

SHINING A LIGHT ON DISABILITY INCLUSION:

Status of Disability and Employment Laws **Around the World**

**Baker
McKenzie.**



**Valuable
500**

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Foreword

When we gathered at SYNC25 in Tokyo in December 2025, we launched a decade of accountability on disability inclusion in business. This Global Disability Legislation Index is one of the first tangible deliverables of that commitment. And it represents something we've never had before: a comprehensive, accessible view of disability legislation across over 100 countries.

This resource exists because of an extraordinary collaboration. Over 350 volunteers from Valuable 500 member companies and the wider legal community contributed more than 1,400 hours through Baker McKenzie's Justice in Action model. Working across time zones and borders, legal and business professionals came together to answer the same essential questions for each jurisdiction: What does disability mean here? What protections exist? What constitutes reasonable accommodation? Their collective effort has created a tool that benefits not just employers navigating complex legal landscapes, but employees seeking to understand their rights and advocates pushing for legislative change.

But let me be clear: knowing the law is just the beginning. Compliance tells us the minimum we must do; true disability inclusion demands we ask what more we can achieve. As we enter this decade of accountability, use this resource as a starting point - to ask better questions, make meaningful comparisons between jurisdictions, and push yourselves to go further. The 1.3 billion disabled people worldwide deserve nothing less than our full commitment to building workplaces, products, and societies designed for everyone. This is how we transform business systems to transform society.

Katy Talikowska
CEO, Valuable 500

Asia Pacific

Armenia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

“Person with a disability” is defined under The Law on The Rights of Persons with Disabilities as “*person who, owing to interaction of long physical, mental, intellectual and (or) emotional problems, can have restriction of full and effective participation in public life on an equal basis with others*” (English transliteration of the Armenian text).

Source:

The Law on The Rights of Persons with Disabilities: <https://www.arlis.am/hy/acts/152960> (in Armenian)

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under *The Law on The Rights of Persons with Disabilities* applies at a national level.

Source:

Article 1, The Law on The Rights of Persons with Disabilities: <https://www.arlis.am/hy/acts/152960> (in Armenian)

3. Do these definitions include mental health?

- Yes, under The Law on The Rights of Persons with Disabilities, the definition of “person with a disability” includes “*a person who, owing to interaction of ... mental problems... can have restriction of full and effective participation in public life on an equal basis with others*”.
- Additionally, Armenia has a separate and dedicated law on mental health. Under The Law of The Republic of Armenia about mental health services and servicing of June 19, 2004 No. ZR-80, mental health is defined as “*the inalienable and non-transferable non-material benefit of the person including the corresponding perception of the environment, capability to realize own potential, to overcome*

stressful life situations, to work effectively, and also to make own contribution to public life, manifestation and preserving stable emotionality”.

Source:

The Law on The Rights of Persons with Disabilities: <https://www.arlis.am/hy/acts/152960> (in Armenian)

The Law of The Republic of Armenia about mental health services and servicing of June 19, 2004 No. ZR-80: <https://cis-legislation.com/document.fwx?rgn=127722#:~:text=1>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Under The Law on The Rights of Persons with Disabilities, “person with disability” is defined to include “*a person who, owing to interaction of ... mental problems... can have restriction of full and effective participation in public life on an equal basis with others*”. This would cover conditions such as dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity.

However, there are no specific definitions or mentions of “neurodiversity” or dyslexia, autism, ADHD, dyspraxia etc. in The Law on The Rights of Persons with Disabilities or The Law of The Republic of Armenia about mental health services and servicing of June 19, 2004 No. ZR-80.

Sources:

The Law on The Rights of Persons with Disabilities: <https://www.arlis.am/hy/acts/152960> (in Armenian)

The Law of The Republic of Armenia about mental health services and servicing of June 19, 2004 No. ZR-80: <https://cis-legislation.com/document.fwx?rgn=127722#:~:text=1>

5. Are there specific disability employment laws for certain industries or sectors?

No. The Law on The Rights of Persons with Disabilities does not have specific provisions for particular industries or sectors. The principles of non-discrimination and reasonable

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accommodation under The Law on The Rights of Persons with Disabilities apply across the board.

Sources:

The Law on The Rights of Persons with Disabilities: <https://www.arlis.am/hy/acts/152960> (in Armenian)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

There is currently no legally mandated employment quota system for hiring people with disabilities in Armenia. However, there are ongoing legislative efforts to introduce such a system. In September 2025, a draft law is proposed in Armenia National Assembly to (i) establish a job quota system for people with disabilities, and (ii) propose that each job subject to the quota must be held by a person with disabilities for at least 275 calendar days per year. This proposal is currently under discussion and has not been enacted yet.

Source:

Official website of National Assembly of the Republic of Armenia

http://www.parliament.am/news.php?cat_id=2&NewsID=22567&year=2025&month=09&day=04&language=eng

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

On 16 September 2025, the Constitutional Court of Armenia ruled that the absolute ban on appointing individuals with disabilities from judicial and other public functions to be unconstitutional.

Sources:

Judgment

https://www.concourt.am/decision/decisions/68cd5259cee90_SDV-1796.pdf?fbclid=IwY2xjawM9uoVleHRuA2FlbQlXMAbicmlkETfM0ZnU2NBQnZKNEp5R1ZyAR58ElzifPsCXSvbsaDKYR5Na1r78KQfhmBDLdnGFLmwJIV0kpbtBrActW6eZQ_aem_CscJJ99ISFrvfG68OWpx9g (in Armenian)

Report by the Human Rights Defender of The Republic of Armenia

https://www.ombuds.am/en_us/site/ViewNews/3515

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Australia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The Commonwealth of Australia defines disability for employment protection under the *Disability Discrimination Act 1992* (Cth). The definition is very broad - see sections 4 and 15 of the *Disability Discrimination Act 1992* (Cth) below:

4 Interpretation

disability, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

To avoid doubt, a **disability** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

15 Discrimination in employment

- (1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability:
 - (a) in the arrangements made for the purpose of determining who should be offered employment; or
 - (b) in determining who should be offered employment; or
 - (c) in the terms or conditions on which employment is offered.
- (2) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against an employee on the ground of the employee's disability:
 - (a) in the terms or conditions of employment that the employer affords the employee; or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
 - (c) by dismissing the employee; or
 - (d) by subjecting the employee to any other detriment.
- (3) Neither paragraph (1)(a) nor (b) renders it unlawful for a person to discriminate against another person, on the ground of the other person's disability, in connection with employment to perform domestic duties on the premises on which the first-mentioned person resides.

For state and territory specific laws, see Q.2.

Source:

Disability Discrimination Act 1992 (Cth):
<https://www.legislation.gov.au/C2004A04426/latest/text>

2. Are there different definitions for disability at a state, provincial or local level?

Yes, each Australian state and territory has its own anti-discrimination laws.

Commonwealth (nation-wide) Legislation: *Disability Discrimination Act 1992 (Cth)* provides a broad definition encompassing physical, intellectual, psychiatric, sensory, neurological, and learning disabilities, whether permanent or temporary, visible or invisible.

Queensland Legislation: *Disability Services Act 2006 (Qld)* defines a disability as an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment that results in a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management. The disability must be permanent or likely to be permanent.

New South Wales Legislation: *Anti-Discrimination Act 1977 (NSW)* defines disability as a total or partial loss of a person's bodily or mental functions or of a part of a person's body, or the presence in a person's body of organisms causing or capable of causing disease or illness, or the malfunction, malformation or disfigurement of a part of a person's body, or a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction, or a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

Northern Territory Legislation: *Anti-Discrimination Act 1992 (NT)* defines disability broadly to include physical, intellectual, psychiatric, sensory, neurological, and learning disabilities, as well as physical disfigurement. The definition is not limited to formally diagnosed disabilities.

Victorian Legislation: *Equal Opportunity Act 2010 (Vic)* defines disability as total or partial loss of a bodily function, or the presence in the body of organisms that may cause disease, or total or partial loss of a part of the body, or malfunction of a part of the body including (i) a mental or psychological disease or disorder and (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder; or malformation or disfigurement of a part of the body.

South Australian Legislation: *Disability Inclusion Act 2018 (SA)* defines disability to include long-term physical, psycho-social, intellectual, cognitive, neurological, or sensory impairments, and how these interact with barriers to hinder full participation in society on an equal basis with others.

Western Australian Legislation: *Equal Opportunity Act 1984 (WA)* defines disability as an "impairment". This includes physical, intellectual, and mental impairments, as well as impairments that a person has had in the past or is assumed to have.

Australian Capital Territory Legislation: *Discrimination Act 1991 (ACT)* defines disability broadly. It includes physical, sensory, and psychiatric conditions, as well as intellectual, neurological, and learning disabilities. It also covers conditions like illnesses, diseases, and impairments that affect a person's thought processes, perception of reality, emotions, or judgment, even if they result in disturbed behavior.

Tasmanian Legislation: *Anti-Discrimination Act 1998 (TAS)* defines disability broadly to include various forms of physical and mental impairments, as well as conditions that may cause or be caused by illness or disease. Specifically, it encompasses total or partial loss of bodily or mental functions, loss of a body part, the presence of disease-causing organisms, and malfunctions or disfigurements of the body. It also includes impairments related to learning, neurological conditions, and psychological or psychiatric illnesses.

Sources:

Disability Discrimination Act 1992 (Cth):
<https://www.legislation.gov.au/C2004A04426/latest/text>

Disability Services Act 2006 (Qld):
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-012>

Anti-Discrimination Act 1977 No 48 (NSW):
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1977-048>

Anti-Discrimination Act 1992 (NT):
<https://legislation.nt.gov.au/Legislation/antidiscrimination-act-1992>

Equal Opportunity Act 2010 (Vic):
<https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/030>

Disability Inclusion Act 2018 (SA):
<https://www.legislation.sa.gov.au/lz?path=/c/a/disability%20inclusion%20act%202018>

Equal Opportunity Act 1984 (WA):
https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_305_homepage.html

Discrimination Act 1991 (ACT):
<https://www.legislation.act.gov.au/a/1991-81/>

Anti-Discrimination Act 1998 (TAS):
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1998-046>

3. Do these definitions include mental health?

Yes. Section 4 of the *Disability Discrimination Act 1992 (Cth)* (definition provided as part of Q.1) explicitly covers mental health conditions in the definition of disability.

Source:

Disability Discrimination Act 1992 (Cth):
<https://www.legislation.gov.au/C2004A04426/latest/text>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. The broad definition in the *Disability Discrimination Act 1992 (Cth)* includes neurodiversity as it covers disorders or malfunctions that result in a person learning differently or affect thought processes.

Disability Discrimination Act 1992 (4)

4 Interpretation

Disability

...

(f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or

(g) a disorder, illness or disease that affects a person's thought processes, perception of reality,

emotions or judgment or that results in disturbed behaviour;

...

Source:

Disability Discrimination Act 1992 (Cth):
<https://www.legislation.gov.au/C2004A04426/latest/text>

5. Are there specific disability employment laws for certain industries or sectors?

No. There is no specific disability laws for certain sectors in Australia as the *Discrimination Act 1992 (Cth)* provides the definition to apply across all sectors and industries.

Source:

Disability Discrimination Act 1992 (Cth):
<https://www.legislation.gov.au/C2004A04426/latest/text>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, there are no established employment quotas in Australia.

Instead, the government works on increasing employment of people with disability through policy making.

Source:

Australia's Disability Strategy 2021-2031 | NDIS:
<https://www.ndis.gov.au/understanding/australias-disability-strategy-2021-2031>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

X v Commonwealth 1999 HCA

In this case, a soldier was discharged from the Australian Defence Force (ADF) after testing positive for HIV. The High Court ruled that the *Disability Discrimination Act 1992 (Cth)* allows employers to discriminate if the person cannot perform the inherent requirements of the job, even with reasonable adjustments, and if the discrimination is necessary to protect the health and safety of others.

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Purvis v New South Wales [2003] HCA

This case extended the definition of disability and discrimination to include that behaviors resulting from a disability (e.g., in autism) are protected under the *Disability Discrimination Act 1992 (Cth)*.

Sources:

X v Commonwealth [1999] HCA 63:
<https://jade.io/article/68165>

Purvis v New South Wales [2003] HCA 62:
<https://jade.io/article/68435>

Other relevant information

The *Fair Work Act 2009 (Cth)* also provides general protections against adverse actions (e.g., dismissal) based on disability across all workplaces. This Act is the broad employment which is effective across all of Australia. Section 351 of the *Fair Work Act 2009 (Cth)* provides that: "An employer must not take adverse action against a person who is an employee, or prospective employee, of the employer because of the person's..... physical or mental disability."

Source:

Fair Work Act 2009 (Cth):
<https://www.legislation.gov.au/C2009A00028/latest/text>

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Azerbaijan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Article 1 of the Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities defines a person with a disability as: "A person who has 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."

Azerbaijan was one of the first countries to sign and ratify the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2008. The Human Rights Commissioner of Azerbaijan (Ombudsman) is responsible for implementing the CRPD to ensure the right of equality and prevent discrimination for persons with disabilities.

The Azerbaijan Agency for Sustainable and Operative Social Provision (DOST) further specifies that a person with a disability is a person whose life is limited due to physical or congenital disabilities, in need of social assistance and protection. The limitation of the life of a person is manifested in the complete or partial loss of his ability or ability to self-service, movement, self-control, communication, control over his own behavior, as well as to engage in labor activity.

Sources:

Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities (Əlilliyi olan şəxslərin hüquqları haqqında), <https://e-qanun.az/framework/39591>.

World Bank, *Including Persons With Disabilities Into Society Is A Strategic Priority For Azerbaijan*, <https://www.worldbank.org/en/news/opinion/2022/12/02/including-persons-with-disabilities-into-society-is-a-strategic-priority-for-azerbaijan>.

Constitutional Law on Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Article 1.3-1*, <https://ombudsman.az/storage/6MecArsvgeviAhtkN3RuKAKATKdxdSe1AE1B97Qb.docx>.

Azerbaijan Agency for Sustainable and Operative Social Provision (DOST), *Services in the field of*

disabilities, <https://dost.gov.az/en/services/disability/?kt=14>.

2. Are there different definitions for disability at a state, provincial or local level?

Azerbaijan does not have different definitions of disability at the state, provincial, or local levels. The country operates under a centralized legal framework, and disability is defined and regulated at the national level.

Sources checked include review of national laws, google searches and in the laws shown in the "other relevant info" section.

3. Do these definitions include mental health?

Article 1 of the Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities includes "mental health" impairments in its definition of disability.

Source:

Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities (Əlilliyi olan şəxslərin hüquqları haqqında), <https://e-qanun.az/framework/39591>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Article 1 of the Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities includes "mental, intellectual, or sensory impairments" in its definition of disability, which is a broad definition that likely covers neurodiversity. Additionally, the DOST Agency, Azerbaijan's disability assessment framework includes limitations in areas such as:

- Communication
- Behavior management
- Training
- Work

These categories are directly relevant to autism spectrum disorder and other neurodivergent conditions, suggesting that such diagnoses can qualify as disabilities under Azerbaijani law when they significantly impair daily functioning.

Sources:

Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities (Əlilliyi olan şəxslərin hüquqları haqqında), <https://e-qanun.az/framework/39591>.

Azerbaijan Agency for Sustainable and Operative Social Provision (DOST), *Services in the field of disabilities*, <https://dost.gov.az/en/services/disability/?kt=14>.

5. Are there specific disability employment laws for certain industries or sectors?

No. Azerbaijan's disability employment laws apply to all industries and sectors. However, as discussed below, there are quotas for employers to hire persons with disability based on company size.

Sources:

Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities (Əlilliyi olan şəxslərin hüquqları haqqında), <https://e-qanun.az/framework/39591>.

Azerbaijan Agency for Sustainable and Operative Social Provision (DOST), *Employment of citizens by quotas*, <https://dost.gov.az/en/services/employment/?kt=7>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Azerbaijan has implemented employment quotas for hiring people with disabilities under its Law on Employment. The law requires employers to reserve a percentage of jobs for individuals with special social protection needs, including persons with disabilities.

Quota Percentages:

- Enterprises with 25–50 employees: The law requires allocation of 3% of jobs, with at least one for a person with a disability.
- Enterprises with 50–100 employees: The law requires allocation of 4%, with 2% specifically for people with disabilities.

- Enterprises with more than 100 employees: The law requires allocation of 5%, with 2.5% for people with disabilities.

The Ministry of Labor and Social Protection has stated that employers who do not comply with the quota requirements may be subject to fines ranging from 1,500 to 2,000 manats for refusing to admit persons with special needs for social protection and those having difficulty finding a job, who are referred by local bodies of the State Employment Agency or DOST Centers. However, despite the legal framework, monitoring and enforcement mechanisms are reportedly weak. Many companies do not comply, and there is limited data collection or consequences for non-compliance.

Sources:

Azerbaijan Agency for Sustainable and Operative Social Provision (DOST), *Employment of citizens by quotas*, <https://dost.gov.az/en/services/employment/?kt=7>.

Mahammad Kekalov, Global Voices, *Prioritizing disability employment in Azerbaijan*, <https://www.migration.gov.az/content/pdf/be521b3d8d5e6b03e2fdd3a5cdbe3824.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No. Of note, Azerbaijan does not have any significant case law that has shaped its disability employment laws. Although it appears significant legislative and social advancements are underway.

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Other relevant information

Law on the Rights of Persons with Disabilities –
DOST Agency

[The Disability Prevention and Disabled Persons
\(Rehabilitation and Social Protection\) Act \(1992\)](https://cis-legislation.com/document.fwx?rgn=2873)
[https://cis-
legislation.com/document.fwx?rgn=2873](https://cis-legislation.com/document.fwx?rgn=2873)

Labor Code of the Republic of Azerbaijan,
[https://www.migration.gov.az/content/pdf/be521b3
d8d5e6b03e2fdd3a5cdbe3824.pdf](https://www.migration.gov.az/content/pdf/be521b3d8d5e6b03e2fdd3a5cdbe3824.pdf)

The Law on the Rights of Persons with Disabilities
(2018)
[https://natlex.ilo.org/dyn/natlex2/natlex2/files/dow
nload/114490/AZE-114490.pdf](https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/114490/AZE-114490.pdf)

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Bangladesh

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Section 2(9) of the *Rights and Protection of Persons with Disabilities Act 2013* (No. 39 of 2013 Law) defines disability to mean long-term or permanent physical, mental, intellectual, developmental or sensory impairment or adversity of a person caused by any cause and the mutual effect of attitude and environmental barriers to that person, which prevents that person from participating fully and effectively in society on the basis of equality.

