



## **Employment for People with Disability: Some Findings on the Policy and Implementation**

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### **ABSTRACT**

Employment for people with disability (PWD) is a challenging issue. It is common for PWD to experiencing severe economic deprivation and social disadvantages. To acknowledge and ensure their employment right, almost all the governments of all countries in the world has managed to bring in policies relating to PWD. These have been reflected in the enactments, laws, regulations, schemes, and also institutions established for the development and wellbeing of PWD. Consequently, there have been positive changes in the society towards PWD. This paper discusses the employment of PWD in Malaysia by looking at the policies and their implementation. Using a qualitative approach, a number of respondents who deal with the policies and PWD were interviewed to understand the issues, problems and experiences of PWD. The study found that the government has shown a great effort by introducing various policies and laws, holding programmes as well as proposing initiatives to support rights and enhance life of PWD in Malaysia. Yet, when it comes to employment, further improvements are expected particularly in terms of the implementation together with the understanding and cooperation from the employers.

**Keywords:** People with Disability, Employment, Policy, Implementation

**JEL Classifications:** J71, J78, K31

### **1. INTRODUCTION**

Throughout the history, people with disability (PWD) have been viewed as individuals who require societal protection and evoke sympathy rather than respect. In employment, when compared to others without disabilities, PWD always become the victims of discrimination. In the UK for instance, PWD continue to endure different forms of discrimination and receive negative treatments (Purdie, 2009). They are facing troubles in finding job and getting suitable job; if being employed, they are paid with lower pay and even having difficulties in getting promotion when work for certain period of time. The economic pressure and problems of difficulties in finding suitable jobs, low grade jobs, lower income as well as other social pressures are due to negative perception and misconceptions of employers about the disabled (Barnes, 1992; Perry, 2002; Lee et al., 2011; Ang et al., 2013).

As documented in many studies, working age PWD are experiencing significantly lower employment rates and much higher unemployment rates than persons without disabilities both in developed and developing countries (WHO, 2011; ILO, 2013). The International Labour Organization predicted 386 million of the world's working-age people have some kind of disability, with unemployment rate of as high as 80 percent in some countries (Disabled World, 2013). Malaysia was reported reaching 95 percent of unemployed PWD (Ministry of Human Resources, 2010) which is extensively high. Unemployment has caused PWD experience and involve poverty life (Wohl, 2014), making disability and poverty interrelated (Palmer, 2011).

This study seeks the opinion of the experts i.e., those who implement the policies and deal directly with PWD in order to understand the issues, problems and experiences of PWD in

employment. The study found that the government has shown a great effort by introducing various policies and laws, holding programmes as well as proposing initiatives to support rights and enhance life of PWD in Malaysia. However, certain aspects are still required to be improved for fulfilling lives of PWD.

## 2. LITERATURE REVIEW

Gainful employment is an essential aspect of human life (Ta and Leng, 2013). It provides meaningful life of independence and related with status, self-esteem and dignity of a person (Khoo et al., 2013; Tiun et al., 2011, Zhang, 2007). This should be inclusive of PWD who shall have the same rights as everyone else. To encourage social inclusion of PWD in the community and society is to help them gain equal rights as well as helping society to understand and respect PWD's needs (Agyei, 2016). Hence, employment for PWD is not only a means to provide income but also an opportunity for social participation and inclusiveness (United Nations, 2017). Being the "untapped resources" that are productive and able to contribute to the growth of the nation, opportunity and right should be conferred to the disabled (Khoo et al., 2013).

Recognizing this right for PWD has then positively changed the approach; from being a welfare/charity to human rights approach (International Labour Office, 2007). This adjustment has enhanced the position of PWD in the society from being perceived as burden and helpless to those who have potentials in the society. Furthermore, the Convention on the Rights of PWD Convention on the Rights of Persons with Disabilities (CRPD) becomes the first human rights instrument specifically referencing PWD (Waterstone, 2010) thus changing the perception of disability from the object to the subject.

To give and ensure rights and protection of PWD, most countries have formulated the policies which later on been implemented in the form of laws or legal framework. Having policies and laws for PWD in place, a number of literatures however commented the legislation as doing nothing much in solving the issue of PWD. For example, the Americans with Disability Act 1990 (ADA 1990) and Disability Discrimination Act 1995 (DDA 1995) of the United Kingdom had been evidenced giving small impact on employment rate of PWD (Bell and Heitmueller, 2008; Jones, 2009) when both countries are still struggling with the unemployment of PWD. In Malaysia, with persuasive approach towards employer and the absence of punitive or sanction imposition in the PWD Act 2008, a promise for PWD's right to employment remains doubtful (Tah, 2013).

