MEANINGFUL WORK AND DISABILITY: A DIGNITY TOWARDS SOCIAL INCLUSION

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Abstract: Access to employment is essential for every person including persons with disabilities. If a meaningful work is enormously important, how does an equality framework advance this in securing access to the labour market? This paper will examine the way in which work is significant for persons with disabilities as a pathway towards social inclusion. It is apparently drawn from the concept of dignity, equality and human rights. Accordingly, a substantive equality approach provides a powerful endowment to the fulfilment of the right to work of persons with disability.

Keywords: Access to employment, Disabilities, Equality Framework, Human Right

This paper contest the claims of the significance of meaningful work for persons with disabilities. It will give an account of the issue of work, why it is important particularly to persons with disabilities, and how can a work not only be a means of exiting poverty thereby enhancing autonomy, but also more importantly, can result in a broad impact of a social inclusion as a manifestation of human dignity. It will firstly introduce a general discussion of interlinking disability with the notion of poverty to reflect a reciprocal causality of the two at which derived from a human rights perspective as a basic construct.

1. Disability, Towards Establishment of the Rights Based Approach

Previously, disability was being dominated by the perception of ‘weakness’ of persons with disability instead of perceiving them on an equal basis. A common disability understanding point out the charity as a means to cope with disability issues due to in most cases a presumption of demanding help and more importantly the stigma of disability surrounded. The charity requires voluntary action which means generally depends on other persons/community whether she/he wish to be able to help or not. The charity based approach is defined as:

Depicts disabled people as victims of circumstance who are deserving of pity. This, along with the medical model, are the models most used by non-disabled people to define and explain disability.¹

The medical approach of disability is an outset of thinking which intent to locate a problem on each individual rather than to concentrate on removing barrier, as described as:

The medical model is presented as viewing disability as a problem of the person, directly caused by disease, trauma, or other health condition which therefore requires sustained medical care provided in the form of individual treatment by professionals. In the medical model, management of the disability is aimed at a "cure," or the individual's adjustment and behavioral change that would lead to an "almost-cure" or effective cure. In the medical model, medical care is viewed as the main issue, and at the political level, the

principal response is that of modifying or reforming healthcare policy.²

The development of the critical point of view on disability go through significant changes from previous paradigm of "medical approach" (labelled as over-medicalised, pathological) towards social model of disability. The medical disability approach considered a disability as a merely medical problem which is mostly of the time lead to social oppression and environmental barriers.³ Conversely, the social model of disability expand the horizon of equality underlying a paradigm shifting in the way of viewing disabled persons from ‘object’ to ‘subject’ on the basis of social construct of disability⁴. It builds a new understanding to a wider inclusion of persons with disability into the society instead of perceive them as a ‘medical problem’ as such. It is a landscape of dignity that should be embedded in each context, particularly persons with disability as disadvantaged groups. Those rights are definitely entitled to everyone equally and should be protected and fulfilled. In brief, the medical model to some extent limit the application of equality in terms of substantive equality model. It can be said that it limit person with disabilities to access their advantages and their rights as a right holders equally with others. It was inevitably influenced by medical model that simply look a disability as a medical problem.

Nevertheless, a substantive equality model, on the ground of disability, might more reliant with social model of disability in which both notion are largely considering disadvantaged group to widely participating in the society. Rannveig Traustadottir outlined some of the characteristics of Social Contextual Model of Disability as: “1. Focus on the social context and environment, (2) Emphasis on the relationship between the individual and society, (3) Emphasis on social barriers, (4) Views discrimination, exclusion and prejudice as the problem, (5) Ending discrimination, segregation and removing barriers is the answer.⁵ These characteristics at some point are walk hand in hand with the notion of substantive equality model. It is assuredly compatible in ways of providing the positive/preferential measures as a means of removing barriers that will enable persons with disabilities to maximise their participation in the society.

WHO has reassessed the Global Burden of Disease for 200-2004, drawing on availability data source to produce estimates of incidence, prevalence, severity, duration, and mortality for more than 130 health conditions for 17 subregions of the world. It estimates that 15.3% of the world population (some 978 million people of the estimated 6.4 billion in 2004 had ‘moderate or severe disability’, while 2.9% or about 185 million experienced ‘severe disability’. Among those aged 0-14 years, the figure were 5.1% and 0.7% or 93 million and 13 million children, respectively. Among those 15 years and older, the figures were 19.4% and 3.8%, or 892 million and 175 million, respectively.⁶

Dhungana identifies some international organisations which counted the prevalence of persons with disabilities in the range of 1.5 to 10%. Additionally, in recent year some countries attempt to consider a census of disability in their national survey they conducted. However all those questions are not cover particularly on the decreased utility that might rise.⁷ Still there are some questions remain. It is about an appropriate

2 ibid.
4 ibid 8.
5 Rannveig Traustadottir, Disability Studies, the Social Model and Legal Developmement in ibid 8.

Cite this as:
measurements of the survey that had been conducted. It can be considered that there will be a biased when, for instance, it comes to count disability on the self-reporting method. However people may feel ashamed, or otherwise fear of consequences, to inform that member of their family is person with disabilities. More importantly, the exact definition of persons with disabilities could be agreed (referring to the seattle provision) in order to obtain a clear data of persons with disabilities.

2. Definition of Persons with Disabilities

Previous development on disability framework was widely focus on the physical appearance of a person in light of body function. A medical definition of disability covered an impairment (function limitation) as recorded in the history of institutionalisation and medical practice on viewing disability which, as a matter of a fact, lead to hindering people to enjoy their social life. It brings about to ‘common perspective’ of disability as merely a medical problem which lies on individual, not a society. Since a long period after this approach has been rooted in (and applying what to called a medical disability model), it raise considerable critiques to move forward the ideas on looking at disability in a social context which subsequently lead to establishing a social model of disability.

