

THE RIGHT TO WORK AND EMPLOYMENT FOR PERSONS WITH DISABILITIES WITHIN THE SUSTAINABLE DEVELOPMENT FRAMEWORK

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Abstract

States under international law have obligations towards all including persons with disabilities. States, specially in the area of employment are duty bound to promote productive employment for the realization of the human rights of persons with disabilities. Indeed, the Sustainable Development Goals (SDGs) imposes additional obligations on States in achieving full productive employment for all without exceptions, and that includes persons with disabilities. Using the Adaptability, Acceptability, Availability, and Accessibility (4As) framework, this paper contends that while the SDGs add weight to human rights and require states in promoting work and employment to move towards achieving full employment for persons with disabilities, it however fails to fully integrate the human rights model of disability. Therefore, this paper assesses the SDGs relating to work and employment for persons with disabilities by considering whether the SDGs fully integrate the disability human rights model.

Keywords: Sustainable development goals; work and employment; disability; persons with disabilities; human rights model of disability.

Introduction

Sustainable Development Goals (SDGs)¹ are not legally enforceable, though they are a soft law source. SDGs add weight to the obligations on the States and provide the latest road map towards the realisation of human rights at the international level. Hence, the questions such as if the SDGs is an improvement on the Millennium Development Goals (MDGs) in the promotion and protection of human rights generally, and particularly the rights of persons with disabilities?; whether the SDGs advance the MDGs in work and employment for persons with disabilities?; if employment under the SDGs align with International Labour Organization (ILO) and human rights standards in line with States' obligations for persons with disabilities?; and lastly, if the work related-goal, targets, and indicators under the SDGs for persons with disabilities are consistent with human rights model of disability?. Although academic scholars have previously addressed some of these questions to some extent,² it is imperative that these questions are examined in greater details. However, unlike previous studies done,³ this paper assesses these questions in the light of the human rights model of disability and other international instruments specially as the Convention on the Rights of Persons with Disabilities (CRPD) is the latest standard in international disability rights law. Furthermore, this paper applies the 4As - (accessibility, adaptability, acceptability and availability), developed by the first United Nations Special Rapporteur on the right to education to elaborate on the international duties of states regarding persons with disabilities in work and employment.⁴ This methodology has been adopted by several human rights

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¹ 2030 Sustainable Development Agenda <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> accessed 20 February 2023.

² Gillian MacNaughton, 'Human Rights Education for All: A Proposal for the Post-2015 Development Agenda' (2015) 24 Wash Int'l LJ 537; Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' (2016) 47 Geo J Int'l L 607; Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights, and the Millennium Development Goals' (2010) 7 Hastings Race & Poverty LJ 303.

³ *Ibid.*

⁴ Katarina Tomasevski, 'Right to Education Primers No.3: Human Rights Obligations- Making Education Available, Accessible, acceptable and Adaptable' (2001) available at <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf> accessed 06 February 2023.

treaty bodies including the UN Committee on Economic, Social and Cultural Rights⁵ as well as the UN Committee on the Rights of Persons with Disabilities.⁶

The human rights model of disability and the 4As framework are employed in this study because they are examinations tools that are based on human rights principles. This paper is divided into six sections. Following this introduction, section 2 provides a brief discussion of the movement from the MDGs to the SDGs. It assesses whether the SDGs improves on the MDGs regarding human rights and the rights of persons with disabilities. Section 3 examines whether the SDGs advances work and employment for persons with disabilities. Section 4 investigates the specific states' international obligations for persons with disabilities in employment under the SDGs and other instruments. It assesses whether the SDGs work- related goals, targets, and indicators truly integrates the human rights model of disability. Section 5 provides some concluding remarks.

SDGs, Human Rights, and Persons with Disabilities

The 2030 Sustainable Development Agenda acknowledges human rights and persons with disabilities as right holders.⁷ The agenda also supports generally the goals of promoting people, the planet, prosperity, peace, and partnership.⁸ It identifies poverty eradication as a key global challenge and moves the focus from 'economic growth and performance towards human well-being'.⁹ The Sustainable Development Agenda builds on the Millennium Declaration adopted in 2000.¹⁰ The Millennium Declaration renewed the commitments made in the 1945 United Nations Charter,¹¹ in which United Nations member states pledged to promote higher standards of living, full employment, and 'universal respect for, and observance of, human rights'.¹²

The Millennium Declaration also reaffirmed the commitments that states had made at several world summits during the 1990s.¹³ The Millennium Development Goals include eight goals, eighteen targets, and forty-eight indicators.¹⁴ These goals were aimed at improving education, health, gender equality, work conditions, safe drinking water, and other poverty reduction measures. The framework was also designed to unify donors, governments, international organisations, and civil society to focus their expertise, efforts, and funds on achieving specific targets of human development.¹⁵ Indeed, the MDGs served as the action plan for global development from 2001 to 2015.

⁵ CESCR, General Comment 13, UN Doc E/C.12/1999/10 (8 December 1999).

⁶ CRPD, General Comment No.4, UN Doc. CRPD/C/GC/4 (2 September 2016).

⁷ Claire E Brolan, 'A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals' (2016) 5 *Laws* 1.

⁸ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>< accessed 20 February 2023.

⁹ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' (2017) 49 *Colum Hum Rts. L Rev* 99, 102.

¹⁰ Millennium Development Goals: available at ><https://www.sdgfund.org/mdgs-sdgs>< accessed 20 February 2023.

¹¹ The United Nations Charter (adopted in 1945).

¹² Article 55 of the United Nations Charter (adopted in 1945).

