



Unit 3: Law provisions at national level in order to hire and prepare an employee with ASD

National normative documents on employment and disability rights by countries

All European regulations are mandatory for its member countries. At the national level, each one has the competence to develop legislation that is always more permissive than the preceding administrative level. And all this in turn, respecting the international legislative framework.

In this section, will consider different aspects of labor legal provisions and the employment initiatives applicable to people with ASD. You can consult a comparative study in the downloading material for the following countries: Spain, Poland, Italy, Cyprus and Serbia.

In order to reflect and about your local country, we recommend you to make the questionnaire (Activity 6) and invite you to research and complete the information that you still don't know.

The previous activity has served to know the starting point of knowledge of your own country. Now, we recommend you to make the second questionnaire and work in the investigation of relevant information of a legal nature from your country of origin. the information that you still don't know.

The search will be divided into legislation that protects Human Rights / Applicable legislation on employment and disability.

The second part will be directed to the investigation of specific legal references in the matter of autism.

After this, you can go delve into the situation of the case studies of Spain, Poland, Italy, Cyprus and Serbia by reading the downloading material.



The company's strategy when hiring people with ASD (person with a disability)

Legal framework

Employers are legally obliged to support and make reasonable adjustments for disabled employees focused on the recruitment process, to the physical environment, to where and when an employee works, and it might include accessing things like specialized training for companies and workers.

Any strategy aimed at more responsibly managing the disability in the sphere of influence of the company must take into account the following frames:

International Convention on the Rights of People with Disabilities

It will indicate the specific rights of people with disabilities to which the company must pay attention and how to prevent any possible negative impact on your rights based on international unreported rules (WHAT).

These rights are complementary to those established in other international and European human rights instruments that are also applicable to people with disabilities.

Its main axis is the right to equality and non-discrimination based on disability.

Guiding Principles on Business and Rights humans

The Guiding Principles are applicable to all companies regardless of their size, sector, location, ownership and structure.

“Respect” means that companies must prevent, mitigate and, when necessary, repair the possible negative consequences on human rights that their activities could have caused, or contributed to causing, in their operations, products or services, even when these impacts caused by their suppliers or business relationships.

2030 Agenda and the Sustainable Development Goals

They will serve as a guide to identify actions that allow to enhance the role of people with disabilities in our societies. They will also serve to explain and communicate what rights are being supported by the company in such a way as to foster alliances both internally and with third parties, which build a society that leaves no one behind. (OPPORTUNITY).



These three axes will allow:

- Take as a reference in the company's strategy, the uniform rules that have been recognized internationally.
- Ensure that the company is not having a negative impact on the rights of people with disabilities, not only in the workplace, but also throughout the company's area of influence (customers, products and services, work and business environments, etc.).
- Ensure that the necessary mechanisms have been put in place to prevent, mitigate and repair such impacts.
- Commit to the 2030 Agenda, explaining and communicating the contribution of the company to the SDGs related to people with disability.

Direction and steps to the employer for promoting disability inclusion

It is an initial mistake to limit talent to a certain profile. The selection strategy should focus on professional competencies, skills, attitudes and values, ultimately, talent and not labels. The diversity of competences, experiences and visions constitutes an opportunity for companies, which must focus on attracting the best rather than on aspects extrinsic to talent (age, gender, disability, origin, etc.).

Based on the rights protected by the Convention and the procedure established by the Guiding Principles to ensure that companies respect the human rights, corporate responsibility towards people with disabilities can be strengthened by establishing the following steps:

STEP 1 Public commitment to the rights of people with disabilities

Tip point: It will always be more effective and practical to take advantage of the management systems already established to incorporate elements that have to do with the rights of people with disabilities than to create a new system from scratch.

STEP 2 Identify possible negative impacts on the rights of people with disabilities in the company's area of influence.

STEP 3 Establish the procedures and those responsible for preventing, mitigating and repairing possible impacts as well as communicating the progress made

Tip point: The company must inform all people at the time of their hiring of the company's commitment in relation to disability and offer the training that is required so that all people understand these rights.



STEP 4 Contribute to the SDGs related to disability.

Specifically, people with disabilities are mentioned eleven times in the goals and / or indicators of the SDGs (in objectives 4, 8, 10, 11 and 17), which means an opportunity and a responsibility on the part of companies in relation to this collective.

Law provisions regarding employment of an employee with ASD (person with disabilities)

Denying Reasonable Accommodation to employees constitutes as discrimination under the Employment Equality Directive, unless applying the accommodation would pose a 'disproportionate burden' on the employer. In this instance, a 'disproportionate burden' relates to the financial costs of the proposed accommodations, the impact on staff time and productivity, whilst also considering whether an European employer can access public funding like the Reasonable Accommodation Fund that can help put the support in place.

In order to reflect and about your local country, we recommend you to make the questionnaire (Activity 12) basing your answers in your own personal and professional experience. We encourage you to search and complete the information that you do not know.

The previous activity has served to know the starting point of knowledge of your own country. Now, we recommend you to make the second questionnaire and work in the investigation of relevant information of a legal nature from your country of origin.

In the downloading material of this section, you can find a comparative study of five European countries (Spain, Poland, Italy, Cyprus and Serbia) on what the legal provisions require when hiring a person with autism.

We will start by legally recognizing the disease, we will see types of contracts and working conditions, also tax benefits for companies and finally we will see how these countries try to raise awareness about the labor insertion of workers with ASD.