The World Health Organization’s International Classification of Functioning, Disability and Health (ICF) visualized disability as “an umbrella term for impairments, activity limitations, and participation restrictions as a part of a broader classification scheme covering three main domains: body functioning and structure, activities and participation, and environmental factors. The interaction of aspects of all three of these domains determines individual welfare and social policy choices facing governments.” Albeit this view was still affected by previous medical model of disability with respect to body functioning, however it has initiated to touch on a broader sense of outer circumstances that directly impact to the participation of persons with disabilities in the society. To some extent, this is such combining a medical and social model of disability in perceiving disability as a diffusion of internal and external issue concurrently.

In addition to a primary source of international legal instrument of disability, United Nation-Convention on the Rights of Persons with Disabilities (UN-CRPD), nevertheless a disability is not stated clearly in definition. It is mentioned ‘a range’ of disability can be taken into account by denoting word ‘include’ as “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” Whereas it is explained in the preamble of the CRPD that ‘disability is an evolving concept’

Disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others

This is an aftermath of disability as an evolving concept. Defining disability in a way of restricted term would exclude further form of disability which might appear in the future otherwise it will not be covered by this definition. It is likely provide an extended

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8 Ian Hacking, ‘Between Michel Foucault and Erving Goffman: Between Discourse in the Abstract and Face-to-Face Interaction: Economy and Society: Vol 33, No 3’ (2011) 288–289

9 An online guide to the ICF is available at http://www3.who.int/icf/


room of upcoming form of disability to date. However this “open definition” can also be interpreted in a wide range on different situation, which will bear both positive and negative side on impact. One one hand it is considered as positive when it comes to avoid of excluding other form of disability through extended meaning of disability which could possibly be created. It will enable any type of disability to be regarded. On the other hands, concerning collecting data might be regarded as negative affect. It can be happened due to a possibility of different calculation of the numbers of disabled persons in light of statistical issue which should be measured based on a luminous detailed definition. There will be a different comentations on who is persons with disability due to varied of definition interpretation. This is what happen in some countries on concluding the numbers of persons of disability, which vary from one data to another. Some organization, and even government body hold their own measures of disability definition. This various criteria affect on matter on counting the numbers of persons with disabilities. However this data will govern the policy making arrangements and so does disadvantage persons/groups who should have benefit otherwise they will not receive it (e.g on the policy of social protection, education, health safety net, reasonable accommodation of employment service, etc). More importantly, it could also influence to uncover a certain disability form which would harm persons with disability to being excluded.

3. Disability and Poverty, An Interlink Relation

3.1. Definition of Poverty

United Nation Development Programme (UNDP) in 2016 released a Human Development Report that mentioned in 2015 the earth is a home of 7.3 billion of people at which 1 billion people escaped extreme poverty, 2.1 billion gained access to improved sanitation and more that 2.6 billion gained access to an improved source of drinking water. Likewise the UNDP Multidimensional Poverty Index (MPI) reveal “about 1.5 billion people in the 102 developing countries currently cover by the MPI, about 29 percent of their population live in multidimensional poverty that is, at least 33 percent of the indicator reflecting acute deprivation in health, education and standard of living. And close to 900 million people are at risk (vulnerable) to fall into poverty if setbacks occur.”

In general, poverty is mostly defined in terms of relative or absolute meaning. These two terms are refer to ability to access the livelihood economically as well as socially. Instead, it arise a criticism that these two concepts are broadly emphasize merely on income and consumption which is likely disregard other important factor of social meaning. It is submitted that the criticism responded the lack of balanced-social aspect in light of dignity of human being. Behavioral and social issue in most definitions are excluded. Moreover, the notion of dignity in underlying economic, social and cultural rights on defining poverty is immensely required. On the whole, dignity as a social aspect of human’s life should be taken into account.

3.2. Absolute and Relative poverty

Despite the discussion about the poverty and its relation to the human rights, the view of poverty was also characterized in the case of its level and degree. It took up a poverty into the two cognitions: Absolute poverty and relative poverty.©
**Absolute poverty** measures poverty in relation to the amount of money necessary to meet basic needs such as food, clothing, and shelter. The concept of absolute poverty is not concerned with broader quality of life issues or with the overall level of inequality in society. The concept therefore fails to recognize that individuals have important social and cultural needs. This, and similar criticisms, led to the development of the concept of relative poverty. Relative poverty defines poverty in relation to the economic status of other members of the society: people are poor if they fall below prevailing standards of living in a given societal context.  

Absolute poverty is asserted as “an objective, even a scientific definition, and it is based on the notion of subsistence. Subsistence is the minimum needed to sustain life, and so being below subsistence level is to be experiencing absolute poverty because one does not have enough to live on.”  

Meanwhile another poverty terms which can be called from its label, a relative poverty, is more liquid and comparable:

**Relative poverty** is more subjective or social standard in that it explicitly recognizes that some element of judgement is involved in determining poverty levels, although as we shall see the question of whose judgement this should be is a controversial one. Judgement is required because a relative definition of poverty is based on a comparison between the standard of living of the poor and the standard of living other member of society who are not poor, usually involving some measure of the average standard of the whole of society in which poverty is being studied.

The thought of absolute and relative poverty which overriding the social and cultural aspects, to some extent, may lead to the imbalanced quality of life which by an inequality is consider tolerable for the sake of counting income and consumption as such.

**Merriam Webster’s Collegiate Dictionary stipulating poverty** as “the state of one who lacks a usual or socially acceptable amount of money or material possessions.” **Poverty** is exist when people lack the means to satisfy their basic needs. In this context, the identification of poor people first requires a determination of what constitutes as basic needs. These can be defined as narrowly as ‘those necessary for survival’ or as broadly as “those reflecting the prevailing standard of living in the community.” The first criterion cover only those people near the borderline of starvation or death from exposure; the second would extend to people whose nutrition, housing, and clothing, though adequate to preserve life, do not measure up to those of the population as a whole.  

