, questions were sent to two persons who have rich experience in research, advocacy and disability. They interviewed respondents who represented the three government institutions, while representatives of non-governmental organizations all filled the survey and sent it to the researcher via email.

Findings

There is a strong alignment between the social construction framework and the public policies that address the rights and issues of persons with disability in Palestine. This alignment is particularly significant when looking at and analyzing the definition of persons with disability in the Palestinian Law of Persons with Disability No. 4-1999 and the Palestinian Law of Labor No. 7-2000. Both definitions stress the functional limitations resulting from disability and their impact on the ability of persons with disability to perform life activities. This presents a significant defect in the fundamentals of these policies as it disregards the impact of environmental, communicational, attitudinal and policy-related barriers that affect persons with disability access to rights, services and opportunities on an equal basis with others. Moreover, the definition of persons with disability as stated in the Law of Labor associates disability with the lack of ability to do the work productively. This association positions persons with disability in the dependence category which comprises of groups who are disempowered, reliant and incapable of creating national wealth.

The policies seem to be symbolic instruments in their absence of consideration of a person's qualifications for employment apart from their disability. This is another connection with the social construction framework. These policy instruments and tools are based on a quota system and employers' motivation. On one hand, this explains why employment policies are lacking the reinforcement mechanisms and the regulatory procedures necessary to their activation. On the other hand, they do not emphasize employment for persons with disability as a natural economic right they should enjoy as equal citizens. Furthermore, those policies lack anti-discriminatory articles that are supposed to eliminate exclusion and discrimination on the basis of disability, type of disability, and gradation of disability. The lack of such articles is indicative of the association between the Social Construction Framework, the poorly designed policies, and insufficient appropriation of resources.

There are no recently passed amendments for the Law of Labor or the Civil Service Law. However, both laws have been under review for the past three years and might be amended in the near future. Policy-makers working on the Law of Labor seem to be more open to including various groups in this process, unlike the Civil Service Law where the

review process is taking place in a closed environment. The responses of the deputy of the recruitment department at the General Personnel Council demonstrate resistance to any systemic changes that might be made in order to improve the Civil Service Law and its bylaws (the procedural defect that related to PWDs employment was modified. This modification has been done for the last four years because of the effort of the council's president and, the law is clear).

NGOs, through continuous advocacy initiatives on the rights of persons with disability, successfully submitted their recommendations to make the new Law of Labor more responsive to persons with disability. These recommendations offer various mechanisms for reducing violations and discrimination on the basis of disability. They also emphasize the need for a cross-dimensional approach, through which disability is included in different articles in the law rather than it being addressed in one article without specific regulations.

Given that the laws pertaining to employment are not yet amended, respondents focused on the improvements of the regulations of current laws. Most regulatory improvements have aimed at creating more inclusive recruitment processes for employment particularly in the government sector. A majority of respondents to the questionnaire cited the importance of the recruitment process for the appropriated 5% of government vacancies for persons with disability. Several respondents shed light on the absence of executive regulations that safeguard the implementation of this quota in an effective manner. They attributed this absence to an evasion by the General Personnel Council to commit to specific systems and resorting to the implementation of ambiguous policies. In addition, some of the respondents stated that the recruitment process is discriminatory in itself, as most of those who were employed have specific type or degree of disability. Furthermore, the recruitment processes do not apply equally to all government bodies.

With regard to regulations taken by the Ministry of Labor, some respondents stated that they had some impact though they did not achieve the minimum level of social justice for persons with disability. There are ongoing discriminations and violations of the rights of many persons with disability. For instance, many persons with intellectual disability work long hours with low wages. In the Ministry of Labor, there is a staff of only five who are responsible for the inspection of hundreds of enterprises in one province.