The functions of policy and law as tools to support PWD is approved when Barnow (2008) claimed that ADA 1990 plays the role to increase employment opportunities for PWD by prohibiting discrimination in the workplace and by requiring employers to accommodate the needs of workers with disabilities. Ang (2014) also established that legislation can be an important determinant of the inclusion of PWD in the organizations. Therefore, legislation and national policy play the role in the employment opportunity of PWD (Ta and Leng, 2013). In a study by Ang (2014) who investigated either both PWDA 2008 and organizational culture

factors have influenced managerial intention to hire PWD in Malaysia, showed that favorable attitudes and heightened awareness towards the Act like PWDA 2008 significantly increase employer's intention to hire the disabled population. This finding could have significant implications on managerial intention to hire PWD. The study also suggested that legislation should be supported with initiatives in order to increase the employment of PWD in the organization.

Despite this, implementation is another vital consideration for guaranteeing the effective outcome. In line with this, the current study looks at the implementation of the policy towards the employment of PWD in Malaysia. Focusing on the policy that allocating quota for PWD workforce in the public and private sectors, the study highlights some findings relating to the issues and problems confronted by PWD from the views of those who are directly in charging of and dealing with PWD.

## 3. METHODOLOGY

The study is an exploratory in nature that applied a qualitative method (Yaqin, 2007). The authors looked at the policies relating to PWD in Malaysia and explored their implementation by interviewing a number of respondents from the officers who are in charging of and dealing directly with PWD. The respondents are expected to know and understand the policies (and law) so that they are able to comment on the implementation as well as to relate them with the problems and experiences of PWD. In general, the respondents are officers from the government agencies/ministries, members or ex-members of the National Council for PWD and non-governmental organizations particularly those heading the societies for PWD in Malaysia, summarized as follows: Three officers from government department relating to PWD; two from the NGO, and; two members/ex-members of National Council of PWD. Using both structured and semi-structured interviews, the instruments were itemised under the law and policy, rights of PWD in employment, problems and obstacles, as well as suggestion.

## 4. FINDINGS

### 4.1. National Policy

The Government of Malaysia has introduced a number of policies that relevant for PWD as follows: (a) National Social Policy, (b) Plan of action for PWD, (c) National policy for PWD, (d) service circular on the implementation of 1% policy on employment opportunities for PWD in the Public Sector; and (e) Code of Practice for Employing PWD in the Private Sector. As an umbrella, the general objective of the National Social Policy is to "ensure that every individual, family and community regardless of ethnicity, religion, culture, gender, political affiliation and religion can participate and contribute to the national development and achievement of well-being" (Department of Social Welfare, 2013). In order to exclusively address the issue of PWD, the National Policy for PWD has been initiated. Applying the idea of equality, PWD are expected to participate fully in the society when the Policy sets forth a strategy with the key areas of, among others, employment, human resource development, accessibility, rehabilitation and support services.

The National Policy for PWD was then followed by the National Plan of Action for PWD with its 28 strategies embracing the following (Hashim, 2010): Ensuring a barrier-free environment including facilities within and outside the building, at the workplace, at home and in public areas; enhancing user-friendly transportation facilities for PWD; encouraging the availability of facilities and access to information and communications technology (ICT); as well as encouraging universal design in the construction of houses and localities. Here, the Plan translates the Policy in the forms of programmes and activities that are being carried out through multi-sectoral collaboration (Department of Social Welfare, 2013).

To implement and make things work so as to support and ensure employment of PWD, the Government has set a policy of 1% PWD workforce in the public sector. This policy had started as early as 1988 through the government Service Circular No. 10 of 1988 (PP 10/1988) which was further improved by the Service Circular No. 3 of 2008 and later with Service Circular No. 16 of 2010. In general, Circular 1988 aims to give opportunity to PWD with qualifications and skills to be placed in public sector; Circular 2008 enhances it by elucidating the procedures, role of the agency and monitoring aspects; while Circular 2010 is elaborating further the affirmative actions of the agencies. For the private sector, the Code of Practice in Employing PWD in the Private Sector was formulated as guidelines to government agencies, employers, employers' associations, employees, trade unions and associations of PWD and individual PWD.

#### **4.2. Policy on Employing PWD in the Public and Private Sectors**

All respondents support the policy of PWD workforce in the public and private sectors. They agree that the policy would help rising the number of PWD employment. However, when it comes to implementation and its achievement, respondent A (Personal communication, September 4, 2013) said since its implementation, only some government departments like the Ministry of Women, Family and Community Development have reached the target while most ministries and departments are yet to accomplish. Other government agencies that have almost achieved the goal are the Social Welfare Department, Department of Islamic Development of Malaysia and Ministry of Home Affairs.