Similar views have been expressed by **Business Dictionary** which defines Poverty in two terms absolute poverty and relative poverty which much heavily on the ‘economic’ instead of social and cultural measures.

According to the **Universal Declaration of Human Rights (UDHR) 1948**, Everyone has the right to standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care. The


20 http://academic.eb.com/EBchecked/topic/473136/poverty

21 http://www.businessdictionary.com/definition/poverty.html

standards of living as mentioned by the declaration were engaged with a fulfilment of those rights to prevent a certain condition of below standard which much possibly lead to poverty. Moreover the Declaration highlighted that everyone is entitled to those rights and freedom by all means the minimum core contents of rights should be enjoyed by human being to live in dignity. This obligation to respect and fulfill of the rights must be represented by the State party to “recognize the right of everyone of an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continues improvement of living condition.” The need and the rights to achieve basic standard of living can be considered as ‘freedom from severe poverty’. Additionally severe poverty is categorized as a human rights violation.

Discourse on poverty in the economic social and cultural issue particularly on regards of violation of human rights is still debated during the time. In one view poverty can be classified as violation of human rights in a moral basis. Whereby a comprehensive view is needed to perceive a poverty in a big picture of state affair and even ‘poverty is an indicator of injustice’. While on the other one, the view of human rights debate still on the standpoints of civil and political rights which heavily looking on the violation in tems of genocide and other gross violation of human rights. This classification of poverty is mostly tend to describe what a poverty is. It will be used to measure a poverty and therefore to overcome the social problem of poverty.

3.3. Disability and Poverty

Poverty and disability are linked one another. Poverty may increase the risk of disability due to lack of access to the human rights (such as the right to health) which might lead to disability. Poor health condition is one of the reason why people eventually get their disability. It can be noted out disability prevalence mostly higher in the place of poor situation of health relatively than in some other place where a better health services provided.

A study of 56 developing countries found that the poor experienced worse health than the better off. Poverty may lead to the onset of health conditions associated with disability including through: low birth weight, malnutrition, lack of clean water or adequate sanitation, unsafe work and living conditions, and injuries. Poverty may increase the likelihood that a person with an existing health condition becomes disabled, for example, by inaccessible environment or lack of access to appropriate health and rehabilitation service.

Alongside a disability could also bring out a poverty. The latter is very familiar, that because of disability, people are more tend to be discriminated in accessing their rights. They often suffer a discrimination, for example, to access their right to education which subsequently affect to the right to work. This situation affect difficulties of persons with disabilities to access an employment. They are became more likely to be unemployed. These inaccessible rights will inevitably impact persons with disability into an economic issues which force to a poverty.

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23 Article 22 of ibid.
26 ibid.
27 Poverty as a violation of human rights: Inhumanity or Injustice? Tom Campbell, in ibid 55.
28 Neglected Injustice: Poverty as a Violation of Social Autonomy, Regina Kreide in ibid 155.
29 Neglected Injustice: Poverty as a Violation of Social Autonomy, Regina Kreide in ibid 155.

It is mentioned by the Convention on Persons with Disabilities (CRPD) to end poverty through a sustainable development. The next global development partnership to eradicate poverty and transform economies through sustainable development must ensure that all groups that are routinely left out due to income, gender, ethnicity and disability are included. All universal goals and national targets to end poverty, empower women and girls, achieve universal access to water and sanitation, health, education and sustainable livelihoods must be inclusive of, and accessible to, people with disabilities.

Previously, World Health Organisation (WHO) Report on Disability 2011 highlighted Disability is a development issue, because of its bidirectional link to poverty: “disability may increase the risk of poverty, and poverty may increase the risk of disability. A growing body of empirical evidence from across the world indicates that people with disabilities and their families are more likely to experience economic and social disadvantage than those without disability. The onset to disability may lead to worsen social and economic well-being and poverty through a multitude of channels including the adverse impact on education, employment, earnings, and increased expenditures related to disability.

As reported by World Health Organisation and the World Bank:

At every income level, disability prevalence is highest in the poorest income quintile and progressively diminish until it becomes lowest in the richest income quintile. A survey-based study of 27 high income countries showed that persons with disabilities are more likely to live under the poverty threshold in 24 of these countries. These result have been replicated in in low and middle-income countries, with a study of countries in sub-Saharan Africa, Latin America, and Asia revealing significantly worse economic well-being in 14 out of 15 countries studies. This study also showed significantly higher rates of multidimensional poverty in 11 countries, meaning that persons with disabilities are more likely to have fewer assets, less capacity to spend, and worse utilities in their homes.

3.4. The Importance of Work to Exiting Poverty

The State has a broad mandate to promote social justice and eradication of poverty by providing decent works. It is a compulsory to take appropriate measures to ensure the equal rights applied to disadvantaged groups, particularly person with disability.

The experiences of disabled people may be useful to highlight features and trends of economic restructuring and a so-called New Economy. They are perspectives that may illuminate the problems and paradoxes of work organized for the “disembodied” or “unencumbered” worker, precisely because it is often quite difficult, given the obduracy of the body, to think of disabled people in these terms. And, despite trends toward a focus on social barriers, the insistent cultural focus on the individual and the impairment continues to be a part of the dominant disability discourse, making the context and processes of employment invisible. But, from the stand-points of disabled workers, we can see that the way work is organized is a problem.

Such measures can be expected to help breaking off the circle of poverty and disability. Enabling person with a disability to easily access the right to work thus allowing them being breadwinner in the family. It means valuing them to fulfill their needs where they can paying their commonly big expenditure (being disabled person). Protecting the rights to work of persons with disability.