Disability NGOs Impact on Employment Policies in Palestine

In general, advocacy initiatives organized by disability NGOs include: public education; workshops; individual meetings; follow up and correspondence; media campaigns; youth empowerment; Memorandums of Understanding; and lobbying activities. Several respondents stated that most of the advocacy initiatives are not effective for various reasons. The first is that many of them are bound with particular projects; therefore the work of the organizations ends the moment the projects close. The second is that many of the advocacy initiatives and tools do not seem to compliment the national agendas and strategies. Also they do not respond to persons with disabilities' priorities and concerns. The third is that many donors focus on welfare services which do not allow organizations to allocate enough resources for advocacy initiatives. The fourth is that disability NGOs who work on similar programs do not communicate with each other, and they do not network in order to unify their efforts and strengthen their roles. The fifth is that in many situations the advocacy initiatives are lacking clear visions and strategic action plans. The sixth is that there seem to be conflict of interest among some of the leaders of the disability movement, whereby individual interests are more of a priority than the public interest. The seventh is that many of the advocacy initiatives are seasonal and scattered. It is worthy to note that there was no mutual agreement between respondents on the effectiveness of advocacy initiatives or tools. However, there were some that were mentioned repeatedly: public education which aims at introducing governmental employees to different approaches and concepts in relation to persons with disability; lobbying activities to put pressure on decision-makers to change employment public policies and regulations through continuous meetings and membership in national committees; reviews of the relevant Palestinian laws at national workshops through which recommendations for improvement are formulated.

Two of the government ministries: the Ministry of Labor and the Ministry of Social Affairs stated that the advocacy initiatives organized by NGOs are helpful for several reasons. They seem to represent a body that holds the government accountable. Also they help to improve the level of public awareness on the right to employment for persons with disability. In addition, they force the government and other stakeholders to design alternatives and put forth more effort to address the problem of the high rate of unemployment among persons with disability. The representative of the General Personnel Council stated that the role

of non-governmental organizations in lobbying and advocacy is very weak, irrelevant, and lacking the informational resources needed by the Council—particularly the database for persons with disability seeking jobs.

Respondents highlighted various ways through which advocacy initiatives can be more effective: the use of the judicial system; awareness raising among persons with disability on their own rights and roles as advocates; disseminating successful employment experiences of persons with disability; strengthening the role and involvement of media; participating effectively in designing inclusive policies that can be used as advocacy tools; creating strategic and strong coalitions and networks within the civil society sector; and utilizing resources correctly and strategically.

Respondents representing NGOs highlighted many obstacles that hinder the effectiveness of their advocacy role. There are political obstacles including the deactivation of the Legislative Council and the conflict between different political parties, which makes it more difficult to lobby for inclusive policies as well as getting employment issues for persons with disability on the national agenda. Furthermore, there are several organizational issues such as the bureaucratic system of government which manifests itself in the lack of efficiency and receptiveness among officials; the government's resistance of proposals that promote systemic and sustainable change; the lack of a national comprehensive database of persons with disability who are seeking job opportunities; lack of human resources with the capacity to plan and implement advocacy campaigns; and the lack of coordination among NGOs, which results in duplication of activities and ineffective competition. In addition, there are financial obstacles whereby donors do not consider advocacy a priority to which to allocate resources; NGOs seem to focus on addressing more primary and basic problems. The last obstacle is the general weakness of the disability movement through which the main body that is supposed to represent all Palestinians with disability is basically debilitated. This weakness results from distrust among persons with disability in the organizations and the leaders who represent them. Therefore Palestinians with disability are lacking leaders

Disability NGOs Impact on Employment Policies in Palestine

who have the capacity or willingness to facilitate unifying their voice and efforts and, the motivation to actively participate in advocacy initiatives concerned with their own issues.

Conclusion

This research paper explores the impact of advocacy initiatives organized by disability NGOs on employment policies in Palestine. It is particularly concerned with the level of inclusiveness of these policies specifically with regard to persons with disability. The high rate of unemployment for persons with disability is a worldwide challenge resulting from the socially constructed characteristics of persons with disability as well as the poor and exclusive relevant public policies, regulations and programs. Literature shows that persons with disability in many countries are targeted by specific public policies that regulate their access to their rights and other public services. Thus employment policies for persons with disability usually differ from those that regulate employment processes of other citizens. Most of these policies are based on a quota system, the motivation of employers, or the civil rights approach.