Source:

Rights and Protection of Persons with Disabilities Act, 2013:
https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/64379df1f98c_47ff_b9e6_cbcabadd8ece/26.The%20Rights%20and%20Protection%20of%20Persons%20with%20Disabilities%20Act%2C%202013.pdf

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under the *Rights and Protection of Persons with Disabilities Act 2013* applies at a national level.

Source:

Rights and Protection of Persons with Disabilities Act, 2013:
https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/64379df1f98c_47ff_b9e6_cbcabadd8ece/26.The%20Rights%20and%20Protection%20of%20Persons%20with%20Disabilities%20Act%2C%202013.pdf

3. Do these definitions include mental health?

Yes. Section 3 of the *Rights and Protection of Persons with Disabilities Act 2013* enumerates 11 categories of disabilities, including mental illness leading to disability, which is further elaborated under section 6 to cover schizophrenia or similar psychiatric problem, such as clinical depression, bipolar disorder, post-traumatic stress, anxiety or phobia.

Source:

Rights and Protection of Persons with Disabilities Act, 2013:
https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/64379df1f98c_47ff_b9e6_cbcabadd8ece/26.The%20Rights%20and%20Protection%20of%20Persons%20with%20Disabilities%20Act%2C%202013.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Section 3 of the *Rights and Protection of Persons with Disabilities Act 2013* enumerates 11 categories of disabilities, including autism or autism spectrum disorders (further described under section 4), speech disability (further described under section 8) and intellectual disability (further described under section 9).

Source:

Rights and Protection of Persons with Disabilities Act, 2013:
https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/64379df1f98c_47ff_b9e6_cbcabadd8ece/26.The%20Rights%20and%20Protection%20of%20Persons%20with%20Disabilities%20Act%2C%202013.pdf

5. Are there specific disability employment laws for certain industries or sectors?

No, the *Rights and Protection of Persons with Disabilities Act 2013* contains no reference to specific employment laws for certain industries or sectors.

Source:

Rights and Protection of Persons with Disabilities Act, 2013:
https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/64379df1f98c_47ff_b9e6_cbcabadd8ece/26.The%20Rights%20and%20Protection%20of%20Persons%20with%20Disabilities%20Act%2C%202013.pdf

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Pursuant to the Bangladesh Supreme Court's ruling in 2024 (see also Q.7), there is a one per cent quota for the employment of persons

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with disabilities the third gender in the public sector.

Earlier, the government of Bangladesh also declared a target quota of 10 per cent for all employments for orphans and people with disabilities, for all grades (1st to 4th) in the public sector. However, this was not practised adequately in most of the recruitment.

Sources:

Bangladesh's top court rolls back some job quotas after deadly protests | CNN:
<https://edition.cnn.com/2024/07/21/asia/bangladesh-supreme-court-rolls-back-job-quotas-intl>

Jalil, Md. Abdul, Disabled People's Access to Public Sector Employment in Bangladesh: Why So Little Changes? (April 6, 2012). OIDA International Journal of Sustainable Development, Vol. 3, No. 9, pp. 87-92, 2012, Available at SSRN: <https://ssrn.com/abstract=2035613>

UN Convention on the Rights of Persons with Disabilities - Initial report submitted by Bangladesh (para 146):
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBGD%2f1&Lang=en

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

The most recent significant case was *Ohidul Islam and others v. The Government of Bangladesh and others* (2024). In 2021, Ohidul Islam Tushar, President of the "Muktijoddhader Sontan o

Projonmo, Central Command Council" (lit. 'Children and generations of freedom fighters, Central Command Council') along with seven others, filed a writ petition in the High Court Division challenging a decision by the Bangladeshi Government eliminating the freedom fighter quota in first- and second-class government positions. In June 2024, the Bangladeshi High Court Division ruled that the elimination of these quotas was invalid, though it is not clear on what basis. The Government appealed, and the Appellate Division overturned the decision of the High Court Division and reinstated the quotas under its general administration of Article 104 of the Constitution. The court ordered 93 percent recruitment in government jobs on the basis of merit, and to appoint the other 7 percent on the basis of quota. 5 percent should be reserved for the children and grandchildren of freedom fighters, martyred freedom fighters and Birangonas, 1 percent for minority ethnic groups and 1 percent for disabled and third gender.

Sources:

Bangladesh's top court rolls back some job quotas after deadly protests | CNN:
<https://edition.cnn.com/2024/07/21/asia/bangladesh-supreme-court-rolls-back-job-quotas-intl>

Ohidul Islam and others v. The Government of Bangladesh and others - Wikipedia:
https://en.wikipedia.org/wiki/Ohidul_Islam_and_others#:~:text=The%20Government%20of%20Bangladesh%20and%20Others%20was%20a,Liberation%20War%20veterans%20to%20be%20unconstitutional.%20%5B3%5D%20

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Bhutan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Bhutan defines “disability” in its National Policy for Persons with Disabilities (NPPD). It provides that for the purpose of that policy, “the definition of persons with disabilities will broadly be based on the Convention on the Rights of Persons with Disabilities (CRPD) which reads ‘Persons with Disabilities’ includes 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. The definition will also be based on the World Health Organization (WHO), which describes disabilities broadly covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual’s involvement in life situations.”

While this NPPD is broad, it addresses employment specifically in section 9.1 and provides for programs to support employment of persons with disabilities.

In addition, Bhutan adopted the UN Convention on the Rights of Persons with Disabilities in 2024 with four reservations, one of which is Article 27 on Work and Employment. Therefore, while the UN Convention discusses disabilities, it does not do so in the context of employment for purposes of Bhutan law.

Sources:

Royal Government of Bhutan, *National Policy for Persons with Disabilities 2019*, <https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Disabilities.pdf>

The Bhutanese, *Policies for Persons with Disabilities must go beyond paper to create real impact*, <https://thebhutanese.bt/policies-for-persons-with-disabilities-must-go-beyond-paper-to-create-real-impact/>

2. Are there different definitions for disability at a state, provincial or local level?

No, Bhutan does not have different definitions for disability at a state, provincial or local level. Local governments do not have law-making powers according to the Local Government Act of Bhutan, 2009, Section 5: “Local Governments shall not be law-making bodies and thus shall not have legislative functions while they may make rules and regulations consistent with law made by parliament.”

References/sources:

Local Government Act of Bhutan, 2009, <https://oag.gov.bt/wp-content/uploads/2010/05/LG-Act-of-Bhutan.pdf>

Decentralization Net, *Intergovernmental Profile: Bhutan*, <https://decentralization.net/countries/bhutan/>.

3. Do these definitions include mental health?

Yes, in 2019 Bhutan passed their own National Policy for Persons with Disabilities, with the definition of disability based on the CRPD and the WHO definitions.

And, in 2024, Bhutan ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which defines disability to include “long-term physical, mental, intellectual or sensory impairments”, however with four reservations, one of which is Article 27 on Work and Employment. Therefore, while the UN Convention discusses disabilities, it does not do so in the context of employment for purposes of Bhutan law.

Sources:

Royal Government of Bhutan, *National Policy for Persons with Disabilities 2019*, <https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Disabilities.pdf>

United Nations, *Convention on the Rights of Persons with Disabilities (CRPD)*, <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, in 2019 Bhutan passed their own National Policy for Persons with Disabilities, with the definition of disability based on the CRPD and the WHO definitions.

And, in 2024, Bhutan ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which defines disability to include “long-term physical, mental, intellectual or sensory impairments”, however with four reservations, one of which is Article 27 on Work and Employment. Therefore, while the UN Convention discusses disabilities, it does not do so in the context of employment for purposes of Bhutan law.

Sources:

Royal Government of Bhutan, *National Policy for Persons with Disabilities 2019*, <https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Disabilities.pdf>.

United Nations, *Convention on the Rights of Persons with Disabilities (CRPD)*, <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

5. Are there specific disability employment laws for certain industries or sectors?

No, there are not specific disability employment laws for certain industries or sectors.

Bhutan’s 2019 National Policy for Persons with Disabilities applies across sectors. For example, Section 9 of the Policy has provisions that require the Bhutanese government to:

- “design and provide appropriate incentives to encourage agencies **both in the public and private sectors** in creating a conducive work environment and accessible facilities for persons with disabilities”;
- “ensure equitable access and opportunities for persons with disabilities for employment **in the public and private sectors**”; and

- “develop appropriate rules and regulations to prevent all forms of discrimination and exploitation including financial, towards persons with disabilities including women and girls in employment in **both the private and public sector.**”

Source:

Royal Government of Bhutan, *National Policy for Persons with Disabilities 2019*, <https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Disabilities.pdf>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, Bhutan does not have a mandatory employment quota system for people with disabilities. In March 2025, Bhutan’s Minister for Industries, Commerce and Employment stated that the government believes “rigid employment quotas” are not the most effective or sustainable approach for Bhutan because there is a risk of creating tokenism and increased administrative burdens on small and medium companies.

Instead of quotas, the government has stated that it is focusing on a “balanced and dynamic approach” that includes:

- **Incentive-Based Hiring:** Providing fiscal benefits, public recognition, or other rewards to employers who create inclusive workplaces.
- **Targeted Skills Development:** Funding and promoting programs to equip persons with disabilities with competitive skills for the job market.
- **Promoting Entrepreneurship:** Supporting persons with disabilities in becoming job creators themselves.
- **Prioritization in Programs:** The Youth Engagement and Livelihood Program (YELP) Guideline 2024, for example, identifies persons with disabilities as a priority group and exempts them from the standard selection process for program benefits.

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Sources:

The Bhutanese, *After survey of 12,197 establishments shows only 86 people with disabilities working govt promises better inclusion efforts*, <https://thebhutanese.bt/after-survey-of-12197-establishments-shows-only-86-people-with-disabilities-working-govt-promises-better-inclusion-efforts/>.

Institute on Community Integration at University of Minnesota, *Supporting Employment for Persons with Disabilities in Bhutan*, <https://publications.ici.umn.edu/global-resource-center/supporting-employment-pwd-bhutan/supporting-employment-pwd-bhutan>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There don't appear to be significant publicly documented cases.

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Brunei

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

The Persons with Disabilities Order 2021 sets out Brunei's legal definition of "Person with Disabilities" (or "persons with different abilities"): "someone with long-term behavioural, communication, developmental, physical, mental, intellectual or sensory impairment whose interaction with various barriers may hinder their full and effective participation in society." This definition is based on Article 1 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which Brunei ratified in 2016.

The definition is part of broader legislation (Persons with Disabilities Act (Chapter 234) and the Persons with Disabilities Order 2021, which expanded and implemented the Act, that introduces protections for persons with disabilities. However, the legislation does not appear to explicitly address employment discrimination or protections in employment in the same way some disability laws do (e.g. forbidding discrimination in hiring, promotion, etc.).

Further, Brunei's Employment Order 2009, the main labour law in Brunei, does not explicitly list "disability" as a protected ground for discrimination in employment.

According to the U.S. State Department's "2020 Human Rights Report: Brunei", Brunei law does not explicitly prohibit discrimination with respect to employment for persons with disabilities. A later "2023 Country Reports on Human Rights Practices: Brunei" also reports that the law does not prohibit disability-based discrimination in most public services or employment.

While Brunei does have the Persons with Disabilities Act and the Persons with Disabilities Order 2021, it appears that implementation has been slow and there are relatively few registrants under the system.

Sources:

1. Persons with Disabilities Order 2021: [S027.PDF](#)
2. [BRUNEI 2020 HUMAN RIGHTS REPORT](#)

3. [Brunei - United States Department of State](#)

4. Employment Order 2009: [s037.pdf](#)

2. Are there different definitions for disability at a state, provincial or local level?

There are no different definitions for disability at the state, provincial, or local level.

Brunei's government holds the executive, legislative, and judicial power.

3. Do these definitions include mental health?

As noted above, the definition includes people with "long-term ... mental or sensory impairment which... may hinder his full and effective participation in society." [Persons with Disabilities Order 2021: S027.PDF](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

While there isn't a clear wording in the [LAWS OF BRUNEI, CHAPTER 234 PERSONS WITH DISABILITIES](#) or the [Persons with Disabilities Order 2021](#), the definition can be read broadly to cover any person with neurodiversity whose participation in society is impaired due to such neurodiversity. Brunei allows for registration as a person with a disability, at which point the government officially recognizes that such person meets the definition and qualifies for protections set forth in the law.

5. Are there specific disability employment laws for certain industries or sectors?

There are no industry-specific disability employment laws in Brunei Darussalam. The legal framework for disability rights and employment is general and applies across all sectors. The main legislation includes: (i) Persons with Disabilities Act, (ii) [the Persons with Disabilities Order 2021](#), and (iii) [Employment Order 2009](#) ("Employment Order").

The Employment Order states the minimum terms and conditions of employment. Section 12 forbids the term of a contract of service to be less favourable than what is described in the Employment Order. For example, under section 63(1), every employee shall be allowed a rest day of one whole day which shall be Sunday or such other day each week.

Under section 29, it was stated that persons with disabilities shall have the right to access to employment on an equal basis with persons without disabilities. The employer is responsible for protecting the rights of persons with disabilities, on equal basis with persons without disabilities, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, protection from harassment and the redress of grievances.

Under the Persons with Disabilities Act, a National Council for People with Disabilities ("Council") is established to advise the government on disability policy and monitor implementation. Under section 29, the Council is responsible for formulating appropriate policies and measures which may include affirmative action programmes and other measures to promote employment of persons with disabilities in the private sector. Promoting opportunities for training for persons with disabilities in the labour market as well as opportunities for self employment, entrepreneurship

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, there are no employment quotas for people with disabilities under Brunei law. In Brunei, only 56 of people with disabilities were employed in 2018, out of 9,282 people registered with the Ministry.

(Source: [A research study of people with disabilities development in Brunei Towards the development of human capital : a case of disabilities](#))

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Based on publicly available information, there have not been any significant legal cases on the topic.

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Cambodia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Cambodia passed the **Law on the Protection and the Promotion of the Rights of Persons with Disabilities** in 2009. (The 2009 Disability Law) Disability is defined as anyone who has lost or damaged a **physical or mental function** (like sight, hearing, physical movement, or mental health) that seriously affects their daily life. Main employment protections include the following: **1. No Discrimination:** Employers cannot treat you unfairly just because you have a disability. **2. Job Quota:** Many companies and the government must hire a certain number of people with disabilities (like **1 person for every 100 employees**). **3. Reasonable Accommodation:** Employers must make necessary changes to the workplace (like installing a ramp or adjusting equipment) so a person with a disability can do their job, unless it's too difficult or expensive for the employer. (The Law, enforced by the Disability Action Council (DAC). The **Disability Action Council** (DAC) works with the government to make sure the law is followed and to coordinate all disability-related work.

Source:

[Microsoft Word - Cambodia Disability Law-English.doc](#)

2. Are there different definitions for disability at a state, provincial or local level?

In Cambodia there is no different definition of the word disability whether on state, provincial or local level.

Cambodia defines disability through national legislation and policy frameworks, particularly the Law on the Protection and Promotion of the Rights of Persons with Disabilities and the Inter-ministerial Prakas No. 2492. According to this Prakas:

A disabled person is someone who lacks, loses, or suffers damage to any organ or mental ability that disrupts daily activities. Disability is classified into four types:

Physical disability – difficulties with movement.

Sensory disability – impairments related to sight or hearing.

Mental disability – cognitive or emotional impairments.

Other disabilities – any condition that leads to irregular functioning

[National Disability Strategic Plan 2024-2028 \(KH\) – NGO Education Partnership](#)

3. Do these definitions include mental health?

The law in Cambodia says a disability can be many things. It defines a person with a disability as someone who has a long-term challenge with their body or their mind. This could be a physical challenge, like not being able to walk, or a sensory one, like not being able to hear or see. This also includes mental health. The law clearly states that “mental disorders” are a type of disability. This means that people who have challenges with their thoughts and feelings, which can sometimes make daily life difficult, are protected by this law. Things like feeling very sad for a long time (depression) or feeling very worried (anxiety) are considered part of mental health.

So, in Cambodia, the law says that a disability can be something you can see on the outside, or something on the inside that affects your mind and feelings. This is very important because it means that employers can't treat someone unfairly just because they have a physical disability or a mental health challenge. Everyone deserves a fair chance to work and be a part of the community.

Sources:

Law on the Protection and the Promotion of the Rights of Persons with Disabilities: This is the key piece of legislation that defines disability in Cambodia and outlines the rights and protections for individuals with disabilities, including in employment.

The UN provides an unofficial English translation of the law. This is a reliable source for accessing the content of the legislation.

Link: [Microsoft Word - Cambodia Disability Law-English.doc](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

In Cambodia Law the specific neurodevelopmental conditions like dyslexia, autism, ADHD, and dyspraxia are not individually defined in legal terms.

Legal and Policy Framework: - Cambodia's disability inclusion efforts are guided by the CRPD and national strategies promoting inclusive education. - These policies aim to reduce stigma, improve access to services, and promote equity, though implementation gaps remain.

[Dyslexia in Cambodia - Special Education Cambodia](#)

[UNICEF, for every child](#)

[UNICEF-Innocenti-Paving-the-Pathway-Cambodia-2024.pdf](#)

[Dyslexia - Special Education Cambodia](#)

[ACCESS 2-Enhancing DI in Cambodia Final Eng 19Nov2024.pdf](#)

[Dyslexia in Cambodia - Special Education Cambodia - Autism Cambodia](#)

5. Are there specific disability employment laws for certain industries or sectors?

Yes, Cambodia has specific disability employment laws, initiatives, and policies, and some of these are tailored to particular industries, especially the garment, footwear, and textile (GFT) sector, which is one of the country's largest employers.

[Promoting the Inclusion of Persons with Disabilities in the GFT Sector](#)

Cambodia's legal foundation for disability rights includes:

1) Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009) This law guarantees the right of persons with disabilities to work without discrimination in both public and private sectors. It requires employers with a certain number of full-time employees to hire a proportional number of disabled workers and provide reasonable accommodations in the workplace.

2) National Disability Strategic Plans (NDSP1 & NDSP2) These plans outline Cambodia's goals for disability inclusion across sectors, including employment, education, and social protection.

[Inclusion of People with Disabilities in Cambodia](#)

[Situational Analysis Cambodia \(Oct 2022\)](#)

[National Disability Strategic Plans 2014 -2018](#)

[National Disability Strategic Plan 2019 - 2023](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Article 34 of Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009) states that legal entities recruiting workers and employees must employ persons with disabilities in accordance with an appropriate set quota. The quota will be determined by a Sub-decree proposed by the Ministers in charge of Social Affairs, Labour, and the Council for Development of Cambodia.

Article 35 specifies that ministries and state institutions recruiting civil servants must also employ persons with disabilities in accordance with an appropriate set quota. The quota and recruitment process will be determined by Sub-decree.