¹³ See the World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the World Conference on Special Needs Education: Access and Quality (1994), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the Mid-Term Meeting of the International Consultative Forum on Education for All (1996), the Fifth International Conference on Adult Education (1997), and the International Conference on Child Labour (1997).

¹⁴ Millennium Development Goals: available at ><https://www.sdgfund.org/mdgs-sdgs> < accessed 20 February 2023.

¹⁵ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' (2017) 49 *Colum Hum Rts. L Rev* 99, 102.

The MDGs is noted by commentators to have achieved some levels of success. They are of the view that the framework focused on poverty as a global issue with its related problems.¹⁶ The framework has also been credited with increased aid levels as well as promoting improvements in child mortality, education enrolment, and women representation in parliament.¹⁷ As MacNaughton notes the MDGs has been successful in 'bringing commitment, expertise and funding to key development targets in education, health, gender equality, and other poverty reduction measures'.¹⁸

Despite the successes recorded, the MDGs have been severally criticised on a number of grounds. First, the MDGs has been critiqued for not been universal in nature since the MDGs largely focused on poverty reduction and related issues in developing countries only in contradiction to the human rights principle of universality.¹⁹ Indeed, the MDGs instead of addressing developmental problems worldwide narrowed its attention to matters affecting developing countries such as maternal health and access to primary education without including persons with disabilities.²⁰ Besides, this narrow approach overlooked poverty in middle- and high-income countries. Moreover, most goals included in the MDGs such as access to education, maternal health, poverty reduction are issues associated with developing economies without attention paid to issues related to persons with disabilities.

Second, the MDGs has been criticized for its narrow scope and for diverting attention from other critical issues.²¹ Indeed, the agenda failed to tackle issues that had close nexus with poverty eradication. While one of the main objectives of the Millennium Declaration was to reduce poverty in order to achieve peace in the world, it however was unsuccessful in addressing the direct issues contributing to global poverty including unemployment amongst qualified adults with disabilities. In particular, the MDGs failed to consider civil and political issues that directly contributed to the realisation of development such as good governance, free expression, inequality and discrimination amongst persons with disabilities, high unemployment amongst vulnerable groups, and climate change.²²

Third, although the Millennium Declaration included an expressed commitment to human rights standards under international human rights instruments, the MDGs neither aligned with human rights standards nor integrated human rights obligations in its targets and indicators.²³ Many of the targets within the MDGs ignored specific international human rights obligations. For example, the Office of the High Commissioner for Human Rights (OHCHR) has criticized the MDGs for failing to align with human rights standards.²⁴ OHCHR noted that Goal 2 of the MDGs, which called for

¹⁶ Sakiko Fukuda-Parr et al, 'The Power of Numbers: A Critical Review of Millennium Development Goal Targets for Human Development and Human Rights' (2014) 15 J. Hum. Dev. and Capabilities 105, 107-108.

¹⁷ Claire E Brolan, 'A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals' (2016) 5 Laws 1.

¹⁸ Gillian MacNaughton, 'Human Rights Education for All: A Proposal for the Post-2015 Development Agenda' (2015) 24 Wash Int'l LJ 550.

¹⁹ Gillian MacNaughton, 'Human Rights Education for All: A Proposal for the Post-2015 Development Agenda' (2015) 24 Wash Int'l LJ 303.

²⁰ Ashwani Saith, 'From Universal Values to Millennium Development Goals: Lost on Translation' (2006) 37 Dev. and Change 1167, 1184.

²¹ Sakiko Fukuda-Parr, MDGs: Facing Up to the Limitations of Global Goal Setting, *The Guardian* (May 20, 2013), available at ><https://www.theguardian.com/globaldevelopmentprofessionalsnetwork/2013/may/20/millennium-development-goalstargets-global-development>< accessed 01 February 2023.

²² Sakiko Fukuda-Parr et al (n 17) 107-108.

²³ Ved P. Nanda, 'Human Rights Must Be at the Core of the Post-2015 International Development Agenda' (2014) 75 MONT. L. REV. 1, 9-10.

²⁴ United Nations Office of the High Commissioner for Human Rights, 'Claiming the Millennium Development Goals: A Human Rights Approach', (U.N. Doc. HRIPUB/08/3) (2008) at [4].

universal primary education, failed to align with the human rights requirement of free and compulsory primary education of a certain quality.²⁵ Similarly, the MDGs failed to align with core human rights principles of accountability, participation, non-discrimination particularly the advancement of the human rights of persons with disabilities.²⁶

Fourth, some commentators have noted that some of the targets set by the MDGs themselves contributed to rights violations in some countries.²⁷ For example, human rights scholars and advocates have noted that some countries committed rights violation in the process of slum clearance which was aimed at achieving target 7(d) of the MDGs, which required countries to achieve significant improvement in the lives of slum dwellers.²⁸ Moreover, some of the MDGs-goals and targets are unambitious. While some of the goals and targets aimed at reducing poverty and had fixed deadlines, others goals of the MDGs were merely symbolic in nature. For example, goal 7 of the MDGs (ensure environmental sustainability) was included as the target to improve the lives of slum dwellers. However, the target date is 2020, rather than the 2015 deadline for most of the other targets.²⁹

