

The Corporate Management Strategies as Empowering Persons with Disabilities Through Equal Opportunity and Access to Employment in Indonesia

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Abstract

The absence of implementation instructions by formulating strategies as a model for company management as well as the company's initial provision in providing equal opportunities and preparing access to workers with disabilities. To formulate a management model as a recommendation for private companies in the policies of the district/city/provincial Manpower and Transmigration Office and agencies in the city/district government or State-Owned Enterprises companies, and as a recommendation for the preparation of academic texts of regional regulations in Indonesia. The results that the real problem is the environment or society's perspective, and companies can consider the advantages of workers with disabilities, in the form of character and abilities as well as a good image for companies. Adjustment the company's commitment to providing additional funds to prepare human resources and additional facilities to meet the needs in the work environment, increasing in the form of training on the awareness of other workers as well as awareness that persons with disabilities have rights as workers, and as business opportunities and benefits, or through company activity in the form of Corporate Social Responsibility. More recently, the synergy between companies, the government and the community of people with disabilities, in the form of imposition of rewards based on the number of permanent workers and temporary workers of people with disabilities to all companies.

Keywords: Persons with Disabilities; Equal Opportunity, Access to work; Model of Company Management, Accessible Workplace

1. Research Background

Concern regarding employment opportunities for persons with disabilities is the elimination of all legal and social barriers in empowering persons with disabilities in the government, public, private and civil society sectors. There is a productive potential for people with disabilities who are neglected if they ignore their existence from the world of work and this will result in losses for the community.

Scotch has argued that “disability and work have changed considerably in the last half century, and both are likely to continue to evolve in the future with shifts in the general economy and the broader society. Dramatically better health care and medical advances have contributed to marked improvements in individual functioning, longevity, and quality of life for many people with chronic conditions, allowing some conditions to be better managed and rendering other impairments far less disabling” (Scotch & McConnel, 2017).

Notes on the World report on Disability which “estimates that around 15 percent of the world's population has some form of disability, which for the Asia Pacific region means that there are about 650 million people with disabilities and 80 percent of them live in developing countries” (WHO and The World Bank, 2011). Poerwanti has argued that “the emphasis on the physical environment as a major determinant factor that causes disability has been stated in the latest concept related to disability issued by the United Nations, namely the ICF (The International Classification of Functioning, Disability, and Health) concept which replaces the ICIDH concept (The International Classification of Impairments, Disabilities and Handicaps). This new concept of The ICF emphasizes the interaction of three factors in disability issues, namely impairments (a particular abnormality or damage that exists in a person's body), activity limitations (limited activities due to certain body conditions) and participation restrictions (restrictions on participation, for example discrimination in the workplace, school, etc. (Poerwanti, 2017).

Disability continues to be an underrepresented category of persons within the workforce. a World Health Survey shows employment rates range from a low of 20.8% to a high of 62% (WHO and The World Bank, 2011). Turcotte has written that “The persons with disabilities experience much higher levels of unemployment in the West. Employment rates for persons with disabilities in the European Union in 2011 were 47.3% or 38.1% depending on the definition of disability used. this places the employment rate 20-30% lower than for non-disabled persons. (Eurostat, 2014). Similarly, Canada's employment rate in 2011 was 49% relative to 79% for nondisabled persons” (Turcotte, 2014). and the United States reports that “17.5% of persons with disabilities were employed relative to 65% for nondisabled persons” (Waxman, 2017).

This is also not much different from the situation in Indonesia. According to the Manpower Ministry's mandatory reporting system data, there are 440 companies with a workforce of around 237 thousand people. of that amount, labour [disability](#) Only 2,851 people or around 1.2 percent have been absorbed, who have been successfully placed in the formal labour sector. Data from the 2017 National Labour Force Survey, the national working age population with disabilities is 21.9 million people, of which 10.8 million people with disabilities are already working.

About policies related to disability, the regulation in Article 53 Paragraph (2) The Law Number 8 Year 2016 concerning Persons with Disabilities states, Effendi has interpreted that “private companies are required to empower at least 1% of Persons with

Disabilities from the total number of workers” (Effendi, 2017). and several regions, one of which is the province of East Java, which issued the Regional Regulation of the Province of East Java Number 3 of 2013 concerning Protection and Services for Persons with Disabilities in Article 16 stating that the Provincial Government, business actors and/or the public obliged to empower persons with disabilities at least one person who meets the job requirements and job qualifications as workers for every 100 workers.