Additionally, **Article 36** requires legal entities to regularly report the total number of their workers/employees and workers/employees with disabilities in accordance with the set quota

Source:

[Microsoft Word - Cambodia Disability Law-English.doc](#)

In 2018, Cambodia introduced Technical Standards for Physical Accessibility to improve infrastructure for persons with disabilities. However, enforcement remains weak, and employment quotas, such as the 1% requirement for companies with over 100 employees under Sub-Decree 108, are only partially implemented, especially in garment factories. Many firms opt to pay a penalty (40% of a worker's wage to MoSVY) instead of hiring disabled workers. In 2023, the government collected nearly 1.3 billion Riel from 80 non-compliant companies, according to the Persons with Disabilities Foundation.

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Sub-Decree 108

Empowering PWDs: PM pushes for more effort to enhance lives of disabled people - Khmer Times

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Unlike common law systems (like the US or UK) where significant legal change is often driven by landmark court cases (precedents), Cambodia's disability employment law framework has primarily been shaped by new legislation and policy, rather than major legal cases setting a precedent.

Sources Consulted:

- Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009)
- Sub-Decree on Determination of Quota and Formality for Recruitment of Disabled Persons (2010)
- UN Convention on the Rights of Persons with Disabilities (CRPD)
- Various academic papers and international organizational reports on the implementation and impact of Cambodia's disability law (e.g., from UNDP, ILO, and universities).

Other relevant information

Law on the Protection and the Promotion of the Rights of Persons with Disabilities" in Cambodia, enacted in July 2009 also mentions the following:

Incentives:

Tax reductions and legal incentives for businesses employing persons with disabilities.

Penalties:

Penalties for violations include fines and imprisonment for acts such as discrimination, abandonment, forgery, and non-compliance with accessibility requirements.

[Microsoft Word - Cambodia Disability Law-English.doc](#)

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China

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. China's framework centers on the *Law on the Protection of Persons with Disabilities* (in Chinese: 《残疾人保障法》), Article 2 of which defines disabled person as someone who, due to impairments or abnormalities in psychological, physiological, or anatomical structure or function, has wholly or partially lost the ability to engage in certain activities in a typical manner. People with disabilities also include those with visual impairments, hearing impairments, speech impairments, physical disabilities, intellectual disabilities, mental disabilities, multiple disabilities, and other types of disabilities.

According to Article 29 of the Employment Promotion Law (in Chinese: 《就业促进法》), the State shall safeguard the labor rights of persons with disabilities. Employers shall not discriminate against persons with disabilities when recruiting employees.

Sources:

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/guoqing/2021-10/29/content_5647618.htm

中华人民共和国就业促进法 Employment Promotion Law:
https://www.gov.cn/guoqing/2021-10/29/content_5647636.htm

2. Are there different definitions for disability at a state, provincial or local level?

No. China maintains a uniform definition of disability nationwide pursuant to the *Law on the Protection of Persons with Disabilities* (in Chinese: 《残疾人保障法》) and the *Classification and Grading Criteria of Disability* (in Chinese: 《残疾人残疾分类和分级》, GB/T 26341-2010). Although there are localized adaptations in the relevant administrative procedures and benefit levels, the definition does not vary at provincial or local level.

Sources:

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/guoqing/2021-10/29/content_5647618.htm

国家标准《残疾人残疾分类和分级》 Classification and Grading Criteria of Disability, GB/T 26341-2010:
<https://www.cdpf.org.cn/hdjl/gjflfg1/zzjslzc/2b2e58504e1e41879a9907b00c7d47a0.htm>

3. Do these definitions include mental health?

Yes. At the national law level, Chinese law recognizes mental health as one of the officially acknowledged forms of disability. As outlined in Q.1, the definition of disabled person under Article 2 of the *Law on the Protection of Persons with Disabilities* (in Chinese: 《残疾人保障法》) include those with mental disabilities.

Paragraph 4.7 of the *Classification and Grading Criteria of Disability* (in Chinese: 《残疾人残疾分类和分级》, GB/T 26341-2010) defines mental disability to mean various mental disorders which have persisted for more than one year without recovery, and the person's daily life and social participation are affected due to cognitive, emotional and behavioral disorders. Paragraph 5.7 provides the following classification and rating standards for mental disabilities based on WHO-DAS II score:

1. Level 1 Mental Disability

- **WHO-DAS II Score:** ≥116
- **Description:** Extremely severe impairment in adaptive behavior.

The individual is completely unable to care for themselves, neglects basic physical and psychological needs, does not engage in social interaction, cannot work, and is unable to learn new things.

Requires comprehensive and extensive environmental support. Long-term, full-time supervision by others is necessary.

2. Level 2 Mental Disability

- **WHO-DAS II Score:** 106–115

- **Description:** Severe impairment in adaptive behavior.

The individual is largely unable to care for themselves, has minimal social interaction (only simple communication with caregivers), and can understand basic instructions.

Has limited learning ability and can perform simple tasks under supervision.

Can express basic needs and occasionally participates passively in social activities.

Requires extensive environmental support and significant assistance in daily life.

3. Level 3 Mental Disability

- **WHO-DAS II Score:** 96–105
- **Description:** Moderate impairment in adaptive behavior.

The individual cannot fully care for themselves but can engage in simple communication and express emotions.

Can perform simple tasks independently and learn new things, though learning ability is clearly below average.

Participates passively in social activities and occasionally initiates interaction.

Requires partial environmental support—support services are needed regularly but for short durations. Some daily assistance is necessary.

4. Level 4 Mental Disability

- **WHO-DAS II Score:** 52–95
- **Description:** Mild impairment in adaptive behavior.

The individual is mostly self-sufficient but has lower self-care ability than average and may occasionally neglect personal hygiene.

Can interact with others and express emotions, though has limited ability to understand others' emotions.

Capable of general work and learning new things, though at a slightly reduced capacity.

Occasionally needs environmental support but generally does not require daily assistance.

Sources:

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/guoqing/2021-10/29/content_5647618.htm

国家标准《残疾人残疾分类和分级》Classification and Grading Criteria of Disability, GB/T 26341-2010:
<https://www.cdpf.org.cn/hdjl/gjflfg1/zzjslzc/2b2e58504e1e41879a9907b00c7d47a0.htm>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No. The categories of disability under the *Law on the Protection of Persons with Disabilities* (in Chinese: 《残疾人保障法》) include visual, hearing, speech, physical, intellectual, mental and multiple disabilities. Neurodiversity (e.g., dyslexia, autism, ADHD, dyspraxia) itself does not usually fall within these seven categories of disability. However, it may be categorized as a disability if it results in intellectual disability or coexists with other disabilities such as mental illness.

Sources:

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/guoqing/2021-10/29/content_5647618.htm

国家标准《残疾人残疾分类和分级》Classification and Grading Criteria of Disability, GB/T 26341-2010:
<https://www.cdpf.org.cn/hdjl/gjflfg1/zzjslzc/2b2e58504e1e41879a9907b00c7d47a0.htm>

5. Are there specific disability employment laws for certain industries or sectors?

Yes.

Under the *Law on the Protection of Persons with Disabilities* (in Chinese: 《残疾人保障法》), there are certain general provisions addressing employment of disabled people, with specific

references to certain industries or sectors. For example, under Article 32, the state and society shall set up welfare enterprises for disabled persons, blind massage clinics and other welfare entities as a way of providing concentrative employment for disabled persons. In addition, under Article 33, state organs, social organizations, enterprises, institutions and private non-enterprise organizations should employ a certain proportion of disabled persons in appropriate types of jobs and posts.

There are other specific regulations regarding disability employment in the public sector, such as the *Measures for Government Agencies, Public Institutions, and State-Owned Enterprises to Take the Lead in Employing Persons with Disabilities* (in Chinese: 机关、事业单位、国有企业带头安排残疾人就业办法), which establishes comprehensive measures requiring government agencies, public institutions, and state-owned enterprises to take the lead in employing persons with disabilities through inclusive recruitment, reasonable accommodations, and accountability mechanisms, with specific targets and supportive policies to ensure equitable employment opportunities.

Resource: Measures for Government Agencies, Public Institutions, and State-Owned Enterprises to Take the Lead in Employing Persons with Disabilities (in Chinese: 机关、事业单位、国有企业带头安排残疾人就业办法)

Sources:

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/quoqing/2021-10/29/content_5647618.htm

关于印发《机关、事业单位、国有企业带头安排残疾人就业办法》的通知 Measures for Government Agencies, Public Institutions, and State-Owned Enterprises to Take the Lead in Employing Persons with Disabilities:

<https://www.cdpc.org.cn/zwgk/zcwj/wjfb/ef5342cb714f4d5d9417cb6c40b13b9d.htm>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, China has a mandatory hiring quota requirement for disabled persons. Under Article 8 of the *Rules on the Employment of Disabled People* (in Chinese: 《残疾人就业条例》), at least 1.5% of the total workforce employed by an employer should be disabled persons. The exact quota requirement is set by local rules and may vary by cities according to the actual situation in the region.

Under Article 9, if an employer does not meet the local quota requirement, the employer should pay into the government's disability fund. Paying into the disability fund is not characterized as a penalty. Instead, it is an alternative way of compliance. In other words, either meeting the quota set by the government or paying into the disability fund is legally compliant.

Sources:

残疾人就业条例 Rules on the Employment of Disabled People:
<https://flk.npc.gov.cn/detail2.html?ZmY4MDgwODE2ZjNiOTBiZDAxNmY0MmVlMmI0YTExY2M>

中华人民共和国残疾人保障法 Law on the Protection of Persons with Disabilities:
https://www.gov.cn/quoqing/2021-10/29/content_5647618.htm

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

The Chinese legal system does not rely heavily on judicial precedent like common law countries. China's disability employment laws are primarily statute-driven and administratively enforced.

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Georgia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the Law of Georgia on the Rights of Persons With Disabilities (2020) Article 2(b) defines disability as “the lack of capacity for the personal development and self-actualisation of a person with physical, mental, intellectual or sensory impairments on an equal basis with others, and that is conditioned by a combination of environmental, attitudinal and other factors” and Article 2(a) defines a “person with disabilities” as “a person with substantial physical, mental, intellectual or sensory impairments which, when combined with various barriers, may hinder his/her full and effective participation in society on an equal basis with others;”

Source:

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

2. Are there different definitions for disability at a state, provincial or local level?

There do not appear to be differing definitions for disability at a local vs. national level. The Law on the Rights of Persons with Disabilities has requirements for the central executive government and local municipalities to ensure the development and approval of a unified strategy for 2021–2035 and annual action plans indicating the measures to be taken by the relevant institutions. As of 2023, state agencies had adopted their annual action plans. The government is also interested in decentralizing support services and having municipalities take on more responsibility in this sphere.

Article 35(1) of the Law on the Rights of Persons with Disabilities states: “Municipal bodies/agencies shall, within their competence, be obliged to develop and implement programmes supporting the independent life, and social inclusion programmes with the involvement, of persons with disabilities, and to take into account their individual needs”

In November 2021, in close cooperation with the United Nations Development Programme and Office of the United Nations High Commissioner for Human Rights, the Public Defender’s Office and civil society, the Government Administration had established the Interagency Coordination Committee on the Rights of Persons with Disabilities. To ensure the active engagement of the persons with disabilities, organisations of persons with disabilities and the organizations representing persons with disabilities, the Committee established the Consultative Council. In the reporting period 58 municipalities out of 64 had established branches of the Council working on the issues of persons with disabilities at the local level. To strengthen coordination between the executive and local government, a memorandum of cooperation had been signed in 2022 between the Government and the National Association of Local Authorities. Ministries had also started to establish consultative councils working on the rights of persons with disabilities.

Sources:

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

UN Special Rapporteur, *Hebar Hagrass, Georgia is making great strides to include persons with disabilities,* <https://srdisability.org/news/georgia-is-making-great-strides-to-include-persons-with-disabilities/>.

UN Report, *Experts of the Committee on the Rights of Persons with Disabilities Commend Georgia on Anti-Discrimination Legislation, Ask Questions on Legal Capacity Reform and Access to Healthcare for Vulnerable Persons in Occupied Regions,* <https://www.ohchr.org/en/meeting-summaries/2023/03/experts-committee-rights-persons-disabilities-commend-georgia-anti->.

3. Do these definitions include mental health?

Yes - the definition of “disability” explicitly includes mental impairments, and mental impairments are also specifically mentioned in the definition of “person with disabilities.” Law of Georgia on the Rights of Persons with Disabilities (the “Law”), Chapter I, Article 2 (a) and (b).

Although mental health and mental impairments are not necessarily the same, the Law states that the establishment of a person’s disability be

evaluated based on a biopsychosocial model (Chapter II, Article 26, 1). The Law specifically defined “biopsychosocial model” to focus on psychological, biological and social factors, and also considers behavioural style and cognitive processes (Chapter I, Article 2 (k)).

- **Person with disabilities-** a person with substantial physical, *mental*, intellectual or sensory impairments which, when combined with various barriers, may hinder his/her full and effective participation in society on an equal basis with others.
- **Disability-** the lack of capacity for the personal development and self-actualisation of a person with physical, *mental*, intellectual or sensory impairments on an equal basis with others, and that is conditioned by a combination of environmental, attitudinal and other factors.
- **Biopsychosocial model-** a model for determining and measuring a person’s health status and disability and forming a policy which is focused on psychological, biological and social factors, and that considers the relationship between the human body/organic system, behavioural style, cognitive processes, and environmental factors in combination.

Source:

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

There is no specific mention of neurodiversity in the definition of the Law; however, the definition of “person with disabilities” does include persons with “mental, intellectual or sensory impairments.” Neurodiversity conditions are often categorized as such and therefore would likely fall into this category. However, the definition’s inclusion of “which, when combined with various barriers, may hinder his/her full and effective participation in society on an equal basis with others” may be interpreted to require an impairment to rise to the level of creating the barrier mentioned in the definition. We did not find any case law or published statutory interpretation commenting on this point specifically.

Source:

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

5. Are there specific disability employment laws for certain industries or sectors?

The general disability rights law applies across all sectors. The law’s protections extend to both public and private employment across industries. We were unable to find any disability employment laws for specific industries or sectors.

However, it is worth noting that Article 11 (3) of the Law on the Rights of Persons with Disabilities provides that the State shall promote the development of employment programs which ensure the self-employment of persons with disabilities and the organization of their own entrepreneurial activities.

Source:

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, the relevant acts pertaining to the employment of people with disabilities do not include any references to quotas for employers. The United Nations notes that there are no quotas in effect for employers in Georgia.

Sources reviewed:

Law of Georgia on the Elimination of All Forms of Discrimination,
<https://www.equalrightstrust.org/ertdocumentbank/Georgian-Anti-D-Law-final-version.pdf>

Law of Georgia on the Rights of Persons with Disabilities,
[https://disability.ge/storage/files/doc/matsne-4923984-0 \(1\).pdf](https://disability.ge/storage/files/doc/matsne-4923984-0 (1).pdf)

United Nations, Disability employment in Georgia: it’s time for more action,
<https://georgia.un.org/en/218315-disability->

[employment-georgia-it%E2%80%99s-time-more-action](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

A case from the Supreme Court of Georgia dealt with disability accommodations in the workplace. Case: Supreme Court of Georgia, Case № 1401-2022, decided March 29, 2024, <https://www.supremecourt.ge/ka/fullcase/73403/1>. This decision represents one of the most explicit articulation by Georgia's Supreme Court that suggests that employers have a duty to provide reasonable accommodations. Equal treatment without accommodation can violate equality guarantees. It integrates international disability rights principles, particularly from the Convention on the Rights of Persons with Disabilities, into Georgian employment jurisprudence. The case sets a precedent requiring that employment tests, workplace policies, and restructuring processes be accessible and adapted to persons with disabilities.

Facts: A long-serving civil servant with a visual impairment was terminated following an administrative reorganization that introduced a mandatory written test for continued employment. The employer exempted wheelchair users from the written component but made no accommodations for visually impaired workers. The plaintiff, unable to complete the written exam due to her disability, failed to qualify and consequently lost her position. She filed suit, claiming disability-based discrimination under the Labour Code of Georgia and the Law on the Elimination of All Forms of Discrimination (2014).

Issue: Whether an employer's failure to make reasonable accommodations for an employee with a disability by applying identical written testing requirements to all candidates constitutes unlawful discrimination under Georgian law.

Holding: Yes. The Supreme Court held that the employer's failure to adjust the written test for a visually impaired employee amounted to disability-based discrimination. The Court found discrimination and ruled in favor of the plaintiff, affirming that employers must adapt procedures, including testing, evaluation, and reorganization processes, to accommodate employees with disabilities.

Rule of Law: Under the Labour Code of Georgia, discrimination on the basis of disability in employment, including during termination or redundancy, is prohibited. The 2014 Equality Law defines direct and indirect discrimination, both of which are unlawful. Reasonable accommodation is integral to equality; treating everyone identically without regard to individual needs can itself be discriminatory.

Reasoning: The Court emphasized that formal equality, or treating all employees the same, is insufficient where it disregards specific barriers faced by persons with disabilities. By exempting one group, wheelchair users, but ignoring the needs of another, visually impaired persons, the employer failed to apply equal and fair standards. The Court interpreted reasonable accommodation as a core element of equality rather than a separate obligation. Once the plaintiff established a prima facie case of differential impact, the burden shifted to the employer to justify the measure as necessary and proportionate. The employer failed to meet that burden.

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Hong Kong

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. It is defined in the *Disability Discrimination Ordinance (Cap. 487)* to include: (a) total or partial loss of the person's bodily or mental functions, (b) total or partial loss of a part of the person's body, (c) the presence in the body of organisms causing disease or illness (e.g., HIV/AIDS), (d) the presence in the body of organisms capable of causing disease or illness, (e) the malfunction, malformation or disfigurement of a part of the person's body, (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction (e.g., learning difficulties), (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour (e.g., mental illness).

Source:

Disability Discrimination Ordinance (Cap. 487):
<https://www.elegislation.gov.hk/hk/cap487>

2. Are there different definitions for disability at a state, provincial or local level?

No, there are no different definitions at local level as Hong Kong is one integrated jurisdiction.

3. Do these definitions include mental health?

Yes.

Under the *Disability Discrimination Ordinance (Cap. 487)*, disability is defined to include a total or partial loss of the person's "mental functions".

Under the *Mental Health Ordinance (Cap. 136)*, mental disorder means:

- (a) mental illness;
- (b) a state of arrested or incomplete development of mind which amounts to a significant impairment of intelligence and social functioning which is associated with abnormally aggressive or seriously

irresponsible conduct on the part of the person concerned;

- (c) psychopathic disorder; or
- (d) any other disorder or disability of mind which does not amount to mental handicap.