Fifth, the MDGs failed to provide for any accountability mechanisms to ensure that states met their commitments and goals.³⁰ In other words, there is an absence of any accountability mechanisms to ensure that international institutions, states, and the private sector meet their commitments and goals. The United Nations human rights mechanisms failed to give the MDGs sufficient attention as it did not include the MDGs in their review of state reports. Besides, the MDGs lacked any formal means for civil society participation in the creation of the goals and in monitoring progress.³¹ In fact, there was no concrete role for civil society organisations in particular, representative organisations of persons with disabilities to participate in the process. Moreover, the process of selection of the MDGs was top-down, with governments acting through the United Nations rather than a broad participation from the people who were to be the beneficiaries of the goals.³²

Lastly, the MDGs failed to address the issue of inequality and its effects on the most vulnerable group of society including those with disabilities.³³ Under the MDGs, some vulnerable members of the community were ignored and no reference was made to their special needs. For example, while the MDGs included education, maternal health and others as means of poverty reduction, it did not mention people with disabilities in relation to any of these goals and targets. Indeed, the

²⁵ United Nations Office of the High Commissioner for Human Rights, 'Claiming the Millennium Development Goals: A Human Rights Approach', (U.N. Doc. HRIPUB/08/3) (2008) at [24].

²⁶ MacNaughton and Frey (n 3) 607.

²⁷ Marie Huchzermeyer, 'Slum' Upgrading or 'Slum' Eradication? The Mixed Message of the MDGs', in Malcolm Langford (eds), *The Millennium Development Goals and Human Rights: Past, Present and Future* (Cambridge University Press, 2013) 295, 305-310

²⁸ Mac Darrow, 'Master or Servant? Development Goals and Human Rights', in Malcolm Langford (eds), *The Millennium Development Goals and Human Rights: Past, Present and Future* (Cambridge University Press, 2013) 67, 88.

²⁹ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' *Colum Hum Rts. L Rev* (2017) 49 99.

³⁰ Diane F Frey and Gillian MacNaughton, 'A Human Rights Lens on Full Employment and Decent Work in the Sustainable Development Agenda' *Colum Hum Rts. L Rev* (2016) 1.

³¹ Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals' *HUM. RTS. Q* (2005) (28) 755, 792-796.

³² Claire E Brolan, 'A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals' *Laws* (2016) 5 1.

³³ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' *Colum Hum Rts. L Rev* (2017) 49 99.

MDGs neither identified persons with disabilities nor considered the human rights of persons with disabilities within the human rights principles.

Before the expiration of the MDGs 2015 deadline, negotiations began for a new development agenda- a successor framework to the MDGs.³⁴ After significant negotiation, in September 2015, the United Nations member states adopted 'Transforming our World: the 2030 Agenda for Sustainable Development'.³⁵ The agenda builds on the United Nations Compact which was launched earlier in year 2000³⁶ and IMPACT 2030.³⁷ Unlike the MDGs, the post-2015 SDGs agenda originates from a United Nations resolution that enjoyed unprecedented government support.³⁸

The SDGs furthers the achievements of the MDGs in several ways. While the MDGs were drawn up by a group of experts, the SDGs came about after a long and extensive consultative process including civil society organizations.³⁹ Whereas the MDGs had no concrete role for the civil society organizations (CSOs), SDGs acknowledges the right of civil societies to participate in the making of the framework.⁴⁰ From the planning stage, civil society organisations actively participated in the process leading up to the eventual adoption of the SDGs.

Unlike MDGs' formulation process that involved high level UN technocrats, the adoption of the SDGs document witnessed the participation of organisations of people with disabilities.⁴¹ Whereas the MDG's vision for development did not identify persons with disabilities nor advance their human rights, the SDGs expressly include persons with disabilities. Indeed, persons with disabilities are explicitly included within goal 4 on quality education, goal 8 on decent work and economic growth, and goal 11 on sustainable cities and communities. Additionally, the scope of the issues covered by the SDGs goes beyond that of the MDGs. The matters addressed by the SDGs expand the MDGs in the areas of health, education, and food, to include crosscutting and interdependent goals that touch on environmental and economic objectives, peaceful societies, and access to justice.

Moreover, unlike the MDGs that mainly focused on issues of poverty in developing countries, the SDGs move further by embracing a universal outlook. In other words, the SDGs are universal in scope, and its goals apply to all countries rather than developing countries only.⁴² While the MDGs mainly targeted developing countries, the SDGs focus on eradicating poverty in all countries across the globe. The 2030 agenda's values and principles apply to all countries including developed countries in terms of eradicating poverty and improving human conditions.

Finally, whereas the MDGs failed to consider human rights even though provided in the Millennium Declaration, the SDGs explicitly embrace a human rights agenda in the

³⁴ *Ibid.*

³⁵ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>< accessed 20 February 2023.

³⁶ United Nations Global Compact, available at ><https://www.unglobalcompact.org/>< accessed 09 February 2023.

³⁷ IMPACT 2030, available at ><https://www.impact2030.com/home>< accessed 07 February 2023.

³⁸ Claire E Brolan, 'A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals' *Laws* (2016) 5 1.

³⁹ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' *Colum Hum Rts. L Rev* (2017) 49 99.

⁴⁰ *Ibid.*

⁴¹ Claire E Brolan, 'A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals' *Laws* (2016) (5) 1.

⁴² Gillian MacNaughton, 'Human Rights Education for All: A Proposal for the Post-2015 Development Agenda' *Wash Int'l LJ* (2015) 24 537.

implementation of the goals of the framework.⁴³ Indeed, it aligns with the provisions of the Universal Declaration on Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and other international human right instruments. It further aligns with human rights principles such as accountability, transparency, participation, equality and non-discrimination. Unlike the MDGs, the pillars of human development, human rights, and equity are deeply rooted in SDGs and several targets explicitly refer to nondiscrimination.