In conditions in the field, Dewi has argued that “There are still violations of the obligation to employ workers with disabilities. Some of the causes include: the quota policy in Yogyakarta for people with disabilities to find work in government and private institutions has not been implemented optimally” (Dewi, 2018). Then, Shaleh has found that “based on a sample of 10 companies recorded by the Semarang City Manpower and Transmigration Office in 2016, there were 3,990 quotas of people with disabilities who had not fulfilled” (Shaleh, 2018).

The urgency of this research is to provide a solution to the absence of Technical Guidelines by formulating a model as a company management strategy for workers with disabilities as well as a guide for companies in preparing access and providing opportunities for workers with disabilities. This study will formulate the Technical Guidelines as recommendations for private companies under the auspices of the district/city/provincial Manpower and Transmigration Office as well as for the offices of the city/district government or State-Owned Enterprises (BUMN) companies in carrying out the mandate of the law.

The high dominance of company disobedience due to the absence of the Technical Guidelines/Guidelines as illustrated in the background above can be inventoried with to provide legal protection for persons with disabilities through the formulation of a strategy model for the management of persons with disabilities in the context of providing equal opportunities and access to work for persons with disabilities.

The purpose of this study is to formulate a strategy in the form of a company management model in providing equal opportunities and access to carry out work through company adjustments.

2. Discussion

2.1 Identify the strengths and weaknesses of workers with disabilities

Dini has argued that “The formal context in Indonesia, namely people with disabilities, visually impaired (blind, deaf, speech impaired, physically disabled, mentally retarded), children with special needs/ABK, disabled, and people with disabilities” (Dini, 2019). The following is the distribution of Persons with Disabilities in Indonesia (United Nation, 2016).

Table 1. The Distribution of Persons with Disabilities in Indonesia

No.	Types of Disabilities	Percentage
1	Physical	10,3%
2	Visual	7,9%
3	Hearing	2,7%
4	Speech	6,7%
5	Recalling/Concentration	29,6%
6	Unable to take care of themselves	2,8%
7	Double	40%

The data in the table shows that the two largest types of disability are the presence of multiple disabilities (experiencing two types of disabilities), and the type of disability is the ability to remember/concentrate.

Rioux & Carvert (2003) in Santoso M.B. (2017) has claims that “based on the international classification, people with disabilities are no longer seen as people with problems, but their environment is the problem. problems in providing equal access and being inclusive for everyone in their society. This has implications for a perspective that initially considers disability as a mere individual problem, becomes a social issue which then makes ways to handle the issue no longer make people with disabilities “healthy” but on how society can facilitate, minimize and even remove obstacles. - the barriers experienced by people with disabilities in society”.

In terms of the ability to work for people with disabilities, that “there are many benefits to empowering people with disabilities, namely: 1) consistent; Persons with disabilities take few days off, rarely take sick leave and stay at work longer than normal workers. 2) productive; If you get a suitable job then the results of good cooperation with other employees. 3) cheap; the cost of recruiting is lower than the normal recruitment process. 4) safe; fewer people with disabilities are injured on the job than other workers. 5) good for business; Persons with disabilities can build good relationships with customers. Persons with disabilities also increase the morale and loyalty of other employees 6) loyal; loyalty is closely related to performance and dedication” (Government of Western Australia).

Lindsay has argued that “six studies show that people with disabilities are loyal employees” (Lindsay, 2018). Magasi et al has argued that “this means that disability is not only related to individual health conditions, but also how the environment affects people whose health conditions are already different from general people. This means including the structure and function of a person's limbs, their activities, their involvement in various aspects of life, and the factors in their environment that influence the experiences that make them classified as persons with disabilities. The International Classification of Functioning, Disability and Health (ICF)” (Magasi, Wong, Gray, Hammel, Baum, Wang, & Heinemann, 2015).