References:

33 UN Convention on the Rights of Persons with Disabilities – Article 32
34 World Health Organization and World Bank (n 7).
36 ibid.
disability not only impact to their livelihood but also would significantly influence an improved national economies. These cumulative income will affect positively on Gross Domestic Product (GDP) which is estimated to amount of 5% and 7% of given a country GDP.\(^{38}\)

A work of persons with disability, as much as its importance to others, would give them a life (in an economic term to cover their basic needs to life hence they can live independently) as well as a dignity in which they feel this work can fulfill their the essence of human being and to be included in the society. With rin terms of disability, whereby they have been experiencing the discrimination during their life, the later importance meaning of a work of dignity is more likely being felt in the sense of a social inclusion. It would give a secure feeling as comfortably impression worth of a human being who will no more being discriminated particularly due to their disability.

Einat Albin seeks to determine four principles underlying the right to work of persons with disability which are drawn from Nussbaum’s theory in ways of The structural-institutional equality, Individual freedom, Inclusion, and State responsibility.\(^{39}\)

3.4.1. The Structural–institutional equality principle draws on the social context of disability

This perspective depart from Fredman’s insight that “merit can incorporate as the very discrimination they purport to eliminate”\(^{40}\), to its effect when considering a merit is a tool for an individual to fit the job rather otherwise the job can be adjusted to particular worker situation. The latter would encourage appropriate adjustment of the environment in accommodating different situation which faced by worker. In the context of disability it would be an advantageous values of equalit \(^{41}\) as an advancement of the disadvantaged groups in removing barriers. Merit as such endanger the goals of inclusive society due to limitations of each individuals which might exist. Some adjustments in light of substantive equality should be made to confer the equal opportunity to persons with disabilities as disadvantaged group. Thus there should be a social structures and cultures that enable persons with disabilities to participate in the society to the fullest.\(^{42}\) All relevant actors should play their roles to take measures on “restructuring the social institutions, resulting in proactive structural change, while acknowledging the social contextual causes of inequality.”\(^{43}\)

This principle requires acknowledging social structures and cultures as creating and shaping peoples’s ability to participate meaningfully in the work domain and on their possibilities on achieving adequate labour conditions. Emphasis is placed on asymmetrical structures of powers, privileges and disadvantages. The structural-institutional equality principle also acknowledges the particular attention that should be given to job requirements, merits, and the perception of productivity.\(^{44}\)

3.4.2. Principles of Individual Freedom; Achieving this freedom requires an individualistic outlook on persons.

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41 Sandra Fredman, Disability Equality and the Existing Paradigm, in ibid.
42 Einat Albin, ‘Universalising the Rights to Work of Persons with Disabilities: An Equality and Dignity Based Approach.’ in Mantouvalou (n 40) 75.
43 to restructure the social institution, resulting in proactive structural change, while acknowledging the social contextual causes of inequality ibid.
44 Einat Albin, ‘Universalising the Rights to Work of Persons with Disabilities: An Equality and Dignity Based Approach.’ in ibid.
It is drawn from Amartya Sen who perceived that promoting capabilities is a means of furthering freedom.\footnote{Amartya Sen, \textit{Development as Freedom} (Oxford University Press 1999).}

According to this approach, persons are entitled to the set of capabilities regardless of any criteria, such as productivity or participation in the workforce, in order to provide them with basic freedom. As both critical disability studies and Nussbaum stress, this understanding is not based on withdrawing to the medical model. Its aim is to provide a basis of capabilities that will enable a person to fully participate in society, without denying, at the same time, the provision of care and other forms of social support in order to achieve capabilities. In very rare cases, as Nussbaum suggests, such an understanding will merely enable functioning. This idea furthers one’s dignity.\footnote{Einat Albin, ‘Universalising the Rights to Work of Persons with Disabilities: An Equality and Dignity Based Approach.’ in Mantouvalou (n 40) 76.}

Therefore in this perspective a criteria would be no longer the only aspect to define productivity nor participation. A basic freedom as derived from a worth notion of dignity, attempt to overcome the barriers of participation as affected by medical model approach. This perception believe that one’s capabilities is not as what as set out in mind. Capabilities can broadly amplified by providing a proper support to enable person to fully participate in the society. For example, blind person cannot be assessed as “not having capabilities to work formally.” Rather it is simply to provide some adjustments to enable them to participate come along with their limitation, such as provide braille, access to workplace, conducive work circumstances, etc.

3.4.3. Social Inclusion

According to Nussbaum regarding the right to work, \textit{“inclusion within society does not necessarily require that ultimately a person will be part of the labour market; it only requires that the state invests in enabling the development of capabilities so that a person can, if he or she desires, be fully engaged in work.”} Nussbaum proposed this view of inclusion in light of humanity. It is also highlight the robust state’s roles to promote a development of capabilities (as to prompting equality of persons with disabilities) as mentioned previously in the structural-institutional landscape. Thus the capabilities can be largely endorsed by the state to enabling the environment to well-engage with the society.

Inclusion exist due to one’s humanity and is completed with the realization of capabilities, contributions, productivity and functioning; rather, it exist despite them. Nussbaum does not necessitate an outcome of engagement in the labour market for a person to be seen as included. On the one hand, it does place emphasis on changing the structural-institutional framework, and sees the state as responsible for promoting the equality of persons with disabilities. On the other hand, however, it acknowledges that a person should be considered included in society even if he or she is not fully productive or even decides to remain outside the paying labour market.\footnote{Einat Albin, \textit{Universalising the Right to Work of Persons with Disabilities: An Equality and Dignity Based Approach}, in ibid.}

In brief, inclusion in the view of Nussbaum’s requires state’s role to enabling the development of capabilities in light with equality, not merely a capabilities that has to be fulfilled without any adjustment.