Despite the positives of the SDGs over the MDGs, the SDGs has been criticized by human rights advocates and scholars. The SDGs has been criticized for ‘lacking meaningful global indicators’, as well as a ‘strong and robust accountability mechanism to oversee and ensure countries’ implementation of the SDGs’.⁴⁴ The agenda anticipates that the United Nations High Level Political Forum (HLPF) will enable ‘periodic, voluntary, state-led country reviews, as well as thematic reviews’.⁴⁵ In contrast to the HLPF, which ‘lacks a means to compel reporting by states,’ human rights scholars had anticipated a ‘more robust monitoring and review systems’.⁴⁶ In the absence of such a mechanism, human rights experts have suggested ‘that the existing U.N. human rights mechanisms...play a strong role in examining countries’ progress towards achieving the SDGs’.⁴⁷

SDGs and Employment for Persons with Disabilities

This part of the paper assesses whether the SDGs improves on the MDGs in work and employment for persons with disabilities. It is subdivided into two parts. The first section (section 3.1) investigates whether or not the SDGs advances the MDGs in employment for persons with disabilities. The second section (section 3.2) considers if the SDGs are an improvement on the MDGs in employment for persons with disabilities.

SDGs and Employment for Persons with Disabilities

While the MDGs included eight goals, eighteen targets, and forty-eight indicators, work surprisingly was not mentioned as one of the means of poverty reduction.⁴⁸ Indeed, the original MDGs did not include a goal on decent work for all as part of the international development agenda from 2000-2015.⁴⁹ Nevertheless, two work related issues were included in the original MDGs, targets, and indicators.⁵⁰ First, one of the indicators for goal 3- ‘promote gender equality and empower women was- ‘share of women in wage employment in the non-agricultural sector’.⁵¹ Second, one of the targets for goal 8- develop a global partnership was ‘in cooperation with developing countries, develop and implement strategies for decent and productive work for

⁴³ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l L* (2016) 47 607.

⁴⁴ Risa E Kaufman, 'Localizing Human Rights in the United States through the 2030 Sustainable Development Agenda' *Colum Hum Rts. L Rev* (2017) 49 109-110.

⁴⁵ General Assembly Resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development (Sept. 25, 2015).

⁴⁶ Center for Economic and Social Rights, Accountability for the post-2015 agenda: A proposal for a robust global review mechanism (2015) 1-2, available at >https://cesr.org/sites/default/files/post-2015_accountability_proposal.pdf < accessed 03 March 2023.

⁴⁷ The Danish Institute for Human Rights: Human Rights In Follow-Up And Review Of The 2030 Agenda For Sustainable Development, Draft Paper (February 2016) available at >https://www.un.org/esa/socdev/unpfii/documents/2016/National-HR/DIHR-FuR-paper_final-draft_29_02_16-Danemark.pdf< accessed 03 March 2023.

⁴⁸ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l* (2016) 47 607.

⁴⁹ *Ibid.*

⁵⁰ Millennium Development Goals: available at ><https://www.sdgfund.org/mdgs-sdgs>< accessed 20 February 2023.

⁵¹ *Ibid.*

youth'.⁵² This target had the corresponding indicator 'unemployment rate of young people aged 15-24 years, each sex and total'.⁵³

However, in 2007, after much negotiation spearheaded by the ILO, a new target on full employment and decent work for all was added to the MDGs. The target which was subsumed under goal 1- poverty eradication was aimed at- 'achiev(ing) full and productive employment for all, including women and young people'.⁵⁴ The addition in the MDGs provided an opportunity to not only address the initial omission in the original 2001 MDGs, but also gave greater attention to work as a relevant component of poverty reduction.

On the other hand, there were issues associated with the new work target added to the MDGs. Unlike other MDGs targets that were to be achieved by 2015, there was no deadline for achieving the target of decent work for all. Although the adoption of the new target and indicators on full employment and decent work in 2007 was a major step forward, however, 'this was primarily symbolic as the infrastructure and plan of action for achievement of the MDGs was finalized in 2005'.⁵⁵ Moreover, 'the indicators were wholly inadequate to measure progress toward either the ILO or the human rights concept of full employment and decent work'.⁵⁶

In contrast to the 2007 MDGs, where decent work was a target, the SDGs elevated the target of full employment and decent work into a goal.⁵⁷ Goal 8 of the SDGs (SDG 8) implicitly builds on the ILO's Decent Work Agenda and calls for full and productive employment and decent work for all including people with disabilities. It also included a collection of other work rights, including the elimination of the worst forms of child labor, forced labour, and the promotion of safe and secure work environments. Moreover, the key target to measure progress toward achieving this goal sets a deadline of 2030.

The SDGs is an improvement on the MDGs because it highlights the importance of labour rights for persons with disabilities.⁵⁸ Whereas the MDGs did not give specific recognition to the work rights of persons with disabilities, the SDGs not only acknowledge the work right of people with disabilities, but also reiterates states' commitment to the realization of full employment and decent work for persons with disabilities. Unlike the MDGs, the SDG 8 gives recognition to the core labour rights and obliges states to promote inclusive employment for all persons with disabilities in the labour market through job creation, proscription of forced labour and child labour, and the protection of the rights to join and form trade unions.

Despite the positive achievements of SDGs, the framework has been severally criticized by human rights advocates, scholars, and commentators. Goal 8 of the SDGs has been criticized for merging two complex issues- economic growth and decent work in one goal instead of two separate goals. They argue that the bringing together of two developmental goals reduce the chances of realising

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l L* (2016) 47 641.