Macy has argued that “The biting factors include : workplaces that are not suitable for disabled workers, disabled workers do not have interests and talents, the company's Human Resources (HR) does not yet have a special concept in recruiting and communicating with workers with disabilities, the existence of minimum age and education criteria in the recruitment process by the company, and the company does not include in the job vacancy announcements that opportunities are open to persons with disabilities. Internal and external acceptance building factors for disability. Internal factors of persons with disabilities on psychological problems, inclusive workspaces with physical disabilities such as low self-esteem. Then the external factor is the negative stigma that develops in society” (Macy, 1996). This happens because society tends to create stereotypes that the physical limitations of people with disabilities are directly proportional to their intellectual level.

Scotch has argued that “Many workers with disabilities adopt creative and distinctive solutions to the various tasks they face, solutions which in many cases involve assistance from others. Customized solutions often involve considerable complexity, and highly variable work schedules may introduce additional challenges that can, on the margin, limit the ability to work effectively. When both work processes and the everyday lives of employees with disabilities involve complexity, they may fail to align in ways that promote productive employment patterns” (Scotch & McConnel, 2017).

Santuzzi, et al has argued that “The absence of disability stigma (e.g., prejudice and discrimination) may indicate some degree of inclusivity in the workplace. However, recent conceptualizations of inclusion suggest that inclusion requires more than the elimination of stigma. Some researchers alternatively define inclusion as a psychological experience in which individuals feel they belong and are individually valued in the workplace” (Santuzzi, Martinez, & Keating, 2021).

There is no problem with people with disabilities as workers, because the real problem is the environment around people with disabilities or the community's perspective on people with disabilities. Companies can consider the advantages of people with disabilities as workers compared to normal workers in general, in the form of the character of people with disabilities and a good image for the company that employs the company.

2.2 The regulation on equal opportunity and access to work for persons with disabilities

The 1945 Constitution of the Republic of Indonesia Article 28 I paragraph (2) states that everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment. Further regulation in The Law Number 13 Year 2003 concerning Manpower which guarantees equal opportunity and treatment without discrimination on any basis to realize welfare, and Article 5 mandates regarding opportunities for persons with disabilities, that every worker has the same opportunity without discrimination to get a job., furthermore in article 19 it

is mentioned about job training specifically for disabilities. The article contains an order regarding the provision of job training for workers with disabilities carried out by taking into account the type, degree of disability and the ability of workers with disabilities in question. Article 67 paragraph (1) also regulates the issue of protection for persons with disabilities, employers who employ workers with disabilities are obliged to protect according to the type and degree of disability.

The enactment The Law Number 19 Year 2011 concerning Persons with Disabilities has an impact on the emergence of community pressure in various regions for the Government or local governments to immediately implement the law, so that equality of opportunity, especially for Persons with Disabilities, can be realized through implementation in various fields, then The Law Number 4 Year 1997 concerning Persons with Disabilities Article 14, mandates that state and private companies provide equal opportunities and treatment to persons with disabilities by employing persons with disabilities in their companies according to the type and degree of disability, education, and ability, the amount of which is adjusted to the number of employees and/or company qualifications. The explanation of Article 14 of the Law on Persons with Disabilities is that every company must employ at least 1 (one) person with a disability who meets the requirements and qualifications of the relevant job, for every 100 (one hundred) employees. Aini has argued that “Companies that use high technology must employ at least 1 (one) person with a disability who meets the requirements and qualifications of the job concerned even though the number of employees is less than 100 (one hundred) people” (Aini & Yulianingsih, 2021).

The law strengthens the position of the vulnerable, especially those with disabilities so that their rights are fulfilled, the Indonesian government has also issued The Law Number 4 Year 1997 concerning Persons with Disabilities. The regulation specifically regulates the vulnerable people who experience physical, mental, and mental and physical disabilities. One of the articles regulates the fulfillment of disability rights in work and a decent living by the type and degree of disability, education, and ability which is contained in article 6 point 2. The provision of work has an impact on the fulfillment of the rights of persons with disabilities to accessibility in the context of their independent independence. stated in article 6 point 4 (Monash University, 2021).

Aji, et al, has argued that “The process of recruitment to internships and protection of workers for workers with disabilities that have been regulated in an Act is an opportunity for disabilities to fill the empty spaces of formation manpower needs both within the scope of government, State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD) and the private sector” (Aji & Haryani, 2017).