Admitting that the Government supports CRPD, there is however a lacking with the legal enforcement measures. This was pointed out by respondent B (Personal communication, August 27, 2013) and respondent C (Personal communication, August 29, 2013) who opined that the policy gives no legal effect or penal sanction thus causing difficulties in imposing and ensuring its effectiveness. Respondent B while further commented on the lack of commitment from the statutory bodies to implement the policy in their organizations (Personal communication, August 27, 2013) mentioned that, the responsibility of "enforcing" and monitoring the implementation of the policy should be under the purview of Ministry of Human Resource, yet the lack of manpower in the Ministry impairs its effective enforcement.

To respondent D (Personal communication, August 27, 2013), although the policy is satisfactory and laudable, its implementation

is still depending on the familiarity and cognizance of the officers in-charged. He said, "if the officer is sensitive to the needs and policy guidelines for PWD employees, the PWD will get benefit from it". It is therefore important for the officer to be responsible, aware of the policy and also serious in implementing it. On the same vein, respondent G, from the Association of the Deaf Kuala Lumpur (Personal communication, August 20, 2013) suggested a special unit to be set up at the government bodies and agencies such as the counselling unit, career development unit or placement unit for PWD, and the officer in charge must also be appointed from someone who capable to handle PWD's needs and complaints.

All respondents agree that the Code of Practice in Employing PWD in the Private Sector, although good, is a mere code. Therefore employers in private sector are not bound to this policy although they are strongly encouraged to implement such quota. Furthermore, believing that private sector as one of the main economic contributors to the country and the important stakeholder, the imposition of this policy to the private sector should be done properly through the awareness campaign and appropriate legal framework (Respondent A, personal communication, September 4, 2013). So far, the Government only takes 'soft' or lenient approach by encouraging the private sector to employ PWD and not to impose any condition on them. In response to this, respondent B (Personal communication, August 27, 2013) doubted the government intends to obligate the policy to private sector when the public sector itself fails to achieve the target.

Comparing both public and private sectors, the response was expected where "there is no problem when we working in the government sector because all the facilities or office equipment such as computer and Braille machine will come together with the voice. Besides, the office surrounding and building are also very PWD-friendly" (Respondent D, personal communication, August 27, 2013). In other words, the working environment is friendlier in the public sector although some employers in private sectors are still good in supporting PWD when providing transportation for their PWD workers.

Mentioning the same, respondent E (Personal communication, August 28, 2013) agreed that public sector is better in employing PWD due to the fact that the government has the database/record of PWD thus enabling them to identify types of disabilities and further to match them with the needs of PWD individually. While public sector should have an upper hand by having the database of PWD and despite the chance given to PWD to attend interview for jobs, assessment during the interview is still unacceptable when it is made only on the ability of PWD rather than accommodating their deficiencies. For instance, the blinds are not provided with Braille during the assessment, or no assistant is provided to read certain forms for them. "It is then not a surprise when the result of the assessment or interview is 'fail'", the respondent added.

#### **4.3. Implementation and Problems**

Most respondents agree that government has made a good move when introducing a number of policies for supporting PWD. Initiatives and actions taken for improving life and well-being of PWD are admirable indeed. Even so, they expect for the

empowerment of the law in order to ensure the objective of the national policy for PWD is achievable. Having this in mind, policy without implementation is impractical. To make the policy works and the goal achievable, implementation is essential. The current number of PWD in employment is still unconvincing when right to access to employment is still doubtful.

All respondents concur that giving opportunity to work and understanding PWD's needs are equally important. Although policy, incentives and initiatives of government are significant, good and effective implementation is inescapable. Many employers did not realize on the basic needs of PWD employees such as transports, ramp, suitable equipment, workplace surroundings and others until after a few months (Respondent B, Personal communication, August 27, 2013). Respondent G (Personal communication, August 20, 2013) suggested that special support system and facilities should be provided to PWD but not special treatment owing to the idea of "look at the ability instead of disability". Hence, the protection of PWD in employment is depending on the employer.

The study also reveals that there is a stigma and perception of the employers towards PWD workers due to the job performance and higher cost that might be incurred by the employers to facilitate the PWD. The employers are very cautious since they have to provide suitable equipment and facilities for PWD workers which will incur extra cost for them (Respondent D, personal communication, August 27, 2013). Negative perception has been the answer in many empirical studies when employers are found to have negative perceptions towards hiring PWD (Lee et al., 2011; Khoo et al., 2013; United Nations, 2017; Lengnick-Hall et al., 2001).

Depending on the types of facilities, the success of accommodating workplace for PWD relies very much on the social responsibility and responsiveness of the government, private sector or industry and the public (Respondent B, personal communication, August 27, 2013). Providing accessibility does not necessarily mean that the employers need to renovate their place of work because sometimes a few adjustments are just adequate and acceptable because facilities at workplace are depending on the types of disabilities (Respondent E, personal communication, August 28, 2013). Without them, PWD employees cannot perform well in the job (Respondent G, personal communication, August 20, 2013).