⁵⁶ *Ibid.*

⁵⁷ Diane F. Frey, 'Economic Growth, Full Employment and Decent Work: The Means and Ends in SDG 8' *The International Journal of Human Rights* (2017) 21(8) 1164; Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l L* (2016) 47 607.

⁵⁸ Rai *et al*, 'SDG 8: Decent work and economic growth – A gendered analysis' *World Development* (2019) 113 368.

full employment and decent work for all⁵⁹ since SDG 8 is mostly economy centred. As MacNaughton and Frey note, goal 8 ‘does not recognize full employment and decent work as human rights or empower people to hold their governments accountable for their human rights obligations’.⁶⁰

Goal 8 of the SDGs has also been criticized for failing to fully address the decent work agenda, and for contradicting gender equality in goal 5 of the SDGs. This is because it does not give recognition to the role of women (including women with disabilities) within the labour force, particularly domestic work.⁶¹ Rai et al, while building on feminist debates on gender and work, argue that SDG 8 on sustainable economic growth and decent work failed to fully address the decent work agenda by neglecting the costs and value of social reproductive work, which in turn generate contradictions with SDG 5 on gender equality.⁶²

Thus, some other scholars have advocated for a return to the 2007 MDGs position on promoting decent work as a goal without the inclusion of economic growth.⁶³ This thesis supports this viewpoint because the current state of the SDGs, in particular- goal 8 removes focus from the right to work and employment, and instead gives greater attention to economic growth which may hinder the effective actualization of the employment right of people with disabilities.

States’ Obligations for Persons with Disabilities in Work and Employment

International law imposes specific responsibilities on states in the fulfilment of employment for all. In particular, states have obligations under ILO, human rights, and the SDGs in achieving full productive employment and decent work for people with disabilities. But what are these obligations under the SDGs? Does work and employment under the SDGs-goal 8 align with ILO and human right standards in line with state obligations for persons with disabilities? Do these obligations align with the disability human rights-based approach? To address these questions, this section of the study employs the A4s-accessibility, adaptability, acceptability and availability. This approach is applied in order to explain specific state obligations in work and employment in international law. This methodology is consistent with the arrangement of the CRPD Committee⁶⁴ and the CESCR Committee.⁶⁵

This part of the paper is broadly divided into four sections. Section 4.1 addresses the accessibility obligations such as the obligation to proscribe discrimination in access to employment, and obligation to ensure access to the workplace. Section 4.2 will consider the availability obligations such as the obligations to promote full and productive employment, and to ensure provision of a social security system. Section 4.3 will address the acceptability obligations including the obligations to eradicate forced and compulsory labour, abolish child labour, and to guarantee freedom of association in relation to union rights. Lastly, section 4.4 considers the adaptability obligations such as the obligation to ensure provision of reasonable accommodation in the workplace.

⁵⁹ *Ibid.*

⁶⁰ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l L* (2016) 47 652.

⁶¹ Rai *et al*, 'SDG 8: Decent work and economic growth – A gendered analysis' *World Development* (2019) 113 368.

⁶² *Ibid.*

⁶³ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' *Geo J Int'l L* (2016) 47 607.

⁶⁴ CRPD, General Comment No.4, UN Doc. CRPD/C/GC/4 (2 September 2016).

⁶⁵ CESCR, General Comment 13, UN Doc E/C.12/1999/10 (8 December 1999).

Accessibility Obligations

The first obligation is to ensure accessibility to employment and the work environment. This obligation requires states to ensure physical, economic, informational, and communicational access to employment on the basis of equality and non-discrimination. It demands that states adopt positive steps to promote equal participation for people with disabilities in the labour market. It is an important duty since it helps to promote equality of opportunity for gainful employment in the open labour market as well as to combat segregation in employment amongst persons with disabilities. This obligation consists of several interrelated requirements such as the requirements to prohibit discrimination in access to employment, and to guarantee physical access to the workplace.

i. Obligation to Prohibit Discrimination in Access to Employment:

One aspect of accessibility obligations is guaranteeing protection against discrimination in access to employment. This obligation forms part of the rights at work and is provided in the SDGs,⁶⁶ and relevant ILO,⁶⁷ and human rights instruments.⁶⁸ In fact, the SDGs target 8.5 has affirmed to, by 2030, 'achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value'.⁶⁹

This target is an improvement over the MDGs target on decent work since it is not only time bound, but also specifically mentions persons with disabilities in relation to work right. Whereas, the MDGs target failed to mention persons with disabilities as well as to provide a deadline for achieving decent work, the SDGs target gives recognition to persons with disabilities and aims for states to achieve decent work for all by 2030. As McNaughton and Frey note 'this target date greatly improves accountability, and the disaggregation into men, women, young people, and people with disabilities provides accountability with respect to distinct vulnerable groups'...⁷⁰ Moreover, this target acknowledges the ILO and human right standards with regards to equal remuneration for work of equal value for all. On the other hand, neither the SDGs target nor its associated indicators provide for the elimination of disability discrimination in employment. Although non-discrimination with regards to pay is mentioned, the SDGs does not go beyond that to accommodate ILO and human right standard of ensuring the proscription of disability discrimination in access to employment. Besides, there are no specific indicators addressing each of the vulnerable groups mentioned in this target including the equal pay aspect of the SDGs target.

⁶⁶ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>< accessed 20 February 2023.