The rules have provided norms of behavior in the form of obligations/orders for private companies and state-owned enterprises, but have become merely written rules without any implementation.

2.3 Company strategy in employing persons with disabilities

European Network for Corporate Social Responsibility & Disability has argued that “Corporate Social Responsibility (CSR) recognizes persons with disabilities, “participation in society and the workplace is a matter of rights at the individual level, of diversity, talent and business opportunities and benefits at the company level, of social-economic development at the country level and of global social cohesion and social inclusion” (European Network for Corporate Social Responsibility & Disability, 2013). More specifically, Article 27 of the Convention on the Rights of Persons with Disabilities (CRPD), requires state parties to prohibit discrimination based on disability in respect to all aspects of employment. It is argued that this Article protects infringements from business operations to private sector employees, in addition, Article 4 of the CRPD requires state parties to eliminate disability discrimination by any person, organization or private entity and Section 5 requires state parties to provide equal and effective legal protection against disability discrimination. Fasciglione has created that “an obligation on state parties to create an enabling and conducive environment for employment in both the public and private sectors and to promote employment opportunities for persons with disabilities including in the private sector” (Fasciglione, 2015).

About this context, the report of Special Representative of the Secretary-General on the Issue of Human Rights & Transnational Corporations and Other Business Enterprises (2011) says that this moral imperative towards disability CSR is also undergirded by the United Nations Principles on Business and Human Rights Principles”, Waxman has argued that “Sets out principles that should govern a business relationship to respect its impact on human rights and address any adverse effects (Principle 13). The principles require businesses to respect human rights. to do this they are required to have a policy statement that expresses their commitment to human rights, approved by senior management and is encompassed in the organizations’ policies and procedures (Principles 15-16). The principles set out that to accomplish the duty of respect the corporation is to undertake human rights due diligence (Principles 17-21). Section 12 of the principles require corporations to respect internationally recognized human rights, which would include persons with disabilities. and while the principles are nonbinding and therefore only suggestive, they do add to the importance of CSR and add to a growing culture of disability inclusion” (Waxman, 2017).

Empowerment has a meaning as the preparation of resources to the community, opportunities or opportunities, knowledge and expertise to increase the capacity of the community itself in determining the future of individuals, as well as participating and influencing life in the community itself, with a forum that aims to empower the community, especially for people with disabilities, people with disabilities do not need to worry about their physical condition, because even though they have physical deficiencies, companies and the community will provide empowerment to people with disabilities or what is often referred to as the community. susceptible. Febrianto has argued that “Empowerment such as the Cooperate Social Responsibility (CSR) program

that exists in every company, people with disabilities will be able to fulfill their daily needs by becoming a worker or employee in a company” (Febrianto, 2017).

Oware has added that “EDI is a social issue that affects all societies across the globe. Every economy either developed or developing has challenges in the employment and availability of jobs for people and people with disability (UN Disability, 2008; World Economic Forum, 2019). Not only are people with disability a social issue, but it is also a human rights issue. for example, the UN Human Rights Commission with disability states an average of 10 percent of the population of the world represents people with disability. The rights of disabled persons are to ensure equal opportunity for all and remove the occurrence of discrimination against them” (Oware & Mallikarjunappa, 2020).

Specifically, it can be explained that in recruiting or retaining workers with disabilities, employers need adjustments in several ways so that the implementation of work can be effective. Thohari (2011) as argued that “The various types of customize are grouped under: 1. accessibility a. in improving the accessibility of the workplace, including the provision of gates/entrances to and ease of movement in the workplace as well as ease of use of restrooms and bathrooms. b. accessibility can also be interpreted to include signs/writings, manuals, instructions about the workplace and electronic information. this is revisited, for accessibility for those with visual impairments, and especially for those with intellectual disabilities. c. accessibility for those with hearing impairment includes access to information that is often conveyed by voice, d. employers consult with workers with disabilities and with technical consulting services (associations of persons with disabilities) about the criteria established by the competent authorities. e. planning for dealing with emergencies should ensure that persons with disabilities can safely and effectively leave the workplace to a safe area. f. and accessibility is an important requirement for persons with disabilities to carry out their life activities. with accessibility, it is an accessible place, by the standards that have been treated by the government. even the majority of government agencies themselves are not accessible, making it difficult for people with disabilities to access them”. 2. adaptation, a. adaptation is needed for the workspace so that workers with disabilities can do their jobs effectively., b. adaptation is required for tools and equipment to ensure optimum performance, c. review of job descriptions and appropriate changes, d. The flexibility of work schedule, e. Performance requirements need to be reviewed, at an early stage after recruitment, or after becoming a worker with a disability. and 3. incentives and support services, the availability of incentives for workplace adjustments, and technical consulting services.