Sources:

Disability Discrimination Ordinance (Cap. 487):
<https://www.elegislation.gov.hk/hk/cap487>

Mental Health Ordinance (Cap. 136):
<https://www.elegislation.gov.hk/hk/cap136>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Under the *Disability Discrimination Ordinance (Cap. 487)*, disability is defined to include "a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction." This would cover conditions such as dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity.

However, there are no specific definitions or mentions of "neurodiversity" or dyslexia, autism, ADHD, dyspraxia etc. in the *Disability Discrimination Ordinance (Cap. 487)* and *Mental Health Ordinance (Cap. 136)*.

Sources:

Disability Discrimination Ordinance (Cap. 487):
<https://www.elegislation.gov.hk/hk/cap487>

Mental Health Ordinance (Cap. 136):
<https://www.elegislation.gov.hk/hk/cap136>

5. Are there specific disability employment laws for certain industries or sectors?

No. The *Disability Discrimination Ordinance (Cap. 487)* does not have specific provisions for particular industries or sectors. The principles of non-discrimination and reasonable accommodation under the *Disability Discrimination Ordinance (Cap. 487)* apply across the board.

Source:

Disability Discrimination Ordinance (Cap. 487):
<https://www.elegislation.gov.hk/hk/cap487>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There is no quota system in place for employers in Hong Kong (both in the private sector and government). Employers are not legally required to hire a specific number or percentage of people with disabilities.

Former Secretary for the Civil Service from July 2017 to April 2020, Mr Joshua Law, said in a written statement that “establishing a mandatory employment quota system for persons with disabilities to require employers (including the Government) to employ a certain number or percentage of persons with disabilities may create a negative labelling effect on these persons, which is not conducive to their integration into the workplace and the community”.

Sources:

Disability: IN Global Directory (Hong Kong):
<https://disabilityin.org/country/hong-kong/>

LCQ12: Employment of persons with disabilities by Government:
<https://www.info.gov.hk/gia/general/201910/30/P2019103000213.htm>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Lee Chi Bun v Novartis Pharmaceuticals (HK) Limited [2021] HKDC 1101
(<https://www.eoc.org.hk/en/legal-services/significant-court-cases/hong-kong/disability-discrimination>)

Background: The claimant, diagnosed with end-stage renal failure, was dismissed on the ground of redundancy. Based on the evidence provided by the employer, the Court accepted that the termination was genuinely due to redundancy and not because of the employee's disability.

Principle established: Employers must be prepared to produce clear and cogent evidence demonstrating that the sole reason for the adverse employment action (e.g., termination)

against an employee with a disability was a genuine and legitimate reason. This is particularly important in light of the “deeming” provisions in section 3 of the *Disability Discrimination Ordinance*, which provides that if an act is done for a number of reasons and one of which is because of the disability, then the act will be deemed to have been done because of the disability (i.e., the disability cannot be one of the reasons at all, even if it is not the sole or dominant reason).

Chan Wing Kam v First Pop Piano Learning Centre Limited (in Chinese: 陳詠琴 v 第一流行鋼琴教室有限公司) [2024] HKDC 2046
(https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=164819&currpage=T)

Background: The claimant was diagnosed with hyperthyroidism and recommended sick leave. Despite communicating the situation and submitting proof to the manager, her employment was terminated. The Court awarded damages to the claimant for injury to feelings, loss of income, interest and costs.

Principle established: The Hong Kong courts have always applied the three broad bands of compensation for injury to feelings identified by the Court of Appeal in the UK in the case of *Vento v Chief Constable of West Yorkshire Police* [2002] EWCA Civ 1871. For the first time in Hong Kong, the Court in this case uplifted the Vento scale in line with inflation as measured by the Composite Consumer Price Index and adjusted the Vento scale applicable to Hong Kong.
(<https://www.eoc.org.hk/en/legal-services/significant-court-cases/hong-kong/disability-discrimination>)

Kan Che Sing v Lucky Dragon Boat (Belvedere) Restaurant Limited (DCEO 10/2010)
(https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=82991&currpage=T)

This case highlighted that a “disability” under the *Disability Discrimination Ordinance* does not have to be immediately obvious and that employers can be found guilty of discrimination even without overt comments about the disability. It also emphasized the importance of proper dismissal procedures.

M v Secretary for Justice (DCEO 8/2004)
(<https://www.eoc.org.hk/en/legal->

[services/significant-court-cases/hong-kong/disability-discrimination](https://www.eoc.org.hk/en/legal-services/significant-court-cases/hong-kong/disability-discrimination))

This case provided important guidance on several aspects of direct and indirect discrimination under the *Disability Discrimination Ordinance*, for example, the Court generally adopts a subjective approach regarding an employer's knowledge of an employee's disability under the *Disability Discrimination Ordinance*. If the employer genuinely lacks knowledge of the disability, they are not liable for direct discrimination. However, an objective approach may be used with good reasons. If an employee's symptoms are obvious and the employer recklessly ignores them, leading to unfavorable treatment, this may be sufficient for liability, provided other requirements are met.

(Note: The Plaintiff appealed to the Court of Appeal against the above Judgment of the District Court. However, the appeal was dismissed.)

***M v Secretary for Justice* [2009] 2 HKLRD 298**

(<https://www.eoc.org.hk/en/legal-services/significant-court-cases/hong-kong/disability-discrimination>)

Key principles established:

- Knowledge of disability not required: established that it is not necessary for the employer to know the specific nature or extent

of an employee's disability. It is sufficient to establish disability discrimination if the employer is aware of the existence of some kind of disability or even just a manifestation of a disability (i.e., behaviour or symptom resulting from the condition). This principle ensures that employers cannot avoid liability by claiming ignorance of the specific details of an employee's condition.

- Comparator and causation analysis for direct discrimination: when assessing direct discrimination, the general approach the court will take is to identify a suitable comparator, compare the treatment given to the comparator with the treatment given to the claimant to determine if the claimant was treated less favourably, and decide if the less favourable treatment was given on the ground of the claimant's disability, either solely or partially.
- Provision of accommodations: employers must provide services or facilities to employees with disabilities that: (i) do not impose an unjustifiable hardship on the employer and (ii) enable the employee to carry out the inherent requirements of the employment. However, employers are not required to create a different job for the disabled employee or to employ someone else to perform the same work.

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India

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, India defines disability for employment protection in the Rights of Persons with Disabilities Act, 2016 (RPwD Act) and related Rules.

How “disability” is defined in the RPwD Act

- Person with disability: “a person with long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders full and effective participation in society on an equal basis with others.” This is the broad, core definition used across the Act.

(Section 2(s) in The Rights of Persons with Disabilities Act, 2016)

- Specified disability: the term used for the covered categories listed in the Schedule to the Act (e.g., blindness/low vision; deaf/hard of hearing; locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid-attack victim, muscular dystrophy; intellectual disability including specific learning disability and autism; mental illness; chronic neurological conditions; multiple sclerosis; Parkinson’s disease; haemophilia, thalassemia, sickle-cell disease; speech and language disability; and multiple disabilities).

(Section 2 in The Rights of Persons with Disabilities Act, 2016)

- Person with benchmark disability: key threshold used for reservations and many targeted benefits “not less than 40% of a specified disability” (or where measurable, as certified by the competent authority).

(Section 2(r) in The Rights of Persons with Disabilities Act, 2016)

What employment protections flow from these definitions:

- General equality and non-discrimination: The Act guarantees equality and non-discrimination on the ground of disability and requires reasonable accommodation. These principles apply broadly to “persons with disabilities.”

(Rights of Persons with Disabilities Act, 2016 - Legal Authority)

- Non-discrimination in employment (government establishments):
- No discrimination in any matter relating to employment.
- Mandatory reasonable accommodation and a barrier-free, conducive work environment.
- No denial of promotion merely on the ground of disability.
- Protection of employees who acquire a disability in service (shift to suitable post or keep on supernumerary post if needed).

These duties are expressly placed on “Government establishments.”

(Section 20 in The Rights of Persons with Disabilities Act, 2016)

- Equal Opportunity Policy (all establishments): Every establishment (public and private) must notify and register an Equal Opportunity Policy; the Rules specify its contents (identified suitable posts, selection procedure, training, transfer preferences, assistive devices, accessibility, liaison officer, etc.) and require it to be published (preferably on the website).

(Equal Opportunity Policy | Office of Chief Commissioner for Persons with Disabilities | India)

- Records and grievance redressal:
- All establishments must maintain employment-related records concerning persons with disabilities.

(Sec 19 to 23 Chapter IV (Skill Development And Employment) The Rights Of Persons With Disabilities Act, 2016 | Vidhi Judicial Academy)

- Every Government establishment must appoint a Grievance Redressal Officer; employees can complain about non-compliance with Section 20, with escalation to the District-Level Committee if unsatisfied.

(Section 23 in The Rights of Persons with Disabilities Act, 2016)

Reservation (quotas) in public employment for persons with benchmark disability

- Identification of posts: Governments must identify posts suitable for persons with benchmark disabilities and review the list at least every three years.

(Section 33 in The Rights of Persons with Disabilities Act, 2016)

- Minimum 4% reservation: Government establishments must reserve not less than 4% of vacancies across Groups of posts for persons with benchmark disabilities, distributed as:
 - 1%: blindness and low vision
 - 1%: deaf and hard of hearing
 - 1%: locomotor disability (including cerebral palsy, leprosy cured, dwarfism, acid-attack victims, muscular dystrophy)
 - 1%: autism, intellectual disability, specific learning disability, and mental illness
- Coverage for multiple disabilities and deaf-blindness is ensured through interchange rules when needed.

(Section 34 in The Rights of Persons with Disabilities Act, 2016)

- Promotions: Central instructions now provide reservation in promotion for eligible persons with benchmark disabilities in identified posts; courts have emphasized that reservation operates within posts identified under Section 33.

(Identification of posts for persons with benchmark disabilities and their reservation in the Central Government Establishments for the effective implementation of the Rights of Persons with Disabilities Act, 2016 : Guidelines by DEPwD » Central Government Staff Rules, Circulars and Orders - Govt Staff)

Certification and measurement (how “40%” is determined)

- Disability certificates are issued by designated medical authorities under the RPwD Rules, 2017 (Forms V-VII), applying Central government assessment guidelines for the various specified disabilities. Timelines and validity rules are prescribed.

(The Rights of Persons with Disabilities Rules, 2017)

- The Department of Empowerment of Persons with Disabilities (DEPwD) has issued national guidelines for assessment (and for exam accommodations), and many States now issue certificates through the UDID (Unique Disability ID) system.

(Guidelines | Department of Empowerment of Persons with Disabilities (DEPwD) | Home | India)

Scope: government vs private employers

- The strongest, specific employment duties (Section 20, reservations, grievance officer) are imposed on “Government establishments.” At the same time, several obligations reach all establishments most notably the Equal Opportunity Policy and record-keeping while the Act’s general non-discrimination and reasonable accommodation mandate applies system-wide.

(Section 20 in The Rights of Persons with Disabilities Act, 2016)

2. Are there different definitions for disability at a state, provincial or local level?

No, India has a uniform national definition for disability provided by the central Rights of Persons with Disabilities (RPwD) Act, 2016, which applies across all states and union territories. State and local authorities are bound by this national framework.

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What the national law says:

1. “Person with disability” and “person with benchmark disability” (?40% of a specified disability) are defined in Section 2 (r) and 2(s) of the RPwD Act.
 - [Section 2 in The Rights of Persons with Disabilities Act, 2016](#)
2. The list of “specified disabilities” appears in the Schedule to the Act. This Schedule contains the detailed list of 21 conditions recognized as specified disabilities under the Act. The Central Government retains the power to amend this Schedule to add more categories of disabilities as needed.
 - [Disability Rights Through Courts: The Schedule \[See clause \(zc\) of section 2\] Specified Disability](#)
 - [Section 99 - The Rights of Persons with Disabilities Act | LAWGIST](#)
3. Under Section 101, each State Government may make its own “State Rules” to carry out the Act (procedures, authorities, local implementation), but these must be consistent with the central Act and cannot redefine disability.
 - [the rights of persons with disabilities act, 2016.pdf](#)
4. While program eligibility details may differ across states (e.g., income limits or benefit amounts for a state scheme), the underlying legal definition of disability and which conditions qualify are the same nationwide under the RPwD Act.

3. Do these definitions include mental health?

Yes, the definition of disability in the Rights of Persons with Disabilities (RPwD) Act, 2016 explicitly includes mental illness. ?Mental illness is one of the 21 specific conditions listed in the Schedule to the Act.

1. The general definition of a “person with disability” in Section 2(s) of the Act also includes those with “long term physical, mental, intellectual or sensory impairment”. This ensures individuals with mental health conditions have the same rights and

protections as those with physical disabilities.

2. Benefits tied to “benchmark disability” (generally ?40%) apply to mental illness as well, and the Central Government has issued uniform assessment guidelines for all specified disabilities.
 - [the rights of persons with disabilities act, 2016.pdf](#)
 - [Disability Rights Through Courts: The Schedule \[See clause \(zc\) of section 2\] Specified Disability](#)
4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

India uses a uniform, central definition for employment protection under the Rights of Persons with Disabilities Act, 2016 (RPwD Act). ([The Rights of Persons with Disabilities Act, 2016](#))

Neurodiversity: dyslexia and dyspraxia (as “specific learning disabilities”) and autism are expressly covered; ADHD is not expressly listed as a specified disability as of October 15, 2025. ([The Rights of Persons with Disabilities Act, 2016](#))

What the law says (relevant to jobs):

Definition used across India: “person with disability” = a person with long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders full and effective participation in society on an equal basis with others. A “person with benchmark disability” = at least 40% of a specified disability (used for reservations/quotas). ([Section 2 in The Rights of Persons with Disabilities Act, 2016](#))

Specified disabilities (Schedule) include:

Specific learning disabilities: dyslexia, dysgraphia, dyscalculia, dyspraxia, developmental aphasia, autism spectrum disorder. Employment protections: non-discrimination and reasonable accommodation duties apply, and government establishments must reserve posts for persons with benchmark disabilities (minimum 4% quota).

About ADHD

ADHD is not explicitly listed in the RPwD Schedule, and courts have noted “ADHD per se is

not included,” though authorities are still expected to ensure inclusion/accommodations (especially in education). ([Ensure inclusive education for children with ADHD: HC to AAP govt - BusinessToday](#)) Recent central reviews of additions to the Schedule did not include ADHD; no official notification has added it as of today. ([Govt Panel Declines to Add 9 Medical Conditions to Disability List under RPwD Act, ETHealthworld](#))

5. Are there specific disability employment laws for certain industries or sectors?

No, in India, there are generally no specific disability employment laws that apply exclusively to certain industries or sectors.

The primary law governing disability inclusion in employment across all sectors (government, public sector undertakings, and private organizations) is the [Rights of Persons with Disabilities Act, 2016 \(RPwD Act\)](#).

This Act provides a broad framework that applies uniformly, ensuring non-discrimination, mandating reservations (in government jobs), and requiring reasonable accommodations for persons with disabilities regardless of the industry they wish to work in.

While the types of reasonable accommodations might vary from industry to industry based on the nature of work (e.g., ramps in an office building vs. accessible machinery in a factory), the underlying legal obligations to provide these accommodations and prevent discrimination come from the single, overarching RPwD Act.

Additional Links:

[Homepage | Department of Empowerment of Persons with Disabilities \(DEPwD\) | Home | DEPwD | India](#) - This is the nodal ministry in India responsible for the welfare and empowerment of persons with disabilities. Their website often contains policies, guidelines, and information related to the RPwD Act.

[Our Approach - National Centre for Promotion of Employment for Disabled People](#) - This is a non-profit organization that works extensively on disability rights and employment in India. Their publications and reports often provide insights into the practical implementation of the law and challenges faced.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

In India, it is mandatory to have quotas for employment for government employers but it is not mandatory for private employers rather it is advisable in the private sector.

[\(The Rights of Persons with Disabilities in Private Sector Employment in India\)](#)

Government sector-

- Under Section 34 of the Rights of Persons with Disabilities (RPwD) Act, 2016, every “Government establishment” must reserve at least 4% of vacancies for persons with benchmark disabilities, distributed across specified disability categories. Vacancies can be carried forward and interchanged across categories if suitable candidates aren’t available. Several implementing circulars also address reservation in promotions ([the rights of persons with disabilities act, 2016.pdf](#))
- Government of India have reserved 3% of vacancies against identified posts in Group ‘C’ and Group ‘D’ for people with disabilities in Central Government Ministries, Public Sector Undertaking and Banks. The categories of handicapped persons benefited by this scheme are the Blind, the Deaf and the Orthopaedically handicapped with 1% reservation for each category. ([Employment reservations and concessions for specially abled | Education](#))

Private sector:

- There is no mandatory hiring quota. Instead, Section 35 of the Rights of Persons with Disabilities (RPwD) Act, 2016 directs governments to provide incentives to private employers to ensure that at least 5% of their workforce comprises persons with benchmark disabilities-this is encouragement, not a legal quota. ([the rights of persons with disabilities act, 2016.pdf](#))
- In 2021, the Jaipur State’s Labor and Employment Department advised all the

private employers within their jurisdiction ensure giving 5% reservation in jobs to persons with disability. ([Advise private employers to give 5% quota in jobs to disabled'](#) | [Jaipur News - Times of India](#))

Who qualifies:

- Under Section 2(r) of the Rights of Persons with Disabilities (RPwD) Act, 2016 "Persons with benchmark disabilities" are those with at least 40% of a specified disability, certified by the competent authority. ([Section 2\(r\) in The Rights of Persons with Disabilities Act, 2016](#))

Other employer duties (apply broadly, including private employers):

- The Rights are given under Section 8 of the Rights of Persons with Disabilities (RPwD) Act, 2016 including establishments must publish an Equal Opportunity Policy; for private establishments with 20+ employees, it must include items like accessible facilities, identified suitable posts, selection processes, training, and a liaison officer. ([Section 8 in The Rights of Persons with Disabilities Rules, 2017](#))

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In India, several landmark legal cases have played a crucial role in shaping the interpretation and enforcement of disability employment laws, particularly prior to and after the enactment of the [Rights of Persons with Disabilities Act, 2016 \(RPwD Act\)](#). These cases have often clarified the scope of reservations, the duty of reasonable accommodation, and the meaning of discrimination.

Significant Legal Cases Shaping Disability Employment Laws in India

1. **Prior to the RPwD Act, 2016**
([ind51207 \(2\)disableact1995.pdf](#) - PwD Act, 1995):

Case: [Union Of India & Anr vs National Federation Of The Blind & Ors on 8 October, 2013](#)

Details: This was a hugely significant case that dealt with the implementation of reservations for persons with disabilities in government jobs under the PwD Act, 1995. The government was not properly calculating and implementing the 3% reservation mandated by the PwD Act, especially for promotions and identified posts.