Discussing a social inclusion to this end is attribute to the goal of equality and non-discrimination. Benefitting the disadvantaged group can be a major view of this notion. It is aimed a social inclusion in a society. At this point social inclusion recognized as \textit{a modern sociological concept with ancient roots} \footnote{Kerry O’Halloran, \textit{Charity Law and Social Inclusion} (Routledge 2006) 37–38.} which had been discussed for ages.

It is a concept that clearly applies to relationships between the privileged and disadvantaged, between those set apart by differences or perceived differences, whether occurring on a community level, more
generally between groups within a society or between nations.\textsuperscript{50}

Nevertheless, social inclusion is contrary with social exclusion although it can not simply be said as an antitheses as such, but rather exceed it\textsuperscript{51}. In addition, according to Department of Trade and Industry, towards Equality and Diversity; Implementing the Employment and Race Directives, consultation Document \textsuperscript{52} that “discrimination usually amounts to exclusion in some forms,”\textsuperscript{53} is reasonable due to discrimination-experience suffered by disadvantaged group who are likely a minority group in the society. Arising out of this, a social inclusion can be illustrated as:

A shorthand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown.\textsuperscript{54}

Likewise a situation whereby an individual can not fully participate to the society due to any reasons beyond his/her control is called a social exclusion.\textsuperscript{55} The area of social inclusion versus exclusion discourse is inevitably within the relation of majority and minority in the society that might be ‘creating a sense of distance between those in mainstream society and the more marginalized’\textsuperscript{56}. Social inclusion will then construct a society in which differences has to be respected, with reference to this a valued social diversity.\textsuperscript{57} Social inclusion is also discussed in the context of politics and democracy in which conferring a social inclusion is part of ways on developing “a practical and effective measures towards a fairer society.”\textsuperscript{58}

Terminology of social inclusion is remarkable to the discussion in particular persons with disability, regardless of its interchangeably meaning with others terminology such as social interaction, social network, social capital, community participation, independent living, and a sense of belonging.\textsuperscript{59}

Duggan and Linehan (2013) argued that the concept of social inclusion has become interchangeable with independent living. Broad definition of social inclusion include independent living within the scope of the definition (Hall, 2009; Power, 2012). Quinn and Doyle argued that independent living and social inclusion are interrelated and that the Convention on The Rights of Persons with Disabilities promotes independent living through ‘enhancing social connectedness’ (2012, p.15).\textsuperscript{60}

In the same way enhancing social inclusion is pivotal piece to promote an independent living for person with disabilities. In terms of the work, a social inclusion can best describe how persons with disability are valuable part of the society therefore conferring their right to work is a means to fulfill their human rights towards an independent living equally.

One of the most significant current challenge on life of persons with disabilities lies mostly on the accessibility. The accessibility can be viewed as “the right to participate equally in ways that are not constrained by physical or mental limitations.”\textsuperscript{61} Most importantly, participating equally among the society is not only to achieve economic advantage but also to point

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{50} ibid.
\item \textsuperscript{51} ibid 40 – 41.
\item \textsuperscript{53} Hugh Collins, Discrimination, Equality and Social Inclusion, in ibid.
\item \textsuperscript{54} Kerry O’Halloran (n 50) 40 – 41.
\item \textsuperscript{55} ibid.
\item \textsuperscript{56} ibid.
\item \textsuperscript{57} ibid.
\item \textsuperscript{58} ibid.
\item \textsuperscript{59} ‘Defining Social Inclusion of People with Intellectual and Developmental Disabilities: An Ecological Model of Social Networks and Community Participation’ - S-Clifforddefining-Social-Inclusionridd.pdf (no date) 21.
\item \textsuperscript{60} ibid.
\item \textsuperscript{61} Paul T Jaeger and Cynthia Ann Bowman, Understanding Disability: Inclusion, Access, Diversity, and Civil Rights (Greenwood Publishing Group 2005) 63.
\end{enumerate}
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a social inclusion as the heart of equality as an aim of principle of justice.\textsuperscript{62}

Inclusion exist due to one’s humanity and is completed with the realization of capabilities, contributions, productivity and functioning; rather, it exist despite them. Hence regarding the right to work, inclusion within society does not necessarily require that ultimately a person will be part of the labour market; it only require that the state invests in enabling the development of capabilities so that a person can, if he or she desires, be fully engaged in work.\textsuperscript{63}

This perspective of inclusion of Nussbaum draw the attention to the state obligation to enabling development of capabilities hence persons with disabilities can fully participate in the society. On account of this, a state obligation is imagined play a pivotal role to enabling capability’s development of individuals in the society. Through this state obligation of individuals, a state can promote a capability of individuals to overcome exclusion on the work arena due to the limitation one’s has.

3.4.4. State Responsibility

A state responsibility as seen in the landscape of structural-institutional is remain crucial. Nussbaum again pointed that the role of state to promote citizen’s capabilities.\textsuperscript{64}

Viewing the right to work through this lens places a responsibility on state not only to refrain from interfering on subjects’s freedom of occupation, but mainly to provide employment, opportunities for employment and training. It is also obliges to secure equal prospect for dignified work. Basing state responsibility on capabilities ultimately means limited responsibility.\textsuperscript{65}

Nussbaum also denoted capabilities theory to acknowledge the roles of state to enhance equality persons with disabilities to face “historical disadvantages to pose a broader duty on the state with the aim of achieving equality.”\textsuperscript{66} The importance of the right to work of persons with disabilities, as mentioned above, should be more emphasized in terms of removing barriers due to discrimination they experienced (historical disadvantages).