⁶⁷ Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111); Equal Remuneration Convention, 1951 (No. 100); Equal Remuneration Recommendation, 1951 (No. 90); Workers with Family Responsibilities Convention, 1981 (No. 156); Workers with Family Responsibilities Recommendation, 1981 (No. 165); Violence and Harassment Convention, 2019 (No. 190); and Violence and Harassment Recommendation No. 206; the Vocational Rehabilitation and Employment (Disabled Persons) Convention; ILO Constitution; ILO Declaration of Philadelphia 1944; ILO Declaration of Fundamental Principles and Rights at Work 1998; ILO Decent Work Agenda 1999 and its follow up; ILO 2008 Declaration on Social Justice for a Fair Globalisation.

⁶⁸ Declaration on the Rights of Indigenous Peoples Article 21; International Convention on the Elimination of all Forms of Racial Discrimination (ICERD); Indigenous and Tribal Peoples Convention, 1989 (No. 169); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of Persons with Disabilities; Standard Rules on the Equalization of Opportunities for Persons with Disabilities; Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC) (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁶⁹ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> < accessed 20 February 2023.

⁷⁰ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' (2016) 47 *Geo J Int'l L* 653.

ii. Obligation to Ensure Access to the Workplace:

Another facet of the accessibility obligation is ensuring access to the work environment. This obligation is contained in relevant ILO,⁷¹ human rights instruments,⁷² and some general comments of UN treaties bodies.⁷³ Although the 2030 Agenda for Sustainable Development provide for various targets and indicators to ensure implementation of full employment and decent work, the agenda does not include the obligation to ensure access to the workplace.

From a disability human rights perspective, this is rather unfortunate giving the goal of achieving full productive employment and decent work for persons with disabilities require states to ensure that employers make the workplace accessible. Accessibility of the work environment is important for the promotion of full employment. This is because it is one of the ways of ensuring equal participation for persons with disabilities in the open labour market.

Availability Obligation

The second obligation is to promote the availability of employment in the labour market. This obligation requires states to provide dedicated services to assist and support individuals with disabilities to find available jobs opportunities. It also obliges states to promote the right to work of people with disabilities by facilitating the inclusion of a person with disability into the labour market. It further demands that states adopt appropriate measures to promote employment opportunities for people with disabilities. This obligation consists of several facets such as the obligations to promote employment and to ensure the provision of a social security system.

i. Obligation to Promote Employment:

One aspect of the availability duty is the requirement to promote full and productive employment. This obligation, which is one of the four pillars of decent work-fostering employment, is drawn from several relevant ILO instruments,⁷⁴ human rights instruments,⁷⁵ and related international instrument.⁷⁶ In fact, the 2030 Agenda on Sustainable Development in several targets of goal 8

⁷¹ Vocational Rehabilitation and Employment (Disabled Persons) Convention, (No. 159), Recommendation (No. 168), the 2002 ILO Code of Practice in Managing Disability at the Workplace.

⁷² The Universal Declaration of Human Rights; the Vienna Declaration and Programme of Action; the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; The International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights.

⁷³ The Committee on Economic, Social and Cultural Rights in its general comment No. 5 (1994) on persons with disabilities; general comment No. 14 (2000) on the right to the highest attainable standard of health (para. 12); CRC Committee in its general comment No. 9 (2006) on the rights of children with disabilities.

⁷⁴ Employment Policy Convention; Employment Policy Recommendation, 1964 (No. 122); Employment Policy (Supplementary Provisions) Recommendation; C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); Employment Service Convention, 1948 (No. 88); Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99); Employment Service Recommendation, 1948 (No. 83); Private Employment Agencies Convention, 1997 (No. 181); Private Employment Agencies Recommendation, 1997 (No. 188); Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189); Promotion of Cooperatives Recommendation, 2002 (No. 193); Employment Relationship Recommendation, 2006 (No. 198); Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205); The Employment Service Convention and Recommendation, 1948; the Vocational Guidance Recommendation, 1949; the Vocational Training Recommendation, 1962; and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958; Paid Educational Leave Convention, 1974 (No. 140); Human Resources Development Convention, 1975 (No. 142); Human Resources Development Recommendation, 2004 (No.195); ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, Article 22.

⁷⁵ International Convention on the Elimination of all Forms of Racial Discrimination (ICERD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of Persons with Disabilities (CRPD).

⁷⁶ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> < accessed 20 February 2023.

have affirmed the obligation to promote employment in the labour market. SDG 8 requires states to encourage employment by: (1) supporting youth employment (target 8.b); (2) providing financial access (target 8.10); (3) promoting sustainable tourism to create jobs (target 8.9); (4) reducing the number of youths not in employment, education and training (target 8.6); (5) promoting policies that support entrepreneurship and decent work creation (target 8.3); (6) promoting full employment and decent work for all (target 8.5); and (7) increasing economic productivity (target 8.2).

From a disability human rights perspective, these targets are substantial additions to the SDGs, which in turn are great improvements on the MDGs. Whereas the MDGs made no mention of these targets, the SDGs provide for various targets to encourage employment creation for all including women, young persons and people with disabilities. On the other hand, these targets in the SDGs are design in ways that are economic-centred rather than people-centred as they mostly focus on economic growth rather than the promotion of the human right to decent work for all. However, economic growth does not necessary lead to greater job creation. Therefore, goal 8 of the SDGs need to pay more attention to issues around employment right of people with disabilities.

ii. Obligation to Ensure Provision of a Social Security System:

Another facet of the availability duty is the obligation to ensure the provision of a social security system. This obligation is drawn from several relevant ILO,⁷⁷ and human rights instruments,⁷⁸ and the SDGs.⁷⁹ Indeed, the SDGs implicitly provided this commitment in some of its targets under goal 8. The SDGs require states to: (1) develop policies to support job creation (target 8.3); (2) protect labour rights and promote safe and secure working environment (target 8.7); and (3) work towards achieving full and productive employment and decent work for all (target 8.5). The SDGs is an improvement over the MDGs because it gives recognition to the obligation to ensure the provision of a social security system. Whereas the MDGs made no express or implied reference in any of its targets and indicators to social protection in employment, the SDGs targets 8.3, 8.5, and 8.7 require states to provide for a social security system. On the other hand, the SDGs does not adequately reflect ILO and human rights standards.