Importance: The Supreme Court unequivocally stated that the 3% reservation (now 4% under RPwD Act) for persons with disabilities must be applied to the total number of vacancies in the cadre strength, not just to identify posts. It also clarified that reservations apply to promotions as well. This judgment forced the government to take reservations seriously and correctly calculate them, preventing them from being diluted. It was a major victory for disability rights in employment.

Case: [Govt Of India Th:Secy & Anr vs Ravi Prakash Gupta & Anr on 7 July, 2010](#)

Details: This case concerned a visually impaired candidate who was denied an appointment in the Indian Administrative Service (IAS) because certain positions were deemed unsuitable for persons with disabilities. The issue was whether the government could unilaterally declare posts "unsuitable" without proper identification.

Importance: The Supreme Court emphasized that the government has an obligation to identify suitable posts for persons with disabilities, and this identification should be done scientifically and periodically. It stressed that just because a post involves some level of physical activity doesn't automatically make it unsuitable for all persons with disabilities. This case underscored the principle that employability should be assessed based on individual capabilities and reasonable accommodation, rather than broad assumptions.

2. Post the RPwD Act, 2016:

The RPwD Act, 2016, itself was a significant step forward, increasing reservation to 4% and broadening the definition of disability. Cases under this Act are still evolving, but some important rulings are emerging:

Case: [Shri. Sidharth Vijay Shah Prop. Of M/S. ... vs Union Of India And Ors on 17 August, 2020](#)

Details: This case involved a candidate with autism spectrum disorder who faced difficulties in getting a fair assessment for a job due to the traditional interview process. The core issue was

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the need for reasonable accommodation in the recruitment process itself.

Importance: The Bombay High Court reiterated the importance of reasonable accommodation during the selection process. It directed the employer to explore alternative ways to assess the candidate's suitability, emphasizing that the RPwD Act's spirit is to ensure equal opportunity from the very start, including how tests and interviews are conducted.

Case: [Awadesh Kumar v. Union of India \(2022\)](#) (Supreme Court)

Details: This case reaffirmed the mandatory nature of reservations under the RPwD Act, 2016, and dealt with issues related to the proper implementation of the 4% reservation in government jobs. It concerned how vacancies should be computed and how backlog vacancies should be handled.

Importance: The Supreme Court once again emphasized that the 4% reservation is not merely directory but mandatory. It provided further clarity on the mechanism of implementing reservations, ensuring that the spirit of the RPwD Act is upheld in government recruitment processes, including carrying forward backlog vacancies. This reinforces the government's obligation to ensure proportional representation.

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Indonesia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Definition

Yes, under the Indonesian Law No. 8 of 2016 on Persons with Disabilities ("**Disability Law**"), "persons with disabilities" are defined as "*any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights*".

Further, the Disability Law categorizes 4 types of persons with disabilities, namely, (i) persons with physical disabilities, (ii) persons with intellectual disabilities, (iii) persons with mental disabilities and (iv) persons with sensory disabilities.

Rights to Employment

Article 11 provides persons with disabilities with the right to employment. Specifically, their rights include obtaining employment organised by the Government or private sector without discrimination, obtaining the same wage as labourers who are not persons with disabilities in the same type of work and responsibility, obtaining reasonable accommodation in employment and not being dismissed for reasons of disability.

In the Fourth Part of the Disability Law, it obliges the Indonesian Government to ensure fair and non-discriminatory recruitment, hiring, job training, job placement, job continuity and career development process with persons with disabilities. There are specific provisions concerning various of such obligations on the Government, including obligation to provide vocational skills training (Article 46) and on private employers, such as obligation to pay same wages to persons with disabilities with workers without disabilities (Article 49).

Sources:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under the Disability Law applies nationally.

Source:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

3. Do these definitions include mental health?

Yes, the definition under the Disability Law includes people with mental limitations. The Disability Act also specifically lists persons with mental disabilities as a type of person with disabilities.

Source:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Under the Disability Law, intellectual disability is a kind of disability. This would cover conditions such dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity. However, there are no specific definitions or mentions of "neurodiversity" or dyslexia, autism, ADHD, dyspraxia etc. in the Disability Law.

Source:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

5. Are there specific disability employment laws for certain industries or sectors?

No. The Disability Law does not have specific provisions for particular industries or sectors. The principles of non-discrimination and reasonable accommodation under the Disability Law apply across the board.

Source:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Article 53 of the Disability Law requires all Government institutions to ensure that at least 2 percent of their workforce consists of persons with disabilities. Private sector entities are similarly required to meet a minimum threshold of 1 percent.

Source:

Indonesian Law No. 8 of 2016 on Persons with Disabilities (Bahasa)

<https://jdih.kemnaker.go.id/peraturan/detail/1234/undang-undang-nomor-8-tahun-2016>

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Japan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The *Law for Employment Promotion, etc., of the Disabled (Law No.123)* (in Japanese: 障害者の雇用の促進等に関する法律) defines “the disabled” to mean those who, because of physical and/or mental impairment, are subject to considerable restriction in their vocational life, or who have great difficulty in leading a vocational life, over a long period of time. This Law shall apply to persons of any disability meeting this requirement, regardless of the type of disability.

Sources:

障害者の雇用の促進等に関する法律（昭和三十五年法律第百二十三号）The Law for Employment Promotion, etc., of the Disabled (Law No.123): <https://laws.e-gov.go.jp/law/335AC0000000123> (Japanese); <https://www.japaneselawtranslation.go.jp/ja/laws/view/3845> (bilingual)

Guidance on the Law for Employment Promotion, etc., of the Disabled (Law No.123): <https://www.dinf.ne.jp/doc/english/intl/z15/z150071e/z1500708.html> (English translation)

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition of disability in Japan is primarily standardized at the national level, although there may be limited local variation at the prefectural or municipal level with regards to the certification process, local welfare programs, etc.

Source:

障害者基本法（昭和四十五年法律第八十四号）Basic Law for Persons with Disabilities (Law No. 84 of 1970, as amended): <https://laws.e-gov.go.jp/law/345AC1000000084/> (Japanese); <https://www.japaneselawtranslation.go.jp/ja/laws/view/4929> (bilingual)

3. Do these definitions include mental health?

Yes. At the national law level, Japanese law recognizes mental health disability as one of the officially acknowledged forms of disability.

Article 2 of the *Basic Law for Persons with Disabilities (Law No. 84 of 1970, as amended)* (in Japanese: 障害者基本法) provides that a person with a disability includes a person with a mental disability and a person with other disabilities affecting the functions of the body or mind.

Article 5 of the *Law for Employment Promotion, etc., of the Disabled (Law No.123)* (in Japanese: 障害者の雇用の促進等に関する法律) provides a definition of person with a mental disability as a person with a disability who has a mental impairment, and who is as provided for by Order of the Ministry of Health, Labour and Welfare.

Sources:

障害者基本法（昭和四十五年法律第八十四号）Disabled Persons Fundamental Law: <https://laws.e-gov.go.jp/law/345AC1000000084/> (Japanese); <https://www.japaneselawtranslation.go.jp/ja/laws/view/4929> (bilingual)

障害者の雇用の促進等に関する法律（昭和三十五年法律第百二十三号）The Law for Employment Promotion, etc., of the Disabled (Law No.123): <https://laws.e-gov.go.jp/law/335AC0000000123> (Japanese); <https://www.japaneselawtranslation.go.jp/ja/laws/view/3845> (bilingual)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes.

Article 2 of the *Basic Law for Persons with Disabilities (Law No. 84 of 1970, as amended)* (in Japanese: 障害者基本法) provides that mental disability includes developmental disabilities.

Conditions like autism, ADHD, dyslexia, and dyspraxia are explicitly recognized as “developmental disabilities” (in Japanese: 発達障害) under the *Act on Support for Persons with Developmental Disabilities (Law No.167 of 2004)* (in Japanese: 発達障害者支援法). Article 2 of the Act provides that “the term ‘developmental

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disability' refers to autism, Asperger's syndrome, and other pervasive developmental disorders, learning disabilities, attention deficit hyperactivity disorder (ADHD), and other similar brain function disorders, the symptoms of which typically appear at an early age, as specified by government ordinance."

Sources:

障害者基本法（昭和四十五年法律第八十四号）
Disabled Persons Fundamental Law:
<https://laws.e-gov.go.jp/law/345AC1000000084/>
(Japanese);
<https://www.japaneselawtranslation.go.jp/ja/laws/view/4929> (bilingual)

発達障害者支援法（平成十六年法律第百六十七号）
The Act on Support for Persons with Developmental Disabilities:
<https://laws.e-gov.go.jp/law/416AC1000000167>
(Japanese only)

5. Are there specific disability employment laws for certain industries or sectors?

No. Disability employment laws in Japan apply across all industries and sectors. However, please note that the employment quota system under the *Law for Employment Promotion, etc., of the Disabled (Law No.123)* (in Japanese: 障害者の雇用の促進等に関する法律) stipulates different quotas for public and private sectors (see further Q.6).

Source:

障害者の雇用の促進等に関する法律（昭和三十五年法律第二百二十三号）
The Law for Employment Promotion, etc., of the Disabled (Law No.123):
<https://laws.e-gov.go.jp/law/335AC0000000123>
(Japanese);
<https://www.japaneselawtranslation.go.jp/ja/laws/view/3845> (bilingual)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, employees in Japan are obliged to hire a certain percentage of persons with disabilities

("legal employment rate"). Currently, the legal employment rate for the private sector is 2.5% (which will be amended to 2.7% after July 2026). As a result, companies with more than 40 (37.5 after July 2026) employees must hire at least one person with disabilities. The legal employment rate for national and local governments is 2.8%. The legal employment rate for prefectural education committee members is 2.7%.

For companies with 100 or more employees, if the legal employment rate is not reached, liability is imposed for payment of JPY 50,000 per month for each person short of the legal requirements, and this is used as a subsidy for companies that have hired in excess of the legal employment rate. However, making such a payment is not an "option" to justify or avoid noncompliance, and noncompliance can be publicly disclosed though this is quite rare (less than 10 companies are actually disclosed). There is no penalty for companies with less than 100 employees even if they do not meet the legal employment rate.

Sources:

障害者雇用とは？対象者や一般雇用との違い、メリットと注意点を解説：
<https://www.kaien-lab.com/useful/1-employment/disabilities-hiring/> (Japanese only)

事業主の方へ ～従業員を雇う場合のルールと支援策～ > 事業主の方へ：
https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/jigyounushi/page10.html
(Japanese only)

障害者雇用納付金制度の概要：
https://www.jeed.go.jp/disability/about_levy_grant_system.html (Japanese only)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Not applicable since Japan is not a common law jurisdiction.

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Malaysia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Malaysian law does define disability for the purpose of employment protection.

Under the *Persons with Disabilities Act 2008 (Act 685)*, persons with disabilities are defined as 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.

Source:

Akta Orang Kurang Upaya 2008 (Akta 685)
Persons with Disabilities Act 2008 (Act 685) (as at 1 July 2014):

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2022/11/Malaysia-Pwd-Act-2008.pdf> (English translation)

2. Are there different definitions for disability at a state, provincial or local level?

No. The *Persons with Disabilities Act 2008 (Act 685)* is a federal act that provides the overarching and uniform definition for disability across the country.

Source:

Akta Orang Kurang Upaya 2008 (Akta 685)
Persons with Disabilities Act 2008 (Act 685) (as at 1 July 2014):

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2022/11/Malaysia-Pwd-Act-2008.pdf> (English translation)

3. Do these definitions include mental health?

Yes. Mental disability / impairment is one of the seven categories of disabilities recognized in the definition of a person with disabilities under the *Persons with Disabilities Act 2008 (Act 685)*.

Sources:

Akta Orang Kurang Upaya 2008 (Akta 685)
Persons with Disabilities Act 2008 (Act 685):

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2022/11/Malaysia-Pwd-Act-2008.pdf> (English translation)

MyGOV – The Government of Malaysia’s Official Portal - Person with Disabilities:
<https://www.malaysia.gov.my/portal/content/30739>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. According to the Malaysian government’s website, learning disability is one of the seven categories of persons with disabilities under the *Persons with Disabilities Act 2008 (Act 685)*. Learning disabilities mean intellectual capabilities that do not conform with biological age. Autism (Autistic Spectrum Disorder), Attention Deficit Hyperactivity Disorder (ADHD) and specific learning difficulties such as dyslexia, dyscalculia and dysgraphia would fall under within this category.

Sources:

MyGOV – The Government of Malaysia’s Official Portal - Person with Disabilities:
<https://www.malaysia.gov.my/portal/content/30739>

MyGOV – The Government of Malaysia’s Official Portal - Getting General Information on PWD:
<https://www.malaysia.gov.my/portal/content/30155>

5. Are there specific disability employment laws for certain industries or sectors?

No. The *Persons with Disabilities Act 2008 (Act 685)* applies equally to all industries or sectors. Nonetheless, the employment quota policy specifically targets public sector employment (see Q.6).

Source:

Akta Orang Kurang Upaya 2008 (Akta 685)
Persons with Disabilities Act 2008 (Act 685):
<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2022/11/Malaysia-Pwd-Act-2008.pdf> (English translation)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Malaysia has an employment quota for persons with disabilities, specifically for the public sector. The “One Percent Policy” was introduced by the Malaysian government in 2008 and mandates that at least 1% of the total workforce in civil service should be allocated to persons with disabilities. However, it has been reported that the actual percentage of persons with disabilities working in the public sector is much lower than the policy target.

Sources:

Dasar Satu Peratus Peluang Pekerjaan Dalam Perkhidmatan Awam Kepada Orang Kurang Upaya (PP 16/2010) (1 Percent Employment in Civil Service for Persons with Disabilities Policy): <https://docs.jpa.gov.my/docs/pp/2010/pp162010.pdf> (Malay only)

OKU Rights Matter Project - Access to Employment: <https://okurightsmatter.com/access-to-employment/>

Disability: IN Global Directory (Malaysia): <https://disabilityin.org/country/malaysia/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

A recent landmark case in Malaysia involving disability employment rights is the Malaysian High Court’s decision of *Ch’ng B’ao Zhong v. Public*

Service Commission (SPA) and Government of Malaysia (2025). In this case, a counsellor employed by the Ministry of Health on a contractual basis was denied a permanent position of psychology officer (in Malay: Pegawai Psikologi). He was allegedly told that his “Persons with Disabilities” (OKU) status due to his Level One autism spectrum disorder diagnosis was the reason for his exclusion, even though his condition did not affect his work. He sought a judicial review, arguing that the decision violated his constitutional right to equality and section 29 of the *Persons with Disabilities Act 2008*, which guarantees equal access to employment for persons with disabilities. The Court ruled in his favour and emphasized that public bodies must act consistently with both the Federal Constitution and the Persons with Disabilities Act when considering applications from individuals with disabilities. This case is a “historic win” for persons with disabilities in Malaysia. It strongly reinforces that discrimination based on disability in employment, particularly in the public sector, is unlawful. While the *Persons with Disabilities Act 2008* outlines rights, this judicial decision provides a powerful precedent, showing that these rights can be enforced through the courts.

Sources:

The Star - Historic win for OKU rights: <https://www.thestar.com.my/lifestyle/family/2025/01/17/historic-win-for-oku-rights>

Code Blue - Historic Court Decision On OKU Employment Rights — Harapan OKU Law Reform Group: <https://codeblue.galencentre.org/2025/01/historic-court-decision-on-oku-employment-rights/>

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Mongolia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Mongolia's law defines disability in a way that applies to employment. A person with a disability is someone who has a physical, mental, intellectual, or sensory condition that makes it harder for them to fully take part in society like others.

The law also says that discrimination based on disability includes any action that:

- Excludes or limits people with disabilities,
- Prevents them from accessing basic rights and freedoms,
- Blocks their access to jobs, education, public services, or social support.

This means employers must treat people with disabilities fairly and provide equal opportunities.

Source:

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Mongolia_Law-on-human-Rights-of-Persons-with-Disabilities.pdf

2. Are there different definitions for disability at a state, provincial or local level?

No, Mongolia does not have different definitions of disability at state, provincial, or local levels. The definition is uniform nationwide and established by the Law on Human Rights of Persons with Disabilities (2016).

Source:

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Mongolia_Law-on-human-Rights-of-Persons-with-Disabilities.pdf

3. Do these definitions include mental health?

YES

Mental impairments are specifically defined in *The Law of Mongolia on Human Rights of Persons with Disabilities* (Enacted on February 5, 2016 by the State Great Khural, Mongolia's Parliament) in Section 4.1.1. which reads as follows:

"4.1.1. "Persons with disabilities" means **those who have** physical, intellectual, **mental** and sensory **impairments**, which in interaction with various barriers; hinder them from fully and effectively participating in social lives." from https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Mongolia_Law-on-human-Rights-of-Persons-with-Disabilities.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

YES

Intellectual and sensory impairments are specifically defined in *The Law of Mongolia on Human Rights of Persons with Disabilities* (Enacted on February 5, 2016 by the State Great Khural, Mongolia's Parliament) in Section 4.1.1. which reads as follows:

"4.1.1. "Persons with disabilities" means those who have physical, intellectual, mental and sensory impairments, which in interaction with various barriers; hinder them from fully and effectively participating in social lives." from https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Mongolia_Law-on-human-Rights-of-Persons-with-Disabilities.pdf

5. Are there specific disability employment laws for certain industries or sectors?

These are the results from Google AI search:

In Mongolia, disability employment laws are primarily general and not sector-specific. The 2021 Labor Law requires employers with 25 or more staff to meet a 4% quota of people with disabilities across all industries, though enforcement is weak.

From Copilot:

Sector-Specific Mechanisms According to the White Paper on Disability in Mongolia (2019) <https://mlsp.gov.mn/uploads/files/bc4a1c5724eec9fdea2676f9324ed621ab239435.pdf> and other

sources: Sub-Commissions for Human Rights of Persons with Disabilities: These are established under each line ministry, meaning that sectoral ministries (e.g., education, health, mining) have dedicated bodies to oversee disability inclusion in their respective domains. [mlsp.gov.mn]

These sub-commissions are tasked with:

Monitoring compliance with disability rights laws.
Promoting inclusive employment practices.
Coordinating with employers and civil society.

Public Sector Employment

The government has implemented quotas and incentives for hiring persons with disabilities in public institutions. Ministries are required to report on their disability inclusion efforts.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, the law required workplaces with more than 25 employees to hire a minimum of 4 percent of people with disabilities.

<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/mongolia/>

The Mongolian Labor Code requires this of companies but the quota is often not fully enforced especially outside urban areas.
<https://www.adb.org/results/how-mongolian-company-providing-jobs-and-hope-people-disabilities>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Mongolia is a civil code country, thus the search results didn't yield helpful information. See below from Google AI search result.