4. Disability and Dignity

4.1. Dignity

Historically, The original latin term of ‘dignitas hominis’ (dignity of man) was set up to assert favor of inherent human characteristics as ‘worthiness, the outer aspect of a person’s social role which evokes respect, and embodies the charisma and the esteem presiding in office, rank or personality’\textsuperscript{67} which was formed by Panaetus of Rhodes and Marcus Tullius Cicero in Rome in the second/first century BCE.\textsuperscript{68} This term was brought out by Renaissance Philosophers along with jurist and politicians to set up a natural law making in the 16th and 17th centuries. This is subsequently most likely inspired the American and French declaration of human rights.\textsuperscript{69} A credo of the French revolution, the ‘Declaration des droits de l’homme et du citoyen’ became permeated as a

\begin{footnotesize}
\begin{enumerate}
\item 62 Hugh Collins, Discrimination, Equality and Social Inclusion, in Griffith (n 53) restorative.
\item 63 Einat Albin, Universalising the Right to Work of Persons with Disabilities: An Equality and Dignity Based Approach, in Mantouvalou (n 40) 76.
\item 64 Einat Albin, Universalising the Right to Work of Persons with Disabilities: An Equality and Dignity Based Approach, in ibid.
\item 65 Einat Albin, Universalising the Right to Work of Persons with Disabilities: An Equality and Dignity Based Approach, in ibid.
\item 66 Einat Albin, Universalising the Right to Work of Persons with Disabilities: An Equality and Dignity Based Approach, in ibid.
\item 68 Hubert Cancik, ‘Dignity of Man’ and ‘Persona’ in Stoic Anthropology: Some Remarks on Cicero, De Officiis I 105-107, in ibid.
\item 69 Hubert Cancik, ‘Dignity of Man’ and ‘Persona’ in Stoic Anthropology: Some Remarks on Cicero, De Officiis I 105-107, in ibid.
\end{enumerate}
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model to most of the revolutionary movements all over the world.\(^70\) It is also believed that the Universal Declaration of Human Rights was eventually inspired by the ideas of dignity of previous “\textit{dignitas hominis}” as spread into the revolutionary movements in the 18th century.

Its reference of ‘dignity’ is one of the most significant differences between the Universal Declaration of the Human Rights and the ‘classic’ Declarations of the late 18\(^{th}\) century. Although the concept of \textit{dignitas hominis} was dealt with in philosophical essays and although it was a key term in Kant’s philosophy of freedom, there was no systematic reference to human dignity in legal language until the 1940s.\(^71\)

Further, Klaus Dicke argue that legitimizing function of human dignity is critical in nature rather than only as remain stated formally in the Declaration as a transcendental norm as such. It will always depend on the (human) rights that limited on the list of the declaration as well as the instruments of human rights which will be developed later. However the dignity should be broader than as listed due to its universality as Dicke figured out that ‘claims to be a human rights and thus calls for unconditioned respect or, in other words, for universality.’\(^72\)

Respecting dignity signifies ‘respect of autonomy of each person’\(^73\) And so as way to treat human being in a decent way, respectfully, and not to degrade their humanity.\(^74\) It is ensuring a certainty of their rights that fully protected.

Human dignity appears to stand as an absolute value, being the actualization of certain basic political and moral values such as liberty, self-determination and equality, while being the paramount value, which in its inalienability and inviolability is at the source of an extended value system that has the capacity to project an assembly of constitutional values.\(^75\)

From Preamble of the Universal Declaration we can draw the essential concept of dignity of human being which is clearly explained in terms of protected equal rights, as following:

\textit{Whereas} recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, \textit{Whereas} disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind […] whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.\(^76\)

The Universal Declaration of 1948 refers to ‘dignity’ in five places: twice in the preamble, once in Art. 1, and twice in the context of social and economic rights in Arts. 22 and 23 para.\(^77\) These provision highlighted the weightiness of dignity as an essential basic of human rights.

Indeed, human dignity can be considered as an important duty to underlying the concept of equality\(^78\) as mention by Fredman as “...all this developments can be seen as deepening the notion of equality beyond consistency into a substantive concept, based on fundamental values of dignity and respect for the individuals”\(^79\) in which dignity has a significant task to form a substantive equality. It is also mention by Réaume that a

\(^70\) Yehoshua Arieli, On the Necessary and Sufficient Conditions for the Emergence of the Doctrine of the Dignity of Man and His Rights, in ibid 5.

\(^71\) Klaus Dicke, The Founding Function of Human Dignity in the Universal Declaration of Human Rights, in ibid 112.

\(^72\) Klaus Dicke, The Founding Function of Human Dignity in the Universal Declaration of Human Rights, in ibid 118.

\(^73\) Arthur Chaskalson, Human Dignity as A Constitutional Value, in ibid 134–35.

\(^74\) Arthur Chaskalson, Human Dignity as A Constitutional Value, in ibid.

\(^75\) David N. Weisstub, Honor, Dignity and the Framing of Multicultualist Values, in ibid 263.

\(^76\) Preamble of “The Universal Declaration of Human Rights | United Nations” (n 23).

\(^77\) Klaus Dicke, The Founding Function of Human Dignity in the Universal Declaration of Human Rights, in Kretzmer and Klein (n 68) 114.


\(^79\) ibid 230.
dignity is simply built in every individual therefore entitle to equally. As an 'inherently possessed' by everyone, no one can take it away from. Réaume reveal dignity means worthiness, so that “to treat human being as creatures of intrinsic, incomparable, and indelible worth; no further qualifications are needed” is the major of attention. Dignity, in light of equality, is given inherently along a born of human being, which should never been discriminated at all times nor set out a level of any status or position in the society.

In fact, the virtue of self-respect and self-worth are well-recognised in the notion of dignity as an intrinsic values, as Iacobucci J. point out in Law v Canada [1999] 1 SCR 497 at [53] about human dignity:

“Human dignity means that an individual or group feels self-respect and self worth. It is concerned with physical and psychological integrity and empowerment. Human dignity is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merits of different individuals, taking into account the context underlying their differences.”