⁷⁷ Security (Minimum Standards) Convention, 1952 (No. 102); Income Security Recommendation, 1944 (No. 67); Social Protection Floors Recommendation, 2012 (No. 202); Medical Care and Sickness Benefits Convention, 1969 (No. 130); Medical Care and Sickness Benefits Recommendation, 1969 (No. 134); Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128); Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131); Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); Employment Injury Benefits Recommendation, 1964 (No. 121); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Maintenance of Social Security Rights Convention, 1982 (No. 157); Maintenance of Social Security Rights Recommendation, 1983 (No. 167); Maternity Protection Convention, 2000 (No. 183); Maternity Protection Recommendation, 2000 (No. 191); Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176); ILO Constitution; ILO Declaration of Philadelphia 1944; ILO Declaration of Fundamental Principles and Rights at Work 1998; ILO Decent Work Agenda 1999; ILO 2008 Declaration on Social Justice for a Fair Globalisation, Preamble to the ILO Constitution.

⁷⁸ International Convention on the Elimination of all Forms of Racial Discrimination (ICERD); Indigenous and Tribal Peoples Convention, 1989 (No. 169); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of Persons with Disabilities; Standard Rules on the Equalization of Opportunities for Persons with Disabilities; Universal Declaration of Human Rights; ICESCR, CRC (n 75), Committee on Economic, Social and Cultural Rights, General Comment 19, The right to social security (art. 9) (Thirty-ninth session, 2007), U.N. Doc. E/C.12/GC/19 (2008).

⁷⁹ 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>< accessed 20 February 2023.

Acceptability Obligation

The third obligation is acceptability in employment. This requirement demands the protection of the employment right of persons with disabilities and obliges states to ensure that employment provided are suitable to persons with disabilities. This obligation consists of several parts such as the obligation to eradicate forced labour, obligation to abolish child labour, and the obligation to guarantee the right to freedom of association in relation to union rights.

i. Obligation to Eradicate Forced Labour:

One component of the acceptability requirement is the responsibility to eradicate forced labour. This obligation which forms part of the rights at work, was first defined in the ILO Forced Labour Convention⁸⁰ and subsequently provided in several relevant ILO hard⁸¹ and soft law instruments⁸² as well as human rights instruments.⁸³ More recently, states have committed themselves under Sustainable Development Goal 8, particularly target 8.7 to ‘take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking’.

From a disability human rights perspective, target 8.7 of the SDGs appears to incorporate core labour standards since it not only relates to the ILO standards, but also, human rights standards. It follows the legal requirements provided under the ILO, in particular, the Forced Labour Convention and its 2014 Protocol that require states to prohibit all forms of forced labour. Likewise, the SDGs reaffirms the human rights standards as stated in the ICESCR, as states are to give recognition to the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

ii. Obligation to Eradicate Child Labour:

Another part of the acceptability obligation is the duty to eradicate child labour. This obligation is one of the rights at work and is provided in major relevant ILO,⁸⁴ and human rights instruments,⁸⁵ as well as the SDGs.⁸⁶ Regarding the SDGs, states have devoted themselves under SDG 8, particularly target 8.7 to, ‘take immediate and effective measures to...secure the prohibition and elimination of the worst forms of child labour...and [to] by 2025 end child labour in all its forms’.

⁸⁰ Article 2(1) of the Forced Labour Convention 1930 defined forced or compulsory labour as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.

⁸¹ Forced Labour Convention, 1930 (No. 29); Protocol of 2014 to the Forced Labour Convention, 1930; Abolition of Forced Labour Convention, 1957 (No. 105); Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35); Labour (Supplementary Measures) Recommendation, 2014 (No. 203); ILO Constitution.

⁸² The ILO Declaration on Fundamental Principles and Rights at Work (1998), the ILO Declaration on Social Justice for a Fair Globalization (2008); ILO Declaration of Philadelphia 1944; the Decent Work Agenda.

⁸³ The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the ICESCR (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the United Nations Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006).

⁸⁴ Minimum Age Convention, 1973 (No. 138); Minimum Age Recommendation, 1973 (No. 146); Worst Forms of Child Labour Convention, 1999 (No. 182); Worst Forms of Child Labour Recommendation, 1999 (No. 190), ILO Constitution; ILO Declaration on Fundamental Principles and Rights at Work (1998); the ILO Declaration on Social Justice for a Fair Globalization (2008); ILO Declaration of Philadelphia 1944; and the Decent Work Agenda.

⁸⁵ Declaration on the Rights of Indigenous Peoples Article 17(2); Universal Declaration on Human Rights, ICESCR, CRC (n 75), CRPD (n 76).

⁸⁶ 2030 Sustainable Development Agenda (n 2).

Target 8.7 of the SDGs is an improvement over the MDGs because it includes the target of eradicating all forms of child labour. Whereas the MDGs made no reference to the eradication of child labour in any of its targets and indicators, the SDGs target 8.7 requires states to eliminate all forms of child labour.