Corporate values and beliefs translate into behaviors and become cultures. It is important for persons with disabilities that these beliefs not be premised on myths and misinformation about accommodations, litigation, management requirements etc. Waxman has proven that “One important practice that is evident in avoiding these biases is disability awareness training, which will be considered further, below, in respect to management practices and coworker attitudes. As is also evident, companies can learn

and create routines that guide new behaviors about managing diversity and specifically employees with disabilities. in doing so they can create cultures of integration and climates of justice that provide psychologically safe environments. This in and of itself benefits the overall workforce, as well as employees with disabilities but altruism need not be the reason to effect cultural change. There is a business rationale to do so as we will see in examining the business case and Corporate social responsibility” (Waxman, 2017).

ILO dan Irish has argued that “Drafters of legislation, been developed to assist in improving the effectiveness of national laws concerning training and employment of disabled persons as part of an ILO project “The Employment of People with Disabilities. The impact of Legislation this project aims to enhance the capacity of goverment of selected countries to implement effective legislation on the employment of people with disabilities, either in the form of laws, or revisions to existing laws or through the development of regulations or policies to implement laws” (ILO and Irish Aid, 2017).

Strategy in enterprise management based on the ILO Guidelines on the management of persons with disabilities, that “A workplace process designed to facilitate the employment of persons with disabilities through coordinated efforts and taking into account individual needs, work environment, company needs and legal responsibility. general duties of employers and trade unions, as well as the responsibilities of the competent authorities. general duties of employers (responsibility of competent authorities, general duties of trade unions, the framework for the management of persons with disabilities in the workplace. development of strategies for managing persons with disabilities in the workplace. communication and awareness raising (evaluating effectiveness, recruitment, preparation for recruitment), interviews and tests, worker orientation to work, work experience, work trials and placement of workers, obtaining support, progress review Ensure that all human resource management policies and practices are free from discrimination requires a systematic approach to managing equality in the workplace Actions to review and revise human resource policies, train staff responsible for recruitment and human resource management, and incorporate equality into the corporate culture should be taken as part of a well-planned and structured corporate equality action plan. ok. Corporate equality action plans are often based on an equality policy that states the company's commitment to equality” (ILO, 2014).

About that context, Monica has argued that “ The company designs and provides work assistance and coaching for disabled workers so that the skills and abilities of workers with physical disabilities can be gradually improved; open access to training and education for workers with physical disabilities to be able to achieve the standard level of education and training required by the workplace” (Monica Kristiani Widhawati 2019). Companies in the process of recruiting disabled workers can: conduct placement exams to find out their interests, talents, and abilities, provide assistance in the process of filling out application forms and other necessary processes, provide tools and test forms that

are by disability conditions, and provide flexibility in processing time. tests according to the conditions of people with disabilities.

Persons with disabilities who are given training and other skills guidance so that they have a grip on skills before carrying out their work, Hidayat K. has proven that “including: sewing, whether done by men or women. in sewing training, you will be taught how to sew with a machine and be able to produce finished goods, electrical engineering includes training to repair electronic goods, electric welding/carbide such as making gates or even producing items made of iron, integrated agriculture containing training on how ways to farm correctly and can produce well and high selling points, computers contain training to become someone who can understand and carry out activities related to computers, automotive motors, namely training to be able to repair machines or motor bodies, women's crafts are devoted to women in where the training contains training for, making useful crafts such as making bags, drinks, food and many more, and salons” (Hidayat, 2018).