Further, Iacobucci highlight the law should be fair to treat individuals regardless of whatsoever status or position in the society with respect to human dignity as “human dignity is harmed when individuals and groups are marginalised, ignored, or devalued, and is enhanced when laws recognize the full place of all individuals and groups within (in this context: Canadian) society.”

4.2. Work as Tools of Personal development

Human being are dynamics, to the extent of which requires a fit development to reach its highest point to contribute to the society. The development process of a community can be achieved by preserving the growth within. The importance of people to grow synchronously in the society can be described as ‘a people centred approach’ as to propose a development that focus on the people to own their community:

The aim is to build a stronger, more participative, more cohesive community which will be ‘safe’ for people and offer them emotional and spiritual security. They must gain experiences of feeling good and being listened to, of self worth and dignity, and seeing things happen that benefit people.

When portraying people in a society, we simply need an important role of each individuals to contribute. Human development is aim to build people in a society as well as individuals. It emerges ‘a pyramid as a symbol of human development’ to illustrate the relation between individuals to society and the degree of ‘contribution’ to date:

The higher the pyramid is built the greater the effort required to build it higher. Through the building of the upper layers the lower layers are subjected to greater and greater loads. Weak points are therefore automatically shown up and can be repaired. Through the pressure of the upper layers the lower layers also become solidified and therefore become stronger and can be loaded with more and more weight.

81 ibid 675.
82 ibid 667.
84 ibid 83.
86 ibid 75–81.
87 ibid 76.
89 ibid 22.
Building a solid pyramid is not an easy work due to its requirements on time consuming and patience. This pyramid is not build offhanded, it requires plentiful energy of each individuals who are able to contribute consistently. Otherwise the lower layer will be formed in solid because the burden from the upper layer at all times. It can be read in a certain society, the more we would build an excellent development, the more we should build each element to be as strong as possible to contribute with all their own capacity they have. None capacity should left behind, each of which will be beneficial to build a strong structured society as aimed.

4.3. The Work and Dignity

The value of work has considerable meaning in life. On the most significant current discussion on human dignity, work is not only economically required but also socially needed. Wiggins has argued that relation people likely to pursue happiness in their life, thus a work can also be explained through this relation. Along the wishes of happiness, a work will transfer potential energy of life as described “given our abilities, our reasonable predilections, our situation and our commitments. It is by doing this well that we pursue true happiness.” It intends to correlate the ‘ergon’ as ‘the right to work’ by all means to draw fine connection of Aristotle’s concept which suggest a link among human happiness, virtue and ergon. The value hitherto emerged on work is have mainly been examined in an existence of dignity. The right to work is not only important to establish a livelihood living but it also a proof of dignity, It is as said “…works bring both material and non material benefits” that can provide extensive happiness for individuals.

4.4. Dignity, work and Disability

More recent attention of inclusion is on the subject of dignity. Disadvantaged group, in particular persons with disabilities is an integral part of society who should be respected at all times “and being treated with equality and dignity.” Discussing the needs of a work, again, is not only relate to an economic issue as such, but it also essentially attribute to a dignity as a human being.

All individuals with disabilities, as a result of the challenges that they face in society, are linked by the goals of being accepted and included by society and being treated with equality and dignity. For individuals with disabilities, true equality “incorporates the premise that all human beings inspite of their differences are entitled to be considered and respected as equals and have the right to participate in the social and economic life of society.”

Thus “Being accepted” and “being included” are the common needs of every
human being, particularly persons with disability who often experience discrimination in the society. Traditional view of disability which is individualized and medicalized lead to a perception of disability in a way of economic disadvantage. Equally important, this economic disadvantage “anxiety” is referred to a set of discrimination which manifest in a considerable amount of social barriers for persons with disabilities to participate.

As a result, the marginal status of disabled people is reproduced, despite the policy emphasis on equality and social inclusion. Finally, one of the contradictions in this arena lies in the different interests of employers and the state. Getting people off social benefits makes economic sense for the state, but employers do not necessarily see the profit in it.

A marginal status places persons with disabilities in peripheral area in the society. In the employment context, this social forces subsequently induce persons with disabilities to be more unemployed. This fact is not only harm persons with disabilities as discourage meaning of inclusion, but it also threaten their right to life due to barriers in accessing the right to decent work.

Generally, the evolution meaning of a work as moved from its traditional meaning to dignity is most likely comply with the right to work of persons with disability. A dignity is a means of persons with disabilities to stand on their rights. A dignity provide basic endowment to disadvantaged groups be included and accepted in the society. Thus they will no more being neglected due to disabilities and stigmas surround. Moreover, they have been, for a period of time, experienced massive discrimination both direct and indirect. It inevitably needs a robust thoughts that can break this “severe chains” in mind. A dignity would advance the equality in a society.

5. Disability and Meaningful Work: Barriers and Challenges

One of the crucial emerging problems in the context the right to work of the disabled persons is their accessibility. There has been a large cases of discrimination that hindering persons with disabilities to participate broadly in the social life and the employment as an issue of accessibility. They are indeed facing the barriers to the lack of opportunity “for fulfilling career trajectories consistent with their full capacity.” It raise an issue of how to earn income to support their own daily needs since a work enables people to earn a livelihood and be economically secure and at the same time fulfill the needs of dignified life and social inclusion.