With regards to physical accessibility, respondent F (Personal communication, September 4, 2013) urges the construction of buildings to follow the standard under the law which have determined the size, slope, gradient, ramp, toilet and arrangement which are PWD-friendly. The building must have lift to facilitate PWD (Respondent F, personal communication, September 4, 2013) since it is impossible for the blind and wheel-chaired persons to climb up the stairs (Respondent A, personal communication, September 4, 2013). In case of emergency, "the warning siren is not workable for the deaf, so coloured lighting where yellow means boss is calling, red means emergency, etc. is important to put in place" (Respondent G, personal communication, August 20, 2013). It is suggested that the employers provide motorized wheelchair to facilitate the PWD workers to move from one place to another

as well as special car park to facilitate them to park and move out from the car with ease (Respondent F, personal communication, September 4, 2013).

The aspect of enforcement is another concern when there is no non-compliance and enforcement mechanism (Tah, 2013) is spelled out. There is also no clear-cut on its implementation (Ta and Leng, 2013). Taking examples from other neighbouring countries like Australia that implementing fine, and Japan that introducing a quota system where if employer failed to hire PWD, they have to pay a sum amount per month per person for each quota they do not fulfil where the money then will be offered to other PWD who have not been employed. In Malaysia, we apply the persuasive measure as no punishment aspect is imposed thus makes it possible for certain institution to force employers to hire PWD employees (Respondent C, personal communication, August 29, 2013).

Another finding of this study is about the lack of awareness among PWD workers about their rights. Most disable people that involve in the disable association aware about the law that protects their right but majority of them do not have any knowledge about this Act (Respondent A, personal communication, September 4, 2013). According to Respondent G, only a small percentage of PWDs know and realize about the law (PWDA 2008) and its content (Personal communication, August 20, 2013). Although the Department of Labour has its job matching system for PWDs, it is ineffective in promoting and securing jobs for PWD. This is either due to absence promotion or the unwillingness of employer to hire the PWD.

Therefore, awareness among employers and community on the rights of PWD is vital to ensure that justice is done towards PWD. Low awareness of employers on the employment right of PWD makes them "trying to escape the system they always try to find a way to avoid hiring the PWD" (Respondent F, personal communication, September 4, 2013). According to respondent E (Personal communication, August 28, 2013), the decision making group is the most important group of people to have the awareness. With clear understanding and good awareness of the decision-making group, the policy, law and regulation can be easily improved. According to respondent D (personal communication, August 27, 2013) PWD representative at the parliament should be appointed to represent the voice and right of other PWD. For example, the late Dato' Ismail Salleh who was a blind and economist had been appointed as senator for few years. However there is no replacement after him. Respondent E (Personal communication, August 28, 2013) has further commented that the total population of PWD in Malaysia is higher than the population of the indigenous people, but there is a special department for indigenous people (JHEOA) when compared to PWD. Therefore, the establishment of special governmental department to cater PWD must be considered by the Government. In addition, respondent G (Personal communication, August 20, 2013) suggests the setting up of a one stop centre for PWD to lodge any complaints regarding their rights.

Besides, better incentives may be offered to employers who employ PWD as well as those provide proper facilities and

infrastructures for PWD workers (Respondent F, personal communication, September 4, 2013). In line with this, respondent A (Personal communication, September 4, 2013) suggests to organize great promotion to encourage the employers to employ PWD. The responsible party will explain about the benefits when hiring disable people like tax deduction, government incentives and way to provide facilities for PWD.

## 5. CONCLUSION

In general, the protection and recognition of right to work for PWD is acknowledged in Malaysia through the policies of government. Moreover, policies and laws are imperative to build awareness and make employer and people at large to become more responsible nation towards PWD. Therefore, the functioning of the policy and the implementation of legislation certainly require supports from the stakeholders particularly the main player in the labour market namely the employers. The framework alone is inadequate but support and keen participation of employers, intense awareness of the colleagues and surrounding, proper enforcement and active monitoring from the relevant agencies as well as good cooperation from the society are essential. In Malaysia, the government has shown a great effort by introducing the policy, holding programmes and proposing initiatives in order to support rights and enhance life of PWD. Nevertheless, some improvements are still necessary particularly in terms of the implementation of the law and policy, as well as awareness of the employers. Therefore the surroundings and support system in enhancing the job prospect for PWD must be taken care of seriously.

Strengthening the policy on employment of PWD requires keen collaboration and actions of all particularly the government, agencies and private employers. This can be done through promotional measures which can be executed through measures such as CSR initiative which is good for the company; or regulation/legislation that determine certain quota for employers to hire PWD workers. Persuasive measure as a positive method of encouraging employer should be sufficient at the moment because imposing fine might not give awareness to employers because they would hire PWD not for the right reason.

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