Many disability advocates base D& I on a structure that incorporates building, sustaining and growing dimensions. in the initial building phase, Direction has argued that “significant emphasis is placed upon: 1) recognition of disability within the broader diversity framework, 2) building a positive workplace culture; and 3) addressing the predilection to view disability in terms of expenditure rather than a benefit. The latter is based on often mistaken assumptions about costs of support or access arrangements required by employees with a disability. Efforts to frame disability as a potential asset should be encouraged by research into broadening racial and gender representation. in these instances, inclusion was regarded as meaningful and positively associated with such as output and performance. Findings like these also deter firms from seeing inclusion as a mere box-ticking exercise to fulfill through token gestures. Developing the right initiatives is invariably challenging. It is often tougher still to sustain the momentum. This is where a strong business case comes to the fore. Buy-in to inclusivity can be greater when advantages are stated in economic terms. Key moves to advance inclusion agendas during this stage might include: arranging working groups with a remit to assimilate diversity commitments with business policies or goals; and- creating employee groups to help build a sense of community among diverse employees. for this purpose, professionals with experience in diversity inclusion are sometimes used too” (Direction, 2021).

Adjustment of persons with disabilities as workers requires the company's commitment providing additional funds to prepare human resources and additional facilities to meet the needs in the work environment. Human resources in the form of training on the awareness of other workers on the existence of people with disabilities as well as increasing awareness that people with disabilities have rights as workers, and even as a business opportunity and there are many benefits. companies can carry out Corporate Social Responsibility (CSR) as a fulfillment of the rights of persons with disabilities.

2.4 Management of workers with disabilities in international companies

The UN Convention on the Rights of Persons with Disabilities (CRPD) into GENEVA ILO that “An international agreement that sets out important globally recognized milestones for the rights of persons with disabilities in all areas of life including the economic, social, political, and cultural spheres. This Convention regulates how human rights apply also in the context of disability and obliges Member States to make the policy framework applicable in their country by the CRPD to promote and protect the rights of persons with disabilities” (ILO, 2014).

Cita has argued that “In 1960, the Japanese government passed a law on job promotion for persons with disabilities which required every company to have workers with disabilities. The law requires a quota of 1.8 for private companies with 56 employees, and 2.1 percent for government offices. This is stated in the Japanese law on job promotion and others Year 1960 Number 123 regarding the quota system in every company in Japan which must be filled by persons with disabilities. for companies that fail to meet the quota, the Japanese government applies a kind of 'tax fine'. The tax penalty is 50.1 yen per month per person under the quota. This is stated in the same law (Year 1960 Number 123): “Retribution and allowance system: This system operates by collecting user fees from companies that fail to meet the quota of workers with disabilities. Funds obtained by the levy system are used to encourage employers to employ persons with disabilities above the quota and to promote the employment of workers with disabilities and improve working conditions. • Levy Collection: 50,000 yen per month per person (with more than 300 permanent employees). • Payment of Adjusted Benefits: 25,000 yen per month per person will be paid to companies that employ workers with disabilities over the legal quota (with more than 300 permanent employees). Payment of benefits: 20,000 yen per month per person will be paid to companies employing workers with disabilities who are more than the stipulated amount (with less than 300 permanent employees). • Subsidy payments: for the construction of work facilities, special job management, vocational adjustment, capacity building, etc. to improve the quality of the work” (Cita, 2017).

The government can provide implementation guidelines by adjusting the company's needs based on examples of international companies in implementing their respective country's legal obligations/orders. The government also emphasizes the ability to realize commitments that are tailored to the company's goals, even though the majority of companies carry out their obligations to improve the company's image.

3. Conclusion

Persons with disabilities as workers are the environment around people with disabilities or the public's perspective on people with disabilities. Companies can consider the advantages of people with disabilities as workers compared to other workers, in the form of the character of people with disabilities and a good image for companies that employ people with disabilities. Adjustment of persons with disabilities

as workers requires the company's commitment to providing additional funds to prepare human resources and additional facilities to meet the needs in the work environment. Human resources in the form of training on the awareness of other workers on the existence of persons with disabilities as well as increasing awareness that persons with disabilities have rights as workers, and as business opportunities and many benefits, as well as through company activities in the form of Corporate Social Responsibility (CSR) as a fulfilment of the rights of persons with disabilities.

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