There is little public information available on specific, significant court cases in Mongolia that have shaped disability employment law. The legal landscape has been influenced more by evolving legislation and international pressure than by groundbreaking judicial precedent. Instead of major court cases, the primary drivers for change have been the ratification of international treaties and the subsequent revision of national laws.

Copilot similarly came to the same conclusion.

Mongolia does not have a prominent record of landmark court cases shaping disability employment law. Instead, the evolution has been driven by:

- Legislative reforms
- International treaty compliance
- Policy evaluations and revisions

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New Zealand

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The definition of disability from *New Zealand's Human Rights Act 1993* is as follows:

1. Physical disability or impairment
2. Physical illness
3. Psychiatric illness
4. Intellectual or psychological disability or impairment
5. Any other loss or abnormality of psychological, physiological, or anatomical structure or function
6. Reliance on a guide dog, wheelchair, or other remedial means
7. The presence in the body of organisms capable of causing illness (e.g., HIV, hepatitis).

Source:

New Zealand Human Rights Act 1993 s 21:
<https://legislation.govt.nz/act/public/1993/0082/latest/DLM304475.html>

2. Are there different definitions for disability at a state, provincial or local level?

No. New Zealand does not have state specific laws. The law is applied at a national level.

3. Do these definitions include mental health?

Yes. "Psychiatric illness" and "intellectual or psychological disability or impairment" fall under the definition of disability under the *Human Rights Act 1993*.

Source:

New Zealand Human Rights Act 1993 s 21:
<https://legislation.govt.nz/act/public/1993/0082/latest/DLM304475.html>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Although the *Human Rights Act 1993* does not explicitly define neurodiversity as a type of disability, conditions of neurodiversity may fall within "intellectual or psychological disability or impairment" and "any other loss or abnormality of psychological, physiological, or anatomical structure or function".

The New Zealand Ministry of Health states in the overview on neurodiversity in 2024 that the *Human Rights Act 1993* and the *New Zealand Bill of Rights Act 1990* protect the rights of disabled people and guide the government's response to neurodiversity. It shows that the government recognizes that neurodiversity is a condition protected under disability laws in New Zealand.

Sources:

New Zealand Human Rights Act 1993 s 21:
<https://legislation.govt.nz/act/public/1993/0082/latest/DLM304475.html>

Overview on neurodiversity:
<https://www.health.govt.nz/system/files/2024-08/h2024036865-briefing-overview-on-neurodiversity.pdf>

Beyond Diagnosis: Employment Rights for Neurodivergent Employees:
<https://www.ashleightheadvocate.co.nz/post/beyond-diagnosis-employment-rights-for-neurodiverse-employees>

5. Are there specific disability employment laws for certain industries or sectors?

No. New Zealand's disability employment laws are applied at a broad level.

Source:

New Zealand Human Rights Act 1993:
<https://www.legislation.govt.nz/act/public/1993/0082/latest/whole.html>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. New Zealand does not have mandated employment quotas for people with disabilities.

Status of Disability and Employment Laws Around the World

Source:

New Zealand Human Rights Act 1993:
<https://www.legislation.govt.nz/act/public/1993/0082/latest/whole.html>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No significant cases in this area.

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Philippines

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under Philippine law, specifically *Republic Act No. 10524*, which amends *Republic Act No. 7277* (also known as the *Magna Carta for Disabled Persons*), Persons with Disability (PWD) 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 in equal basis with others.

This definition is used for employment purposes and applies to both public and private sectors, ensuring that PWDs are given equal opportunities in the labor market, including access to employment, fair working conditions, and career advancement.

Source:

An Act Expanding the Government Positions Reserved for Persons With Disabilities – IRR of RA 10524:
<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-10524/>

2. Are there different definitions for disability at a state, provincial or local level?

No. In the Philippines, the definition of Persons with Disability (PWD) is consistent across national and local levels, as it is anchored in national legislation – primarily *Republic Act No. 7277* (also known as the *Magna Carta for Disabled Persons*) and its amendments, including RA 9442, RA 10070, and RA 10524.

Source:

R.A. No. 7277 as amended by R.A. No. 9442, R.A. No. 10070 and R.A. No. 10524 | Persons with disabilities | Working conditions for special workers | LABOR STANDARDS:
<https://www.respicio.ph/bar/2025/labor-law-and-social-legislation/labor-standards/working-conditions-for-special-workers/persons-with-disabilities/ra-no-7277-as-amended-by-ra-no-9442-ra-no-10070-and-ra-no-10524>

3. Do these definitions include mental health?

Yes. According to *Republic Act No. 10754* and its Implementing Rules and Regulations (IRR), the definition of Person with Disability (PWD) explicitly includes mental impairments.

The Philippines also have *Republic Act No. 11036* (also known as the *Mental Health Act*), which affirms that individuals with psychiatric, neurologic, and psychosocial conditions are covered under the protections of the *Republic Act No. 7277* (also known as the *Magna Carta for Disabled Persons*).

While the law does not provide an exhaustive list, it refers to conditions that are long-term (chronic or recurring), substantially limiting in terms of functioning, and diagnosed by licensed mental health professionals.

Examples typically recognized under this framework include:

- Schizophrenia
- Bipolar disorder
- Major depressive disorder
- Anxiety disorders (e.g., generalized anxiety disorder, panic disorder)
- Obsessive-compulsive disorder (OCD)
- Post-traumatic stress disorder (PTSD)
- Autism spectrum disorder (ASD)
- Intellectual disabilities
- Neurodevelopmental disorders

Sources:

An Act Expanding the Government Positions Reserved for Persons With Disabilities – IRR of RA 10524:
<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-10524/>

Republic Act No. 11036:
https://lawphil.net/statutes/repacts/ra2018/ra_11036_2018.html

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Philippine law does cover neurodiversity under the broader definition of disability, although it does not explicitly use the term “neurodiversity”.

Under *Republic Act No. 7277* (also known as the *Magna Carta for Disabled Persons*) and its amendments (e.g., RA 10524), a Person with Disability (PWD) includes individuals with long-term physical, mental, intellectual, or sensory impairments. This broad definition implicitly includes neurodivergent conditions.

Moreover, *Republic Act No. 11036* (also known as the *Mental Health Act*) further supports the inclusion of neurodivergent conditions by defining Mental Health Condition to include disturbances in neurological, psychosocial, or developmental processes underlying mental functioning.

Therefore, neurodevelopmental conditions, when they result in long-term and substantially limiting impairments, would fall under the protective umbrella of disability laws in the Philippines.

Sources:

An Act Expanding the Government Positions Reserved for Persons With Disabilities – IRR of RA 10524:
<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-10524/>

Republic Act No. 11036:
https://lawphil.net/statutes/repacts/ra2018/ra_11036_2018.html

5. Are there specific disability employment laws for certain industries or sectors?

No. The Philippines does not have industry-specific disability employment laws that apply only to certain sectors (like healthcare, education, or manufacturing). Instead, the legal framework for protecting and promoting employment rights of persons with disabilities (PWDs) is broad and applies across all industries, both public and private. Nonetheless, employment quotas for employers in the Philippines with respect to hiring people with disabilities differ between the government and private sectors (see further Q.6).

Source:

R.A. No. 7277 as amended by R.A. No. 9442, R.A. No. 10070 and R.A. No. 10524 | Persons with disabilities | Working conditions for special workers | LABOR STANDARDS:
<https://www.respicio.ph/bar/2025/labor-law-and-social-legislation/labor-standards/working-conditions-for-special-workers/persons-with-disabilities/ra-no-7277-as-amended-by-ra-no-9442-ra-no-10070-and-ra-no-10524>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, the Philippines has established employment quotas for hiring PWDs under *Republic Act No. 10524*, which amends *Republic Act No. 7277* (also known as the *Magna Carta for Disabled Persons*):

- For Government Sector: All government agencies, offices, and corporations are mandated to reserve at least 1% of their positions for PWDs.
- For Private Sector: Private corporations with more than 100 employees are encouraged (but not mandated) to reserve at least 1% of their workforce for PWDs.

These quotas are part of the broader effort to promote inclusive employment and ensure equal opportunities for PWDs in both public and private sectors.

Source:

An Act Expanding the Government Positions Reserved for Persons With Disabilities – IRR of RA 10524:
<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-10524/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

The development of disability employment law in the Philippines is mainly driven by legislative amendments and policy studies rather than by case law.

Republic Act No. 7277 (also known as the *Magna Carta for Disabled Persons*) has evolved through

amendments. For example, *Republic Act No. 9442* (2007) is an amendment that has strengthened protections, introduced incentives for hiring PWDs, and reiterated penalties for discrimination; whereas *Republic Act No. 10524* (2013) is a significant amendment that mandated a 1% employment quota for PWDs in all government agencies and encouraged the same for private companies with over 100 employees.

However, there is one notable Supreme Court case in the Philippines that touches on the rights of persons with disabilities, though not strictly about employment - G.R. No. 184535. It involved a person with a cognitive disability and raised broader issues about dignity, consent, and state protection for PWDs.

G.R. No. 184535 – Sister Pilar Versoza vs. People of the Philippines (2019)

Context: The case involved a young man with a cognitive disability who underwent a vasectomy. The issue was whether the procedure constituted child abuse, given his inability to provide informed consent.

Significance: While not directly about employment, the case emphasized the State's duty to protect the dignity and rights of persons with disabilities, especially those who are vulnerable or under guardianship.

Justice Leonen's Opinion: Highlighted that PWDs have the same fundamental rights as others, including the right to a "decent life, as normal and full as possible." This principle can be extended to employment rights and inclusion.

Sources:

An Act of Amending Republic Act No. 7277 – IRR of RA 9442:

<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/implementing-rules-and-regulations-of-republic-act-no-9442/>

An Act Expanding the Government Positions Reserved for Persons With Disabilities – IRR of RA 10524:

<https://ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-10524/>

G.R. No. 184535 - Sister Pilar Versoza vs. People of the Philippines (2019):

<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65765under-guardianship.>

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Singapore

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under the *Workplace Fairness Act 2025*, which has been passed as legislation but has not come into force yet, 'disability' is given a definition, which means that the individual has any one or more of the following:

1. autism;
2. any intellectual disability;
3. any physical disability;
4. any sensory disability.

There is no further specific definition for the terms above.

The *Workplace Fairness Act 2025* also defines "mental health condition", in relation to an individual, as the fact that the individual has been diagnosed with any mental disorder by a medical practitioner registered under the *Medical Registration Act 1997*.

More broadly speaking, the *Workplace Fairness Act 2025* aims to protect individuals from discrimination by employers on the ground of certain "protected characteristics" and to establish fair employment practices. The "protected characteristics" include disability and mental health condition - terms that are defined as set out above. This means that individuals with a "disability" or a "mental health condition", as defined under the *Workplace Fairness Act 2025*, are protected from discrimination by employers when they make employment decisions, unless the prescribed exceptions under the *Workplace Fairness Act 2025* apply (such as where the genuine requirement of a job requires that the person cannot be hired because of a protected characteristic).

Sources:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition of disability under the *Workplace Fairness Act 2025* applies uniformly across the nation.

Source:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

3. Do these definitions include mental health?

No.

Mental health is not considered as a disability (i.e. autism, intellectual disability, physical disability, or sensory disability) under the *Workplace Fairness Act 2025*. However, the legislation explicitly protects "mental health conditions" as a separate and standalone protected characteristic alongside "disability". This means that discrimination based on a mental health condition is prohibited under the *Workplace Fairness Act 2025*, just as discrimination based on disability is.

According to section 16 of the *Workplace Fairness Act 2025*, "The protected characteristic of mental health condition, in relation to an individual, means the fact that the individual has been diagnosed with any mental disorder by a medical practitioner registered under the *Medical Registration Act 1997*." A mental health condition is protected at work if a doctor has officially diagnosed the person with a mental illness or disorder. This means the person has seen a registered medical doctor who confirmed the condition.

Source:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. While the definitions in the *Workplace Fairness Act 2025* do not explicitly include the term "neurodiversity", it appears that the substance of that term is covered by the

Workplace Fairness Act 2025, given the wide definition of “mental health condition”. Also, autism is explicitly included as a disability under section 15 of the *Workplace Fairness Act 2025*.

Source:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

5. Are there specific disability employment laws for certain industries or sectors?

No. In Singapore, disability employment laws and guidelines apply broadly across all industries rather than being specific to certain sectors.

Source:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There are no legal employment quotas for employers with respect to hiring people with disabilities. However, there are certain programmes available in Singapore to render support for this group of people.

1. Employment Support for Persons with Disabilities (PWDs)

Employment Support for Persons with Disabilities (PWDs) is a programme supported by Workforce Singapore and SkillsFuture Singapore. Administered by SG Enable, the programme aims to enhance employability and increase employment options for PWDs. Through this programme, employers can gain access to subsidies, grants, and employment facilitation services to help them hire and integrate PWDs into their organisations.

- Course fee subsidy of up to 90% of course fees for co-workers of PWDs
- Job redesign grant of up to 90% of costs incurred, capped at \$20,000 per PWD
- Up to one year of complimentary recruitment and job support services by SG Enable

2. Enabling Employment Credit & Inclusive Business Programme

Enabling Employment Credit (EEC) will be paid to employers of persons with disabilities aged 13 and above, and earning below \$4,000 a month. In addition, employers who hire a person with disability who has not been in employment for the past six months, will receive an additional wage offset for the first nine months of employment.

EEC is applicable for persons with disabilities who are Singapore Citizens or Permanent Residents, and will be available until 2028.

3. Inclusive Business Programme

This programme supports inclusive businesses by directly allocating them HDB shop spaces when at least 20% of their employees are persons with disabilities. In addition, inclusive businesses that are SMEs will enjoy a 30% rental discount for their first three years of tenancy, with the option of renewing for another 3 years.

Sources:

Person with Disabilities PWDs | Employment Support for Employers:
<https://www.wsg.gov.sg/home/employers-industry-partners/workforce-development-job-redesign/for-employers-to-hire-persons-with-disabilities>

Employ Persons with Disabilities | For Employers:
<https://www.sgenable.sg/your-first-stop/hiring-employment/employers/employ>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No. As of now, there are no landmark court cases in Singapore that have set precedent specifically on employment discrimination against PWDs. This may change once the Workplace Fairness Act 2025 comes into force and provides a formal legal route for such claims.

Source:

Judgments and case summaries:
<https://www.judiciary.gov.sg/judgments/judgments-case-summaries>

Other relevant information

The *Workplace Fairness Act 2025* in Singapore provides several protections for individuals with disabilities to ensure fair treatment in the workplace. Here are some key protections:

1. **Prohibition of Discrimination:** Employers are prohibited from discriminating against employees or job applicants based on disability in various aspects of employment, including hiring, promotion, job assignments, and termination.
2. **Reasonable Accommodation:** Employers are required to make reasonable accommodations for employees with disabilities, such as modifying workstations, providing assistive devices, or adjusting work schedules, unless doing so would cause undue hardship to the employee.
3. **Complaint Mechanism:** Employees who believe they have been discriminated against can file a complaint with the Commissioner for Workplace Fairness. The Commissioner has the authority to investigate complaints and take appropriate action against employers found to be in violation of the Act.
4. **Enforcement and Penalties:** The Act includes provisions for enforcement and penalties for non-compliance. Employers who violate the Act may face fines, restrictions on hiring foreign workers, and other penalties.
5. **Public Education and Awareness:** The Act also emphasizes the importance of public education and awareness to promote understanding and acceptance of individuals with disabilities in the workplace

Source:

Workplace Fairness Act 2025:
<https://sso.agc.gov.sg/Act/WFA2025/Uncommenced/20250712213114?DocDate=20250213&WholeDoc=1>

The Code on Accessibility in the Built Environment (CABE) in Singapore outlines several key features to ensure buildings are accessible to individuals with disabilities. Here are some of the main features:

1. **Accessible Routes:** Ensures that there are accessible routes from the building entrance to all public areas within the building, including ramps, lifts, and accessible pathways.
2. **Parking Spaces:** Designates accessible parking spaces close to building entrances, with appropriate signage and dimensions to accommodate vehicles used by persons with disabilities.
3. **Restrooms:** Requires the provision of accessible restrooms on every floor that is open to the public, with features such as grab bars, adequate turning space, and accessible sinks.
4. **Signage and Wayfinding:** Mandates clear and accessible signage throughout the building to assist individuals with disabilities in navigating the space.
5. **Emergency Evacuation:** Includes provisions for emergency evacuation procedures that accommodate individuals with disabilities, such as visual alarms and accessible evacuation routes.
6. **Public Facilities:** Ensures that public facilities such as counters, kiosks, and seating areas are accessible to individuals with disabilities.

The Code on Accessibility in the Built Environment (CABE) 2025 includes several updates aimed at enhancing accessibility and inclusivity. Here are some of the key changes:

1. **Enhanced Provisions for Persons with Disabilities:** The code includes more detailed requirements for features like wheelchair-accessible lifts and ramps.
2. **Support for the Elderly and Nursing Mothers:** New provisions include mandatory lactation rooms in office buildings and business parks, with specific features to support nursing mothers.
3. **Design Flexibility:** The code introduces carefully considered relaxations that offer greater design flexibility without compromising essential accessibility standards
4. **Public Consultation and Feedback:** The draft of the revised code was launched for public

consultation in December 2024, and feedback from various stakeholders was incorporated into the final version.

5. **Implementation Timeline:** The revised code is expected to be released later in 2025, with a six-month notice period for the industry to comply with the new standard.

The Code on Accessibility in the Built Environment (CABE) is legally binding in Singapore. It sets mandatory standards for the design and construction of buildings to ensure they are accessible to individuals with disabilities. Compliance with CABE is enforced by the Building and Construction Authority (BCA), and failure to adhere to these standards can result in penalties and other enforcement actions.

Source:

Update on Code on Accessibility 2025:
https://www.mnd.gov.sg/docs/default-source/mnd-documents/cos-2025/update-on-code-on-accessibility-2025.pdf?sfvrsn=e5fde0e0_1

The Tripartite Guidelines in Singapore are developed by the tripartite partners: the Ministry of Manpower (MOM), the National Trades Union Congress (NTUC), and the Singapore National Employers Federation (SNEF). This guideline aims to promote fair and inclusive employment practices for individuals with disabilities.

1. **Non-Discrimination:** Employers are encouraged to adopt merit-based hiring practices and avoid discrimination based on disability in recruitment, promotion, and other employment decision
2. **Reasonable Accommodation:** Employers are required to make reasonable adjustments to the workplace to accommodate employees with disabilities. This includes modifying

workstations, providing assistive devices, and adjusting work schedule.

