

## **CHALLENGES AND APPROACHES TOWARDS DISABILITY- INCLUSIVE CORPORATE WORKPLACES IN INDIA**

Ananya Lal

The Shri Ram School, Mousari

### **ABSTRACT**

With over 80 million people affected with disabilities of multiple types, India's disabled population is one of the largest excluded and marginalized groups in the world. While various schemes have been introduced in the last two decades and more by the Government of India's Ministry of Health and Family Welfare and the Ministry of Social Justice and Empowerment, these primarily address methods of improving their education rates, skill development, and access to public resources. Limited academic study has been dedicated towards corporate workplaces in India, which in many ways despite the existence of labour laws seem to function as independent entities with rules of their own. In particular, there is minimal focus on policies and practices of disability inclusion in corporate work spaces, going beyond the basic ramp requirement to accommodations that prevent the exclusion of those with sensory, learning, and other disabilities. The ethics of including individuals with such disabilities whose productive output may be lesser than those without have been minimally discussed. This paper reviews the scenario of disability-inclusion with respect to corporate spaces in India, considering the consequences of a lack of disability-friendly work environments that dissuade individuals from seeking work in such spaces. Further, the ethics of affirmative action and similar modes of empowerment are discussed from both a utilitarian and capitalist perspective. Finally, policy recommendations are provided to seek better implementation of existing schemes and future developments in including disability-access in the workspace.

**Keywords:** Disability, PwD, Workplaces, Empowerment, Resources, Labour

### **INTRODUCTION**

Disability in India affects approximately 80 million people and they are a significantly excluded section of the population owing to factors such as low literacy, lack of employment, poverty and most importantly, social stigma and prejudices. As per the disability management network in the country 'India has a growing disability rights movement and one of the more progressive policy

frameworks in the developing world. But, a lot more needs to be done in implementation and “getting the basics right”.’ (Kedia, 2019)

In a country like India, disability is a multifaceted problem, amplified by its complex nature, massive number, lack of resources to address the same and damaging social attitude. Although there are existing disability legislations in the country, they have been found wanting in tackling the Indian social context. The Rights of Persons with Disabilities Act, 2016, is the pivotal policy and legal framework in India, but despite the amendment, its implementation is fraught with difficulties (Ministry of Statistics and Programme Implementation, 2016). Although it establishes responsibility on society to make inclusive adjustments for equal accommodation of the persons with disability, there are deep-rooted social perceptions that require a lot more than umbrella national legislation. India is also one of the earliest signatories of the United Nations Convention on the Rights of Persons with Disabilities, 2006, and a keen participant of their mainstreaming disability in the development agenda (Ministry of Statistics and Programme Implementation, 2016).

Under the Rights of Persons with Disability Act, a “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others (Art 2 (s) of the Act). The Act prescribes various modes of increasing accessibility, rights provided to persons with disabilities and obligations incumbent on parties, primarily the Government to ensure that such individuals are able to secure rights, especially rights of employments without discrimination (Ministry of Statistics and Programme Implementation, 2016).

With over 80 million people affected with disabilities of multiple types, India’s disabled population is one of the largest excluded and marginalized groups in the world. While various schemes have been introduced in the last two decades and more by the Government of India’s Ministry of Health and Family Welfare and the Ministry of Social Justice and Empowerment, these primarily address methods of improving their education rates, skill development, and access to public resources. Limited academic study has been dedicated towards corporate workplaces in India, which in many ways despite the existence of labour laws seem to function as independent entities with rules of their own. In particular, there is minimal focus on policies and practices of disability inclusion in corporate work spaces, going beyond the basic ramp requirement to accommodations that prevent the exclusion of those with sensory, learning, and other disabilities.

The ethics of including individuals with such disabilities whose productive output may be lesser than those without have been minimally discussed. This paper reviews the scenario of disability-

inclusion with respect to corporate spaces in India, considering the consequences of a lack of disability-friendly work environments that dissuade individuals from seeking work in such spaces. Further, the ethics of affirmative action and similar modes of empowerment are discussed from both a utilitarian and capitalist perspective. Finally, policy recommendations are provided to seek better implementation of existing schemes and future developments in including disability-access in the workspace.

## **BACKGROUND**

The importance of disability-inclusive corporate workplaces in India can be seen through economic and statistical considerations. In 2016, the Indian Parliament passed the Rights of Persons with Disabilities Act, a disability legislation that follows India's responsibilities following the ratification of the UN Convention on the rights of Persons with Disabilities in 2007 (Ministry of Statistics and Programme Implementation, 2016). The Act replaced the previous Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act of 1995 (Ministry of Statistics and Programme Implementation, 2016).

As per the 2011 Census of India, out of a 121 crore people about 2.68 crore people are "disabled" (Census India). This constitutes 2.21% of the total population, which even as a minority is a considerable large one for which comprehensive and holistic measures are required to be taken to ensure inclusion in the society, education systems, and corporate environments of the country (Census India). There have numerous guidelines, commitments, and obligations which India has taken on recently with respect to the welfare of PwDs, with India being a signatory to the 'Declaration on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region' (2000) (Ministry of Statistics and Programme Implementation, 2016). India has also ratified the 'UN Convention on the rights of Persons with Disabilities' (2008), the 'Biwako Millennium Framework '(2002) for action towards an inclusive, barrier free and rights based society, the 'Biwako Plus Five (2007), and the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific (2012) provides the Asian and Pacific region and the world with the first set of regionally agreed disability inclusive development Goals (Ministry of Statistics and Programme Implementation, 2016).