In Palestine, employment policies for persons with disability are based on the quota system and the employers' motivation system. The social construction framework presents an extremely relevant approach for understanding and analyzing the design and content of these policies. Given that NGOs have a longer history than the government in Palestine, they offer the majority of services for persons with disability. Also they have made significant contributions to the policy process including promoting policies concerned with the rights of persons with disability. National disability NGOs continue to work towards improving public policies and regulations related to persons with disability right to employment. This research encompasses findings on the advocacy of these NGOs, the strengths and weaknesses of the advocacy, and its impact on employment policies impacting persons with disability from the perspective of relevant governmental agencies and NGOs.

References

Altamimi, I. (2013). Series of Legal Reports, No. 83, The Independent

- Commission for Human Rights. Ramallah, Palestine.
- Altamimi, I. (2014). *The Right of Decent Work for Persons with Disability in Palestine* [study]. The Independent Commission for Human Rights. Ramallah, Palestine.
- Boris, E. and Maronick, M. (2012). "The Resilient Sector: The State of Nonprofit America," Chapter 10 (pp. 394-421) in Salamon, L. M. (Ed.). (2012). *The State of Nonprofit America*, 2nd edition. Washington, DC: Brookings Institution Press.
- Dodeen, M. (2016). *The Impact of the Charitable Associations and Community Organizations Law No. 1 of 2000 (Rep.)*. Palestine Economic Policy Research Institute.
- Frieden, 2015. *The Impact of the ADA in American Communities* retrieved from [http://www.southwestada.org/html/publications/general/20150715%20ADA%20Impact%20Narrative%20\(Final%20v2\).pdf](http://www.southwestada.org/html/publications/general/20150715%20ADA%20Impact%20Narrative%20(Final%20v2).pdf)
- Garbat, M. (2013). European policy models of employment of people with disabilities. *Journal of Social Research & Policy*, 4(1), 47-63.
- Horejes, T. P. (2013). (Re)conceptualizing Disability Policy Frameworks. *Journal Of Policy Practice*, 12(1), 23-42. doi:10.1080/15588742.2013.739081
- Ingram, H., Schneider, A., & Deleon, P. (2007). *Social Construction and Policy Design*. In P. Sabatier (Ed.), *Theories of the Policy Process* (pp. 92-120). Boulder, CO: Westview Press.
- Jarrar, A. (2005). Palestine. *Israel Journal of Politics, Economics, and Culture* 12.1: 43-48.
- Mitra, S. & Mizunoya, S. (2013). Is There a Disability Gap in Employment Rates in Developing Countries? *World Development*, Volume 42 (2): 28-43
- Mitra S., Posarac, A., Vick, B., (2013). Disability and Poverty in Developing Countries: A Multidimensional Study. *World Development*, Volume 41(1): 1-18
- National Council on Disability. (2014). https://www.ncd.gov/progress_reports
- Palestinian Central Bureau of Statistics and Ministry of Social Affairs, (2011). *Press Conference Report, Disability Survey, 2011*. Ramallah, Palestine.
- Palestine Unemployment Rate (n.d.). Retrieved April 18, 2015, from <http://www.tradingeconomics.com/palestine/unemployment-rate>
- Partners in Creative Solutions on behalf of Bethlehem Arab Society

Disability NGOs Impact on Employment Policies in Palestine

- for Rehabilitation (2014). Study on the job market and employment opportunities for people with disability. Palestine.
- Reid, E. (1999). Nonprofit advocacy and political participation. In E. Boris, & C. Steurele (Eds.), *Nonprofits and government* (pp. 291-325). Washington D.C.: Urban Institute Press.
- Salamon, Lester M. 2002. "The Resilient Sector: The State of Nonprofit America," Chapter 1 (pp. 3-88) in Salamon, L. M. (Ed.). (2012). *The State of Nonprofit America*, 2nd edition. Washington, DC: Brookings Institution Press.
- Sandel, M. J. (2009). *Justice: What's the Right Thing to Do?* New York: Farrar, Strauss, and Giroux.
- Schneider, A. L., & Ingram, H. M. (1997). *Policy design for democracy*. Lawrence: University Press of Kansas.
- Theodoulou, S. Z., & Kofinis, C. (2004). *The Art of the Game: Understanding American public policy making*. Belmont, CA:Wadsworth/ Thomson Learning.
- UK Department for International Development, (2001). *Disability, Poverty and Development*. *World Hospitals and Health Services*, 38(1), 21-33
- US Equal Employment Opportunity Commission, *Americans with Disabilities Act of 1990 (ADA) Charges*, retrieved December 14, 2015, from <http://www.eeoc.gov/eeoc/statistics/enforcement/ada-charges.cfm>
- World Health Organization (WHO) and World Bank, (2011). *World report on disability*. Geneva.
- World Health Organization (WHO), (1981). *Disability prevention and rehabilitation*. Technical Report Series No. 668. Geneva.