3. **Workplace Accessibility:** The guidelines emphasize the importance of creating an accessible work environment, in line with the Code on Accessibility in the Built Environment (CABE) 2020.
4. **Training and Awareness:** Employers are encouraged to provide training and raise awareness among employees about disability inclusion and the importance of supporting colleagues with disabilities.
5. **Support and Resources:** Employers can seek support from agencies like SG Enable and the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) for guidance on implementing inclusive practice.
6. **Complaint Mechanism:** Employees who face discrimination or lack of reasonable accommodation can file complaints with TAFEP, which can mediate and take appropriate action

The Tripartite Guidelines on Fair Employment Practices are not legally binding in themselves. However, they serve as an important framework for promoting fair and merit-based employment practices in Singapore. Employers are expected to adhere to these guidelines, and non-compliance can lead to scrutiny from the Ministry of Manpower (MOM) and potential consequences such as restrictions on work pass privileges.

Source:

Tripartite guidelines:
<https://www.ntuc.org.sg/uportal/about-us/tripartism/tripartite-guidelines>

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South Korea

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. According to Article 2 of the *Act on Welfare of Persons with Disabilities*, the term “person with a disability” means a person whose daily life or social activity is substantially hampered by physical or mental disability over a long period of time. Persons with disabilities mean persons who have a physical or mental disability. “Physical disability” means a disability of principal external bodily functions and of internal organs, etc. “Mental disability” means a disability caused by psychological development disorder or mental disease.

Source:

Act on Welfare of Persons with Disabilities:
https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=68841&type=lawname&key=Act+on+Welfare+of+Persons+with+Disabilities

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under the *Act on Welfare of Persons with Disabilities* applies to governments of all levels. As set out in Articles 1 and 9 of the Act, the legislation aims to clarify responsibilities of the State and local governments in respect of protecting the rights of people with disabilities. The Act also provides for the obligations of State and local governments to devise proper policies under Articles 5 to 7.

Source:

Act on Welfare of Persons with Disabilities:
https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=68841&type=lawname&key=Act+on+Welfare+of+Persons+with+Disabilities

3. Do these definitions include mental health?

Yes. As outlined in Q.1, under Article 2 of the *Act on Welfare of Persons with Disabilities*, “person with a disability” includes a person who is hampered by substantial long-term impairment in daily life or social activity due to mental disability. The term “**mental disability**” means a disability

caused by psychological development disorder or mental disease.

Source:

Act on Welfare of Persons with Disabilities:
https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=68841&type=lawname&key=Act+on+Welfare+of+Persons+with+Disabilities

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No. Under the *Act on Welfare of Persons with Disabilities*, mental disability includes a disability caused by psychological developmental disorder. Appendix 1 of the Enforcement Decree of the *Act on Welfare of Persons with Disabilities* sets out the 15 types of disability for the purpose of welfare benefits registration. While disability due to autism (in Korean: 자폐성 장애) is listed as a type of mental disability in Appendix 1 of the Enforcement Decree of the *Act on Welfare of Persons with Disabilities*, other conditions of neurodiversity are not explicitly recognized.

Source:

Enforcement Decree of the Act on Welfare of Persons with Disabilities :
https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=69449&type=part&key=38

5. Are there specific disability employment laws for certain industries or sectors?

No. South Korea’s legal framework for the employment of persons with disabilities applies broadly across sectors and industries. Nonetheless, the employment quota system mandated by the *Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities* distinguish private and public sectors (see further Q.6).

Source:

Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities:
https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=67170&type=lawname&key=Act+on+the+Employment+Promotion+and+Vocational+Rehabilitation+of+Persons+with+Disabilities

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. The *Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities* established a system of mandatory employment quotas, requiring employers to hire a certain percentage of disabled individuals.

Private companies with 50 or more employees are required to have at least 3.1% of their workforce be people with disabilities. For government and public institutions, the quota is 3.8%. Companies that fail to meet the quota are subject to penalties.

Sources:

Korea Employment Agency for Persons with Disabilities:

<https://www.kead.or.kr/en/mdempqsys/cntntsPage.do?menuId=MENU1385>

Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities:

https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=67170&type=lawname&key=Act+on+the+Employment+Promotion+and+Vocational+Rehabilitation+of+Persons+with+Disabilities

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In the early 1980s, a disabled student and four bar exam passers sued for university admission and appointment as judges, as they were rejected due to their disabilities. A major expansion of the disability movement took place in 1987-8, as activists boycotted the Seoul Olympics and Paralympics to demand legislation for welfare and employment benefits for the disabled.

In 2003, the mandatory employment provision and the disabled employment charge provision of

the *Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities* were challenged on grounds that they violated freedom of contract and occupation, as well as property rights. The Constitutional Court upheld the constitutionality of both provisions. This ruling affirmed the state's right to implement affirmative action measures to promote the employment of persons with disabilities, recognizing the need for preferential measures to achieve substantial equality for a historically discriminated minority.

In 2024, South Korea's Supreme Court affirmed a lower court ruling that asking a job applicant with a disability if their condition made them "extra sleepy" during an interview constituted discrimination. This decision marked the first time the Supreme Court specified that asking about one's disability in a job interview can be an act of discrimination if the question is unrelated to the job. It reinforced that employers must prove such questions are "crucial to the job" to avoid being considered discriminatory.

Sources:

The Development of Disability Policies in South Korea 1950s-2000s:

<https://assistivetechologies.sites.pomona.edu/stuco/the-development-of-disability-policies-in-south-korea-1950s-2000s/#:~:text=In%201972%20a%20petition%20was%20passed%20to,they%20were%20rejected%20due%20to%20their%20disabilities.>

Employment Promotion of People with Disabilities in Korea by Bokgi KIM:

<https://core.ac.uk/download/pdf/87201017.pdf>

Asking about applicant's disability during hiring process discriminatory: Supreme Court:

<https://www.koreaherald.com/article/3307333>

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Sri Lanka

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Sri Lanka has legislation that defines disability and prohibits discrimination by employers on the grounds of disability.

A person with a disability is defined in section 37 of the *Protection of the Rights of Persons with Disabilities Act No. 28 of 1996, as amended by Act No. 33 of 2003* as:

“Any person who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensure for himself, wholly or partly, the necessities of life.”

Section 23(1) of the same Act explicitly prohibits discrimination in employment:

“No person with a disability shall be discriminated against on the ground of such disability in recruitment for any employment or office or admission to any educational institution.”

Sources:

Protection of the Rights of Persons with Disabilities Act No. 28 of 1996:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/act1996.pdf (English translation)

Protection of the Rights of Persons with Disabilities (Amendment) Act. No. 33 of 2003:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/33_2003_en.pdf (English translation)

2. Are there different definitions for disability at a state, provincial or local level?

No. Sri Lanka has laws in place to protect the rights of persons with disabilities, primarily through the *Protection of the Rights of Persons with Disabilities Act No. 28 of 1996*. The definition of disability is applied uniformly at the national level, and there are no distinct definitions at the state, provincial or local levels.

Sources:

Protection of the Rights of Persons with Disabilities Act No. 28 of 1996:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/act1996.pdf (English translation)

Protection of the Rights of Persons with Disabilities (Amendment) Act. No. 33 of 2003:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/33_2003_en.pdf (English translation)

3. Do these definitions include mental health?

Yes, the definition of disability in section 37 of the *Protection of the Rights of Persons with Disabilities Act No. 28 of 1996, as amended by Act No. 33 of 2003* expressly includes “mental capabilities”, which is arguably the same in scope as mental health.

Sources:

Protection of the Rights of Persons with Disabilities Act No. 28 of 1996:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/act1996.pdf (English translation)

Protection of the Rights of Persons with Disabilities (Amendment) Act. No. 33 of 2003:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/33_2003_en.pdf (English translation)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, as outlined in Q.1, the definition of disability in section 37 of the *Protection of the Rights of Persons with Disabilities Act No. 28 of 1996, as amended by Act No. 33 of 2003* includes “mental capabilities”. While the primary legislation uses a general term, subsequent policies and interpretations explicitly cover neurodiversity.

The *National Policy on Disability for Sri Lanka (2003)* states that the definition of mental capabilities is “reasonably broad one, encompassing both medical and socio-economic aspects of disability”. Significantly, this policy directly mentions conditions like autism, dyslexia, and ADHD, noting they fall within the scope of disability.

Source:

National Policy on Disability for Sri Lanka (2003):
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/disability_policy.pdf

Protection of the Rights of Persons with Disabilities Act No. 28 of 1996:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/act1996.pdf (English translation)

Protection of the Rights of Persons with Disabilities (Amendment) Act. No. 33 of 2003:
https://stateminsamurdhi.gov.lk/web/images/content_image/pdf/legislation/33_2003_en.pdf (English translation)

5. Are there specific disability employment laws for certain industries or sectors?

No. In Sri Lanka, disability employment laws and guidelines generally apply across all industries rather than being specific to certain sectors, except for the employment quota system mandated by the Public Administration Circular No. 27/88 which only applies to public sector employment (see further Q.6).

Source:

Human Rights Commission of Sri Lanka General Guidelines And Recommendations:
<https://www.hrcsl.lk/wp-content/uploads/2024/12/GENERA2.pdf>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, there are quotas for public sector employers.

Public Administration Circular No. 27/88 (and subsequently *Public Administration Circular No. 01/99*) mandates that 3% of vacancies in the public sector should be filled by disabled persons possessing the requisite qualifications and whose disability would not be a hindrance to the performance of their duties.

While this quota has been in place for a significant period, various reports indicate that it is “often not honoured” due to a lack of proper mechanisms for implementation and other challenges. There is no equivalent mandatory quota for the private sector, although efforts are

being made to encourage disability inclusion in private enterprises.

Sources:

Public Administration Circular No. 27/88:
https://pubad.gov.lk/web/index.php?option=com_circular&view=circular&cid=453&Itemid=176&lang=en

Public Administration Circular No. 01/99:
<https://citizenslanka.org/wp-content/uploads/2017/05/01-1999e.pdf> (English translation)

Situational Analysis on the Rights of Persons with Disabilities in Sri Lanka:
<https://unprpd.org/new/wp-content/uploads/2025/01/SriLankaSitAn.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

An often cited case that has had a far-reaching impact on disability rights in Sri Lanka, including indirectly on employment, is the case of *Dr. Ajith Perera v. Attorney General* [SCFR No 221/2009] and the subsequent case of *Dr. Ajith CS Perera v. MoSE and the Chairman of the NCPD & others* [SCFR No. 273/2018]. This series of fundamental rights applications, primarily led by disability rights activist Dr. Ajith C. S. Perera, focused on the accessibility of public buildings for persons with disabilities. While not directly an employment discrimination case, the ruling on accessibility has significant indirect implications for employment. Improved accessibility to workplaces, public services, and transportation (which is often linked to public buildings) is crucial for persons with disabilities to access and retain employment.

Source:

Situational Analysis on the Rights of Persons with Disabilities in Sri Lanka:
<https://unprpd.org/new/wp-content/uploads/2025/01/SriLankaSitAn.pdf>

SC orders more facilities for disabled - The Sunday Times, Sri Lanka (Sunday October 18, 2009):
https://www.sundaytimes.lk/091018/News/nws_26.html

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Taiwan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Article 5 of People with Disabilities Rights Protection Act (身心障礙者權益保障法)(the “Act”) defines “people with disabilities” as people “*who have the following deviation or loss resulting from physical or mental impairments, are limited or restricted from engaging in ordinary living activities and participation in society; and they, after processes of evaluation & assessment by a committee composed of professionals from medicine, social work, special education, and vocational evaluation, can be regarded as suffering one of the following malfunction categories and issued a disability identification:*

1. *Mental Functions & Structures of the Nervous System;*
2. *Sensory Functions & Pain; The Eye, Ear and Related Structures;*
3. *Functions & Structures of/involvement in Voice and Speech;*
4. *Functions & Structures related to the Cardiovascular, Haematological, Immunological and Respiratory Systems;*
5. *Functions & Structures related to the Digestive, Metabolic and Endocrine Systems;*
6. *Functions & Structures related to the Genitourinary and Reproductive Systems;*
7. *Neuromusculoskeletal and Movement related Functions & Structures;*
8. *Functions & Related Structures of the Skin.”*

In Taiwan, the disability certificate is used to prove a person’s status as a person with disabilities. When an individual holds a disability certificate, he or she is entitled to certain rights under Taiwanese law. For example, Government agencies in Taiwan are required to prioritize hiring certain persons with disabilities based on staffing needs and suitability of available roles (see paragraph 4(1) of Operation Guidelines for the

Employment of Persons with Disabilities (進用身心障礙人員作業要點).

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95>

Operation Guidelines for the Employment of Persons with Disabilities (進用身心障礙人員作業要點):

<https://www.rootlaw.com.tw/LawArticle.aspx?LawID=A040160021000400-1010823>

2. Are there different definitions for disability at a state, provincial or local level?

No, there are no different definitions for disability at different levels of Governments in Taiwan.

- Under Article 2 of the Act, the respective competent authorities at the central level, municipal level and county (city) level are the Ministry of Health, municipal governments and county (city) governments.
- All competent authorities are required to discharge the affairs and duties prescribed under the Act individually.
- There is only one single definition of “people with disabilities” under the Act, which all competent authorities should refer to.

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95>

3. Do these definitions include mental health?

Yes. The definition of “people with disabilities” under the Act includes people with impairment in

their mental functions and structures of nervous systems.

In the Mental Health Act (精神衛生法), “mental health” refers to *“an illness that manifests abnormality in thinking, emotion, perception, cognition, behavior, and other mental states, resulting in functional impairment in adapting to life and requiring medical treatment and care. However, those with antisocial personality disorder are not included”*.

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):
<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95%20>

Mental Health Act (精神衛生法)

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=L0020030>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. The definition of “people with disabilities” under the Act includes people with impairment in their mental functions and structures of nervous systems. This would cover conditions such as dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity.

However, there are no specific definitions or mentions of “neurodiversity” or dyslexia, autism, ADHD, dyspraxia etc. under The Act and Mental Health Act.

Nonetheless, The Special Education Act (特殊教育法) specifically includes “Speech or Language Disorder”, “Learning Disability” and “Autism” under the definition of “disabilities”.

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):
<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95>

[a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95](https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=L0020030)

Mental Health Act (精神衛生法)

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=L0020030>

The Special Education Act (特殊教育法)

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=H0080027>

5. Are there specific disability employment laws for certain industries or sectors?

Yes, The Act provides for specific employment laws for massage and telephone service operator sectors.

- Article 46 obliges labour authorities at all levels to assist visually impaired individuals to develop their skills and business in the massage industry, and sets on preferential treatment to provide visually impaired individuals with venue of operating massage work.
- Article 46-1 sets out employment requirements for visually impaired individuals in telephone service industry. For government agencies (public institutions) or state-owned enterprises, whether operating directly or by commission, if they run consultative telephone service (call center / inquiry hotline) and have 10 or more telephone operators, they must employ visually impaired persons so that the number of visually impaired employees is at least one tenth (10 %) of the telephone operator staff. However, if due to the special nature of the work or practical difficulty in employing visually impaired persons, the agency may seek approval from the local labor authority and be exempt from the quota obligation.

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):
<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95>

Status of Disability and Employment Laws Around the World

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Under The Act, there are statutory quota requirements for hiring people with disabilities:

- For any given private school, association, or private business agency with more than 67 employees, the number of disabled employees in this entity should be no less than 1% of the total employees and no less than one person.
- For any given government department (agency) of individual levels, public school, or public business agency whose total number of employees is no less than 34, the number of employees with disabilities shall be no less than 3 percent of the total number of the employees.

Source:

People with Disabilities Rights Protection Act (身心障礙者權益保障法):

<https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=D0050046&kw=%e8%ba%ab%e5%bf%83%e9%9a%9c%e7%a4%99%e8%80%85%e6%ac%8a%e7%9b%8a%e4%bf%9d%e9%9a%9c%e6%b3%95>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Taiwan New Taipei District Court Judgment No. 83 of Summary Case Year 103 (臺灣新北地方法院 103 年度簡字第 83 號判決)

The Court ruled that job applicants have no legal obligation to proactively disclose a disability, and requiring such disclosure can itself be a form of discrimination.

Sources:

Taiwan New Taipei District Court Judgment No. 83 of Summary Case Year 103 (臺灣新北地方法院 103 年度簡字第 83 號判決)

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=PCDA%2c103%2c%e7%b0%a1%2c83%2c20140821%2c1&ot=in>

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Thailand

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Section 4 of the *Persons with Disabilities Empowerment Act B.E. 2550* (2007) defines a “person with disability” as a person who has limitations in performing daily activities or social participation due to impairment in vision, hearing, mobility, communication, mental, emotional, behavioral, intellectual, learning, or other impairments, along with obstacles in various aspects and having a special need to obtain any particular aid in order to be able to perform their daily activities or participate in society like other people, according to the types and criteria announced by the Minister of Social Development and Human Security.

Source:

พระราชบัญญัติส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ พ.ศ. 2550 Persons with Disabilities Empowerment Act B.E. 2550: <https://law.m-society.go.th/law/view/225> (Thai) https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf (English translation)

2. Are there different definitions for disability at a state, provincial or local level?

No, there are no different or separate legal definitions of disability at the state, provincial, or local level in Thailand.

The definition of disability is primarily established at the national level through the *Persons with Disabilities Empowerment Act B.E. 2550* (2007). The local authorities must follow the Act and the definition, and they do not have the authority to create their own legal definitions.

Source:

พระราชบัญญัติส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ พ.ศ. 2550 Persons with Disabilities Empowerment Act B.E. 2550: <https://law.m-society.go.th/law/view/225> (Thai) https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf (English translation)

[wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf) (English translation)

3. Do these definitions include mental health?

Yes. The relevant part of the definition of disability in the *Persons with Disabilities Empowerment Act B.E. 2550* (2007) that encompasses mental health is found in Section 4 of the Act, under the terms “mental, emotional, behavioral” (in Thai: จิตใจ อารมณ์ พฤติกรรม). The inclusion of “such terms explicitly covers conditions related to mental health within the scope of disability for the purpose of employment protection under Thai law.

Further, according to the *Announcement of the Ministry of Social Development and Human Security regarding the types and criteria of disability*, mental or behavioral impairment is one of the recognized categories of disability:

1. Visual impairment
2. Hearing or communication impairment
3. Movement or physical impairments
4. Mental or behavioral impairment, including autism,
5. Intellectual impairment
6. Learning impairment

Sources:

พระราชบัญญัติส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ พ.ศ. 2550 Persons with Disabilities Empowerment Act B.E. 2550: <https://law.m-society.go.th/law/view/225> (Thai) https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf (English translation)

ประกาศกระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์ เรื่อง ประเภทและหลักเกณฑ์ความพิการ Announcement of the Ministry of Social Development and Human Security regarding the types and criteria of disability: <https://law.m-society.go.th/law/view/288>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Although the definition of persons with disabilities under section 4 of the *Persons with Disabilities Empowerment Act B.E. 2550* (2007) does not explicitly refer to neurodiversity, the broad definition can encompass neurodiverse conditions, provided that these conditions substantially impact a person's ability to function in daily life or participate in society.