## **DISCUSSION**

In India, multiple organizations and companies have made progress to enact more inclusive policies with respect to the employment of PwDs. However, it persists as a large challenge for a number of reasons including - lack of awareness, PwDs as a minority ranking low on the priority of corporate organizations, and the unwillingness of companies to make tangible long-term investments in infrastructure, training, and other PwD-enabling facilities including forms of

assistive technologies. There is a need to look also beyond merely the corporate environments and culture, to consider the socially constructed perception of disabled persons, including their discrimination and stereotyping.

In many workspaces, assistive technologies are a game-changer, with various NGOs and non-profit organizations including Enable India, NabetIndia, and v-Sesh who have created strong partnerships with various companies through referral programmes for Persons with Disabilities, including companies such as The Practice, Pratham Motors, ANZ Supportive Services India Pvt Ltd, Ernst & Young GSS (India) Pvt Ltd, Goldman Sachs, JP Morgan Chase, Nafex.com, Deutsche Bank, among others (Kedia, 2019). Through such referral schemes and programmes, companies are made to provide greater attention to a talent pool comprising of PwDs, including support for what the requirements are for hiring them including disability-friendly accommodations. This, of course, varies depending on the type of disability considered -- ranging from sensory disabilities to learning disabilities. Companies cannot make the same kind of accommodation for all kinds of disabilities. Hence, where is the line drawn between measures (in many cases expensive ones) for inclusion of different types of disabilities, and the mandate of profit-making and capitalist productivity and efficiency for such corporations?

Companies are thus still concerned about hiring PwDs in India, where a 2017 study showed that in the previous 6 years, 80 percent of eligible PwDs have been promoted while 20 percent of them have received double proportions, including there being minimal tension or conflict between PwD workers (Jain, 2017). In many cases, companies are unaware of properly allocating specifically suited tasks to PwDs, thus limiting the opportunities that such employees receive; moreover, in the retail industry, while there were previously only three to five companies employing PwDs (Dominoes, Cafe Coffee Day, Pizza Hut, etc.) there has been a marked improvement in the last decade where more than five hundred retailers have taken active efforts to engage with PwDs and promote their employment (Kedia, 2019). Alongside this, more than a hundred and fifty companies including Megamart, Landmark and D-Mart, have established workplace policies of disability inclusion which include training facilities, sign-language classes, sensitization training and infrastructure support (Kedia, 2019).

## **POLICY RECOMMENDATION**

An important consideration here must be the mainstreaming of disability narratives into various levels of policy across the country. A UNDP report mentions that while there exists no standard definition of mainstreaming disability, one can derive a definition from gender mainstreaming which the Economic and Social Council defined in July 1997, with respect to the programmes

and policies of the United Nations (“Mainstreaming disability in the development agenda”, 2008). There, it was stated that:

“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences....an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres.” (“Mainstreaming disability in the development agenda”, 2008)

If one was to concern disability-inclusion in corporate workspaces in a similar light, one would see that the primary requirement that needs to be met, without which a comprehensive policy is impossible to be implemented, is such mainstreaming of disability within the developmental agenda. Another suggestion made in the UNDP report is of a “no-gap policy”, one where no entity, either a government organization or an NGO or a company can achieve what is needed for disability-inclusion in an exclusive fashion, in isolation from the other entities. The report discusses the need for an “interconnected network of actors”, using the example of a person with a wheelchair who, for a truly disability-friendly workplace, requires the ability to freely move in and out of their home, use transport services, access various types of built environments around them, and also be able to use workspace equipment including communications and computational technologies (“Mainstreaming disability in the development agenda”, 2008). It is important for various entities to come together and work in a collaborative fashion such that their various responsibilities for creating, maintaining, and sustainably running the required services, opportunities, and capacities for the access to PwDs (persons with disabilities) are done in an equal manner with the other entities. The failure of any of the entities in this case results in a Domino Effect, where the PwDs find themselves excluded, placed in an environment that is not conducive to their easy functioning.

Hence, it is important that future policy with respect to hiring and HR, workplace architecture, and various other governmental and non-governmental organizations are all pursued in a pluralistic, comprehensive and holistic manner, using mainstreaming strategy to coordinate between sectors of responsibilities. There is a need to balance elements of productivity -- the myth of over-expensive technologies and services to accommodate PwDs must be dispelled with the integration of cost-effective methods of including different kinds of disabilities in an efficient and sustainable manner. There is a need to go beyond the short-term to look in terms of long-term sustainability, particularly with respect to 2.1% of the Indian population which could contribute large quantities of productivity and GDP growth if included in the economy.

## CONCLUSION

To summarize, there can be 5 major steps to the create disability inclusive workplaces in India, categories into (a) access to talent; (b) increased innovation; (c) increased engagement; (d) sustainable policy-making; and (e) disability mainstreaming. The first include NGO coordination as has occurred to improve access to PwD talent pools in the country by companies. The second includes increased innovation with respect to assistive technologies in the workplace, suited appropriately for different disabilities. The third includes sustainable long-term policy-making both at the corporate and HR levels as well as the government level, to create environments where PwDs can function freely. Further, there is a need for increased engagement with PwD community in India, to engage in participatory decision-making and policy creation. Further, finally, there is a need for disability mainstreaming that incorporates the functioning of various entities, from transportation to infrastructure and healthcare facilities, such that they function as a network of interconnected entities and not in isolation with each other. By doing so, in the near future, there can be increased disability inclusion in the Indian economy, to better promote both inclusion and growth simultaneously. Hence, this paper has briefly looked into the challenges and approaches towards disability-inclusive corporate workplaces in India, where it has arguably surpassed its ambit in considering the aspects of disability mainstreaming as a large issue that requires multidisciplinary, pluralistic, multifaceted and multidimensional work to be truly effective in a country as large as India.

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