Disability in fact is an integral part of the society. Both disabled and non-disabled need one other that “non-disabled people are a necessary and desirable part of most disabled people’s lives” as acknowledged by Shakespeare. Non-disabled people in many ways can play important role to support and enabling persons with disability. The roles of non-disabled persons to support disabled persons can never be denied instead. This relation between disabled and non-disabled person can not be segregated due to disability reasons. Notwithstanding it is also a dynamic of a social life whereby each element of the society, including disabled persons, entitled to their rights to enjoy their meaningful work in a social dynamic cooperation. Therefore, in this sense they can play their respective roles in the society both non-disabled and disabled persons as a whole.

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98 Rannveig Traustadóttir, Work, Disability, and Social Inclusion: The Promise and Problematics of EU Disability Policy, in DeVault (n 38) 90.
100 Rannveig Traustadóttir, Work, Disability, and Social Inclusion: The Promise and Problematics of EU Disability Policy, in ibid 81.
101 JyJaeger and Bowman (n 62) 63.
102 Jody Heymann, Michael Ashley Stein, and Gonzalo Moreno, Disability, Employment, and Inclusion Worldwide, in Heymann and others (n 28) 1.
104 ibid 196.
105 ibid 197.
Unfortunately the situation mostly tells us otherwise. Rather, persons with disabilities often experience to being discriminated particularly to enter labour-market forces. In this end, there are still exist barriers from the society to welcome persons with disabilities. Arthur O’Reilly summerised the huge amount of world population of disabled persons and the difficulties to get a decent work:

There are approximately 470 million disabled persons of working age around the world. While information on their employment status is incomplete and international comparisons are difficult to make, it is clear that the deficit of decent work hits disabled people far harder than others. Many women and men with disabilities are unable to find decent jobs even when they have completed training, and frustration and a decline in aspirations can set in. Discouraged by discriminatory barriers and mistaken assumptions about their capacity to work, many withdraw from an active search for jobs, and rely either on disability benefits where these exist, or eke out a livelihood in low value-added work in the informal economy, with support provided by their families and community.

Encountering the discrimination most of the time, as examined above, persons with disabilities more likely to be unemployed. The relation between employment and disability in fact is sadly viewed as a negative relationship as following:

Employment and disability rates are connected in several ways, and there is a close relation between employment rates of disabled people and those of nondisabled people. When unemployment rates are high in general, disabled people are more severely affected than nondisabled people. Similarly, when there is low or no unemployment or a shortage of workers, disabled people are more likely to be unemployed. This suggests that general labor-market forces have a strong impact on disabled people and that general policies to promote employment also increase employment of special groups such as disabled people (European Commission 2000a, 2001a; OECD 2003b).

There are some issues determined a disability in dealing with a risk of poverty. Firstly, different kinds of disability may impact differently on accessing to some rights such as the right to education, right to health, right to work and other economic, social and cultural rights. They might face certain barriers due to their type of disability and its intersections in accessing justice. Mental health issues may affect differently compared with other physical disability in such rights. In addition, degree of disability also possibly impact different ways on accessing the rights. Severe disability more likely difficult to access those respective rights rather than a ‘light’ one. Blind person and deaf person may face difficulty in gaining the rights to education in ordinary education system. The ordinary school do not commonly provide the services to blind and deaf persons, otherwise they refer to the special school of blind person and deaf person. Inclusive education is currently still being a dream elsewhere. The access of right to education in some ways impact subsequently to the right to work.

Secondly, due to the wide range of disability, called “heterogenous group” in which only 9% who got their disability since they were born. To be disabled and non-disabled can change time to time due to any reasons such as accident, degenerative illness, etc, hence Traustadóttir claims “The boundary between disabled people and non-disabled people is permeable in a way that gender boundaries or ethnic boundaries usually are not.” Unlike gender and race which tend to seattle in numbers, disability can increase and decrease (based on cases of accidient, illness,

107 Rannveig Traustadóttir, Work, Disability, and Social Inclusion: The Promise and Problematics of EU Disability Policy, in DeVault (n 38) 89.
108 Rannveig Traustadóttir, ‘Disability studies, the Social Model and Legal Development’ in Arnardóttir and Quinn (n 4).
110 Rannveig Traustadóttir, Work, Disability, and Social Inclusion: The Promise and Problematics of EU Disability Policy, in DeVault (n 38) 82.
111 Shakespeare (n 104) 186–87.
et al. Furthermore, different type of disability encounter a different problem in accessing their rights. In most cases unfortunately they are directed to any special talent as regards the types of disability. For instance, blind person are customarily guided to narrowed talent as telephone operator, singer, massages, etc. There is a misleading perception of types of works that suit particular disabilities. Nevertheless they can definitely do more varied works instead of only those limited areas.

Thirdly, a limit access of persons with disabilities to enter labor market. And, still there are a persistent impairments point of view in ‘making the context and processes of employment invisible’ and ‘the way work is organised is a problem’ for person with disabilities. There are again some entry barriers to entering employment, such as misleading and stigmatic stereotypes, very often due to cultural prejudices or following a medical approach of disability, the capability of persons with disabilities which are mistaken presumed as ‘below-standard’, benefit-cost analysis that viewed only in the physical profit oriented market, as well as the “marginal status” of persons with disabilities which is reproduced due to shadow of traditional view of economic disadvantage.

The shortage of accessing the rights is often caused by stigmatization concerning persons with disabilities as ‘incapable.’ Moreover there is an established common view of the society that persons with disability, because of their ‘incompetence,’ need a help in doing their life in terms of charity. Disability indeed defined by majority of the society who are not disabled and produced stigma that have been “believed” among them. It cause the prejudice of “incapability” as born from a medicalisation thought of disability should be encountered.

It is why the social model is designed to focus on societal barriers and not for other non-social issues as the big challenge is the social barriers of persons with disability in their social life. Notwithstanding, if there is sufficiently available opportunity for persons with disabilities to earn their own income through a decent work, it can greatly reduce the burden of their family member in supporting their life, while in the mean time obtaining dignity.

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