APPENDIX 1

Questions to government representatives

- Q1. During the past two years, is there any amendment to the laws and regulations related to employment?
- Q2. If these changes occurred, were they reflected on the relevant procedures?
- Q3. Are any of these amendments, both legal and procedural could affect, in any way, the process of employment of persons with disabilities?
- Q4. If yes, please explain?
- Q5. With respect to any modifications related to the employment

of persons with disabilities, how these modifications or changes have occurred?

Q6. Is there any role for non-governmental organizations working in the field of disability and advocacy in making these amendments?

Q7. If yes, how do you assess the role of non-governmental organizations working in the field of disability in relation to these amendments?

Q8. In your opinion, what are the methods used by these organizations to influence those policies and procedures?

Q9. In your opinion, which of these means and methods were effective and efficient?

Q10. From your point of view, which of these means and methods was not effective in creating impact?

Q11. From your perspective, what are the advantages or additions that advocacy process carried out by non-governmental organizations working in the field of disability place on the general policies and procedures related to the processes of persons with disabilities employment?

Q12. How can these organizations play a more effective role in this regard?

Q13. What are the main drawbacks of the role of non-governmental organizations working in the field of disability in influencing public employment policies?

Q14. How do you explain/analyze these drawbacks and the reasons for their existence?

Questions to non-governmental organizations' representatives

Q1. During the past two years, is there any amendment to the laws and regulations related to employment?

Q2. If these changes occurred, were they reflected on the relevant procedures?

Q3. Are any of these amendments, both legal and procedural could affect in any way the process of employment of persons with disabilities?

Q4. With respect to any modifications related to the employment of persons with disabilities, how these modifications or changes have occurred?

Q5. Is there any role for you, as non-governmental organizations working in the field of disability and advocacy, in making these amendments?

Disability NGOs Impact on Employment Policies in Palestine

Q6. What are the factors that contributed to play such role on the financial, procedural and human resources?

Q7. What are the main means that you used to influence those policies and procedures?

Q8. Which of these means and methods were effective and efficient?

Q9. What are the means that have not achieved the desired objectives? Why?

Q10. What are the main obstacles that permeated your experiences in lobbying and advocacy for the sake of public policies and procedures relating to the employment of persons with disabilities?

Q11. How would you describe the interaction of government institutions regarding your role in lobbying and advocacy for the sake of policies and procedures relating to the employment of persons with disabilities?

Q12. How would you describe the response of funders to the need for inclusive employment policies?

Q13. How would you describe the role of persons with disabilities, themselves, in lobbying and advocacy processes related to their right to a comprehensive and inclusive policy of employment?

Q14. What is your message to other national and regional institutions that may work in the field of advocacy in favor of inclusive and comprehensive policies and procedures for employment in the future?

About the Author

Shatha Abusrour obtained a Bachelor's degree in Sociology and Psychology from Bethlehem University in Palestine and a Master's degree in Public Administration with a focus in Nonprofit Management and Leadership from Grand Valley State University.

Over the past thirteen years, she has worked and volunteered for various DPOs (Disabled Persons Organisations) and non-governmental organizations on issues related to the rights of persons with disability in Palestine. She has also worked on issues specific to women with disability. She has authored research papers on disability, and has facilitated trainings on disability/empowerment. She is primarily interested in advocacy, particularly the right to access health services, education, social protection services and employment. In addition, she has represented Palestinians with disability on regional, national, and international committees, councils and events, including the United Nations.

She states: "My dream is to contribute towards fostering my country's freedom and inclusive development at the human, social, cultural and policy levels."