Moreover, the SDGs target 8.7 incorporate core labour standards since it not only links this target to ILO standard but also, human rights standard. These instruments require states to ensure the prohibition of economic exploitation of children formally and informally as well as hazardous work for children.⁸⁷ On the other hand, the deadline for the eradication of all forms of child labour in the SDGs is 2025 instead of 2030. There is need for the SDGs to have a uniform cutoff date of 2030, else this target will be lost during implementation.

iii. Obligation to Ensure Freedom of Association in Relation to Trade Union Rights:

Guaranteeing freedom of association in relation to trade union rights is an additional obligation under the acceptability requirement. This obligation is one of the rights at work, which is fostering tripartite agreement and social dialogue. It can be traced to the 1919 ILO Constitution,⁸⁸ and is subsequently contained in other relevant ILO soft⁸⁹ and hard law instruments.⁹⁰ Likewise, the duty is provided in the UDHR which is the first human right instrument that explicitly protect both the freedom of association in general and the right to form and join trade unions. This duty was subsequently developed in other relevant human rights instruments.⁹¹ Similarly, the SDGs, particularly in target 8.8 requires states to: ‘protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment’.⁹² Additionally, indicator 8.8.2 requires that states ‘increase in national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status’.⁹³

From a disability human rights perspective, this SDGs’ target and indicator are improvements on the MDGs because it recognises labour rights that may include the freedom of association and the right to collective bargaining. While target 8.8 may not expressly mention the protection of union rights, its associated indicator (8.8.2) however specifically includes the need for states to ‘increase compliance with labour rights based on ILO standards, and referenced the freedom of association and collective bargaining’. Union rights and their role in poverty eradication is addressed in the

⁸⁷ UN Committee on the Rights of the Child (CRC), General comment 16 on State obligations regarding the impact of the business sector on children’s rights, 17 April 2013, UN Doc. CRC/C/GC/16, para 35-37.

⁸⁸ The ILO Constitution (adopted 1919).

⁸⁹ ILO Constitution; ILO Declaration on Fundamental Principles and Rights at Work (1998); the ILO Declaration on Social Justice for a Fair Globalization (2008); ILO Declaration of Philadelphia 1944; and the Decent Work Agenda.

⁹⁰ Rural Workers’ Organisations Convention, 1975 (No. 141); Rural Workers’ Organisations Recommendation, 1975 (No. 149); Workers’ Representatives Convention, 1971 (No. 135); Workers’ Representatives Recommendation, 1971 (No. 143); Labour Relations (Public Service) Convention, 1978 (No. 151); Labour Relations (Public Service) Recommendation, 1978 (No. 159); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Collective Bargaining Convention, 1981 (No. 154); Collective Bargaining Recommendation, 1981 (No. 163); Collective Agreements Recommendation, 1951 (No. 91); Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

⁹¹ ICESCR, ICCPR, and the CRPD.

⁹² 2030 Sustainable Development Agenda, available at ><https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>< accessed 20 February 2023..

⁹³ *Ibid.*

SDGs contrary to views expressed by MacNaughton and Frey who argue otherwise.⁹⁴ On the other hand, the indicator unfortunately only makes reference to ILO standards. This indicator needs to be updated to accommodate human rights standards as well, else it will lose its value.

Adaptability Obligation

The fourth obligation is to ensure adaptability of the work environment. This obligation forms part of the rights in employment for workers with disabilities and imposes several duties including ensuring that workers with disabilities receive necessary individualized support in the work environment. It also includes the duty to ensure that appropriate means of communication is provided to encourage and promote the active participation of workers with disabilities in the open labour market such as the provision of communication using sign language and Braille. One of the important requirements is the obligation to ensure the provision of reasonable accommodation in the workplace.

i. Obligation to Ensure the Provision of Reasonable Accommodation in the Workplace:

The duty to ensure the provision of reasonable accommodation in the workplace is an important part of the adaptability requirement. This obligation is drawn from several relevant ILO⁹⁵ and human rights instruments.⁹⁶ Although the Sustainable Development Goal 8 requires states to promote inclusive employment, the SDGs targets and indicators do not include the duty to provide reasonable accommodation in the workplace. The SDGs do not provide for the legal requirements under the ILO and human rights. The framework does not recognise the requirements on states to ensure that accommodations are provided by public and private entities as well as make available incentives and support services to employers for workplace adjustments.

From a disability human rights perspective, this is unfortunate given the goal of achieving full productive employment and decent work for all requires states to ensure that reasonable accommodation is provided in the workplace for individuals in need of adjustment. This is one method of ensuring equal participation of persons with disabilities in the open labour market. For the SDGs to adequately reflect the legal requirements under human rights, it must include the requirement to provide reasonable accommodation for persons with disabilities in the work environment.

Conclusion

This paper examined states' obligations for persons with disabilities in work and employment under the SDG framework. It found that although the SDGs add weight to the human rights agenda, it however failed to fully integrate the human rights model of disability. For instance, the SDGs failed to follow human rights requirements as it does not provide for the elimination of disability discrimination in employment, the promotion of employment opportunities, and the provision of reasonable accommodation in employment for persons with disabilities.

⁹⁴ Gillian MacNaughton and Diane F Frey, 'Decent Work, Human Rights and the Sustainable Development Goals' (2016) 47 *Geo J Int'l L* 655.

⁹⁵ ILO Convention No.159; ILO Recommendation No.168; the ILO Code of Practice in Managing Disability at the Workplace.

⁹⁶ ICESCR, International Convention on the Rights of Persons with Disabilities, the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, The CESCR Committee in its General Comment No.5 on Persons with Disabilities, paragraph 24.