Also, the definitions of disability in the *Announcement of the Ministry of Social Development and Human Security regarding the types and criteria of disability* include some forms of neurodiversity, specifically autism and conditions related to learning impairments (which would cover dyslexia and dyscalculia). Other conditions like ADHD and dyspraxia are not explicitly named but might fall under broader categories, though this is subject to interpretation of the detailed criteria.

Sources:

พระราชบัญญัติส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ พ.ศ. 2550 Persons with Disabilities Empowerment Act B.E. 2550: <https://law.m-society.go.th/law/view/225> (Thai) https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf (English translation)

ประกาศกระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์ เรื่อง ประเภทและหลักเกณฑ์ความพิการ Announcement of the Ministry of Social Development and Human Security regarding the types and criteria of disability: <https://law.m-society.go.th/law/view/288>

5. Are there specific disability employment laws for certain industries or sectors?

No. The key legislation for disability employment is the *Persons with Disabilities Empowerment Act B.E. 2550* (2007), which applies broadly to both public and private sector employers and across industries.

The *Persons with Disabilities Empowerment Act B.E. 2550* (2007) empowers the National Commission on Promotion and Development of Life Quality of Disabled Persons to coordinate

with ministries to develop sector-specific regulations and guidelines. For example:

- The Ministry of Public Health may issue guidelines for inclusive practices in hospitals.
- The Ministry of Education may develop policies for accessible learning environments.
- The Ministry of Labour may enforce workplace standards and accommodations.

Source:

พระราชบัญญัติส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ พ.ศ. 2550 Persons with Disabilities Empowerment Act B.E. 2550: <https://law.m-society.go.th/law/view/225> (Thai) https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Thailand_The-Persons-with-Disabilities-Empowerment-Act-B.E.-2550-2007-PDEA.pdf (English translation)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Under section 33 of the *Persons with Disabilities Empowerment Act B.E. 2550* (2007), employers or owners of the establishments and State Agencies shall employ Persons with Disabilities to work in suitable positions in proper proportions to the entire number of the employees in the establishments or State Agencies.

This section establishes the general principle that employers with 100 or more employees are subject to a quota for hiring persons with disabilities. The specific ratio is further detailed in Article 2 of the *Ministerial Regulation on the Employment of Persons with Disabilities B.E. 2552* (2009) (in Thai: กฎกระทรวง

กำหนดจำนวนและอัตราส่วนของคนพิการที่นายจ้างหรือเจ้าของสถานประกอบการและหน่วยงานของรัฐต้องรับเข้าทำงาน และจำนวนเงินที่นายจ้างหรือเจ้าของสถานประกอบการจะต้องส่งเข้ากองทุน พ.ศ. ๒๕๕๒).

Both private and public sector employers are obliged to hire one person with disability for every 100 employees in the establishments or State Agencies.

The *Persons with Disabilities Empowerment Act B.E. 2550* (2007) also provides alternatives for employers who cannot or choose not to meet the

direct employment quota under sections 34 and 35. Such employers have to contribute money to the Fund for Promotion and Development of Life Quality of Disabled Persons.

Section 33 of the *Persons with Disabilities Empowerment Act B.E. 2550* (2007) guarantees job security for persons with disabilities, opportunities for salary increase, career advancement as well as other welfare and benefits included in employers' packages. Private sector employers who act in accordance with Section 33 will be able to claim tax deductions that equal to twice annual salary.

Sources:

Ministerial Regulation on the Employment of Persons with Disabilities B.E. 2552 (2009): https://www.m-society.go.th/ewtadmin/ewt/mso_web/download/doc12345.pdf (Thai)

UNDP (2022). Promoting an Inclusive Workplace for Persons with Disabilities in Thailand: <https://www.undp.org/sites/g/files/zskgke326/files/2023-03/PWD%20inclusion%20study.pdf>

Country Report on Human Rights (University of Zurich) – Thailand: https://www.menschenrechte.uzh.ch/publikationen/Country_Report_Thailand.pdf

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Thailand operates under a civil law system. The Thai legal system is primarily based on written statutes and codes, rather than judicial precedents. The court decisions may influence the interpretation and application of laws, but they do not have the same binding precedent effect as in common law systems.

A notable case is *Constitutional Court Decision No. 15/2555* (2012) (in Thai:

คำวินิจฉัยศาลรัฐธรรมนูญ ที่ ๑๕/๒๕๕๕). The Ombudsman, as the petitioner, requested the Constitutional Court to consider and rule in accordance with Section 245(1) of the Constitution, in a case where a complaint was received from Mr. Sirimit Boonmool. He had applied to take the knowledge examination for appointment as a judicial officer, but the Office of the Judiciary notified him that the Judicial Commission had resolved not to accept his

application, reasoning that his physical and mental condition was unsuitable for the duties of a judicial officer, pursuant to Section 26, paragraph one (10) of the *Judicial Service Act B.E. 2543* (2000). The complainant and the petitioner considered that the disqualification of an applicant on such grounds constituted unfair discrimination based on physical condition or disability. Therefore, they argued that the relevant legal provision was inconsistent or in conflict with Section 30 of the *Constitution of the Kingdom of Thailand B.E. 2550* (2007). The Constitutional Court ruled that the specific provision in the *Judicial Service Act B.E. 2543* (2000) regarding “physical or mental condition” for judicial officers did not contradict the Constitution. This means the Court found that for this specific, high-responsibility role, such a requirement was permissible and not unconstitutional discrimination.

While this case doesn't directly interpret the *Persons with Disabilities Empowerment Act B.E. 2550* (2007), it demonstrates a mechanism (via the Ombudsman and Constitutional Court) for individuals to challenge discriminatory practices in employment.

Source:

คำวินิจฉัยศาลรัฐธรรมนูญ ที่ ๑๕/๒๕๕๕ Constitutional Court Decision No. 15/2555 (2012): https://www.constitutionalcourt.or.th/occ_web/download/article/file_import/center-law15_55.pdf (Thai only)

Other relevant information

The Constitution of Thailand also covers all sectors and generally prohibits discrimination based on “national origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or political view.”.

- The Thai Constitution, adopted in 1997 and amended in 2007, contains anti-discrimination provisions based on physical or health conditions and guarantees accessibility to social welfare and services for persons with disabilities.
- The Persons with Disabilities' Quality of Life Promotion Act B.E. 2550 (2007) is a comprehensive rights-based law for persons with disabilities and contains an

antidiscrimination component. It repeals the Rehabilitation of Disabled Persons Act A.D.1991 (B.E.2534), which was the first law on disability in Thailand. The new Act establishes the National Commission for Promotion and Development of Disabled Persons' Life Quality, which replaces the Office of the Committee for the Rehabilitation of Disabled Persons. It also establishes an Office to implement recommendations of the Commission, and a fund to be managed by the Office for the rehabilitation of disabled persons.

- The National Persons with Disabilities' Quality of Life Development Plan (Volume III) B.E. 2550–2554 (2007–2011), provides guidance

for disability development practice for all authorities concerned.

- The Persons with Disabilities Education Act B.E 2551 (2008), promotes fairness of access to education and vocational training for all disadvantaged groups.
- The Declaration on Rights for People with Disabilities in Thailand (3 December 1998), approved and signed by the former Prime Minister, is a pledge made by the people of Thailand to persons with disabilities. It is now used as a reference in the provision of services for people with disabilities

See also: [Employment Of Disabled Persons | Acclime Thailand](#)

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Uzbekistan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The definition of “Person with a disability” in the Law of the Republic of Uzbekistan on the rights of persons with disabilities is “a person with persistent physical, mental, sensory (sensual), or mental impairments, who needs social care and protection, creation of conditions for full and effective participation on an equal basis with others in the political, economic, social life of society and the state.” This appears to apply across all areas of disability rights, including employment.

<https://lex.uz/docs/5694817#:~:text=The%20state%20shall%20guarantee%20equal,fundamental%20human%20rights%20and%20freedoms.>

2. Are there different definitions for disability at a state, provincial or local level?

While there do not appear to be different definitions at a local level, a presidential decree issued in May 2025 provides for tax subsidies to certain employers who employ persons with disabilities, the amount of which appears to vary depending upon the region of the country. See Chapter II (3): [https://cis-legislation.com/document.fwx?rgn=166924#:~:text=\(b\)%20in%20the%20Republic%20of%20Karaka%20lpakistan%2C%20the%20Andijan.](https://cis-legislation.com/document.fwx?rgn=166924#:~:text=(b)%20in%20the%20Republic%20of%20Karaka%20lpakistan%2C%20the%20Andijan.)

3. Do these definitions include mental health?

Yes, The Law of the Republic of Uzbekistan on the Rights of Persons with Disabilities (the Act) includes the following definition: “Person with a disability – a person with persistent physical, *mental*, sensory (sensual), or mental[*] impairments, who needs social care and protection, creation of conditions for full and effective participation on an equal basis with others in the political, economic, social life of society and the state.” [*] Note that this definition is an English translation of the text of the Act. Other translations of the Act in Russian and Uzbek suggest that second reference to “mental” in the definition may mean “psychic,” “psychological” or “spiritual.”

People claiming mental impairments will fall into the category of a person with a disability for the purpose of the Act.

Source: The Law of the Republic of Uzbekistan on the Rights of Persons with Disabilities, Article 3 (<https://lex.uz/docs/5694817>)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Very broadly, but yes.

The definition states that “a person with a disability is a person with persistent physical, mental, sensory (sensual), or mental impairments.” this could conclude/infer that the definitions include neurodiversity.

<https://lex.uz/docs/5694817>

5. Are there specific disability employment laws for certain industries or sectors?

No, there do not appear to be industry or sector-specific laws apart from the general 3% employment quota requirement.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Uzbekistan’s constitution along with the law they adopted based on the Convention on the Rights of Persons with Disabilities states that, “the law obliges public institutions and private enterprises, where at least 20 individuals are employed, to reserve at least 3 percent of jobs for persons with disabilities.”

<https://disabilityin.org/country/uzbekistan/>. See also Article 43 of the law, <https://lex.uz/docs/5694817#:~:text=The%20state%20shall%20guarantee%20equal,fundamental%20human%20rights%20and%20freedoms> (“Local government authorities shall establish in organizations with more than twenty employees a minimum number of jobs for the employment of persons with disabilities in the amount of not less than three percent of the total number of employees.”)

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Separately, a presidential decree issued in May 2025 provides for tax subsidies to certain employers who employ persons with disabilities. See Chapter II (3): [https://cis-legislation.com/document.fwx?rgn=166924#:~:text=\(b\)%20in%20the%20Republic%20of%20KarakaIpakistan%2C%20the%20Andijan.](https://cis-legislation.com/document.fwx?rgn=166924#:~:text=(b)%20in%20the%20Republic%20of%20KarakaIpakistan%2C%20the%20Andijan.)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Unable to find any case law on this topic.

Other relevant information

Articles have mentioned that the quota seems ineffective as on 7% of people registered in Uzbekistan as having a disability are employed, despite the quota.

<https://lex.uz/docs/5694817#:~:text=The%20state%20shall%20guarantee%20equal,fundamental%20human%20rights%20and%20freedoms>

Presidential Decree: [https://cis-legislation.com/document.fwx?rgn=166924#:~:text=\(b\)%20in%20the%20Republic%20of%20KarakaIpakistan%2C%20the%20Andijan](https://cis-legislation.com/document.fwx?rgn=166924#:~:text=(b)%20in%20the%20Republic%20of%20KarakaIpakistan%2C%20the%20Andijan)

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Vietnam

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the definitions of disabilities are uniformly applied across the legal system in Vietnam, as it is provided by the overarching PwD Law. Those definitions are the basis for accessing rights and protections, including in the employment and accommodation context. The employment laws (Vietnam's Labor Code) then layer specific rights, obligations, incentives on employers based on those definitions.

In Vietnam, rights of person with disabilities is regulated under Law on Persons with Disabilities ("**PwD Law**")¹ and its guiding legislative, which provide a basis to guarantee the rights to equal participation, independent living, and access to healthcare, education, employment, and public facilities, while placing responsibilities on the State and families to ensure their inclusion.

In Vietnam's laws, a "Person with Disabilities" (in Vietnamese: *Người Khuyết Tật*) is defined as: "individuals who have impairments in one or more parts of the body or suffer from functional decline, manifested in forms of disability that cause difficulties in working, daily living, or studying."² (hereinafter referred to as "**PwDs**")

Forms of disabilities

Disability under Vietnam's laws is further categorized in six main categories (forms) of disabilities:³

- Mobility Disability (in Vietnamese: *Khuyết tật vận động*) means "a condition of reduced or lost ability to move the head, neck, legs, arms, or torso, leading to limitations in mobility and movement."

- Hearing and Speaking disability (in Vietnamese: *Khuyết tật nghe, nói*) means "a condition of reduced or lost ability to hear, speak, or both, including the ability to articulate sounds and sentences clearly, leading to limitations in verbal communication and information exchange."
- Visual disability (in Vietnamese: *Khuyết tật nhìn*) means "a condition of reduced or lost ability to see and perceive light, colors, images, and objects under normal lighting and environmental conditions."
- Mental/Neurological disability (in Vietnamese: *Khuyết tật thần kinh, tâm thần*) means "a state of disturbance in perception, memory, emotions, behavioral control, and thinking, with manifestations through unusual speech and actions."
- Intellectual disability (in Vietnamese: *Khuyết tật trí tuệ*) means "a condition of reduced or lost cognitive ability and thinking, manifested by slow or inability to think, analyze objects or phenomena, and resolve situations."
- Other disabilities (in Vietnamese: *Khuyết tật khác*) means "conditions involving reduced or lost bodily functions that cause difficulties in working, daily living, or studying, and do not fall under the above-described forms."

Degrees of Disability Severity

PwDs are classified into three degrees of severity, largely based on their ability to perform personal daily-life activities:⁴

- Persons with Extremely Severe Disabilities (in Vietnamese: *Người khuyết tật đặc biệt nặng*) refers to those whose impairments render them unable to perform by themselves their personal daily-life activities. In particular, Persons with Extremely Severe Disabilities are individuals whose disabilities result in a

¹ Law on Persons with Disabilities No. 51/2010/QH12 issued by the National Assembly of Vietnam on 17 June 2010 - accessible at [Luật số 51/2010/QH12 của Quốc hội: LUẬT NGƯỜI KHUYẾT TẬT](#)

² Article 2.1, PwD Law

³ Article 3.1, PwD Law; Article 2, Decree No. 28/2012/NĐ-CP dated 10 April 2012 providing detailed guidance on certain

provisions of PwD Law ("**Decree 28**") accessible at: [Nghị định số 28/2012/NĐ-CP của Chính phủ: Quy định chi tiết và hướng dẫn thi hành một số điều của Luật người khuyết tật](#)

⁴ Article 3.2, PwD Law; Article 4, Decree 28

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complete loss of function, making them unable to control or perform daily personal activities such as walking, dressing, personal hygiene, and other self-care tasks without full-time monitoring, assistance, and care from others.

- Persons with Severe Disabilities (in Vietnamese: *Người khuyết tật nặng*) refers to those whose disabilities render them unable to perform some of their personal daily-life activities. In particular, Persons with Severe Disabilities are individuals whose disabilities lead to partial loss or decline in function, making them unable to control or perform some daily personal activities such as walking, dressing, personal hygiene, and other self-care tasks without support, assistance, and supervision.
- Persons with Mild Disabilities (in Vietnamese: *Người khuyết tật nhẹ*): Those who do not fall into the two categories above.

The classification of a person's disability form and degree is carried out by a Council on Disability Classification at the commune level.

These definitions form the basis for classifying the forms and degrees of disability, which determines eligibility for state policies and support.

2. Are there different definitions for disability at a state, provincial or local level?

No.

The official definition and classification of disability in Vietnam are uniform across the country, as they are established by a single national law passed by the National Assembly and guided by specific legislative under the law (such as decree, circular, etc.)

3. Do these definitions include mental health?

Yes, the definition of disabilities includes disability in mental health. For further details, please refer to response in Question No. 1.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Vietnam's legal definitions of disabilities, as described under Question No. 1, do not explicitly list neurodiversity terms like autism, ADHD, or dyslexia. However, these conditions may be recognized under broader categories, Intellectual Disability, Mental/Neurological Disability and Other Disabilities.

5. Are there specific disability employment laws for certain industries or sectors?

No, Vietnam does not have any industry-specific regulations governing disability employment.

Instead, in Vietnam, the disability employment regulations are mainly governed under the Labor Code, PwD Law, Social Insurance Law and Employment Law⁵, which are uniformly applied across all sectors.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Vietnam does not have a mandatory employment quota for persons with disabilities under its current laws. Instead, current regulations of Vietnam encourage employers to hire persons with disabilities by providing incentives (not mandates) for businesses that employ a significant proportion of disabled workers.⁶

With respect to employers' obligations:

- Non-Discrimination: Employers must not discriminate against disabled employees in hiring, compensation, or job assignments. Disabled employees must receive equal treatment and opportunities as others in similar roles.⁷

⁵ Employment Law No. 74/2025/QH15 issued by the National Assembly on 16 June 2025 ("**Employment Law**") which will take effect on 1 January 2026 replacing the current Employment Law No. 38/2013/QH13 dated 16 November 2013. The Employment Law is accessible at [Luật số](#)

[74/2025/QH15 của Quốc hội: Luật Việc làm](#) (Retrieved as of 8 October 2025).

⁶ Article 34, PwD Law

⁷ Article 33.2 and Article 33.4, PwD Law; Article 3.8, Labor Code

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- Reasonable accommodation: Employers are required to make reasonable adjustments in the workplace to support disabled employees, such as modifying equipment or workspaces and organizing periodical health checks for disabled employees.⁸
- Consider opinions of PwDs: Employers must consult with disabled employees before deciding on matters of relevance to the rights and interests of disabled employees.⁹
- Employers are prohibited from engaging in the following actions:¹⁰
 - (a) Assigning employees, who is a PwD with a work capacity reduction of 51% or more, or Persons with Severe Disabilities, Persons with Extremely Severe Disabilities to work overtime or night shifts—unless the disabled employee has explicitly agreed to do so.

Assigning disabled employees to labor-intensive, hazardous, or dangerous jobs listed by the Ministry of Labor, War Invalids and Social Affairs (MOLISA – now known as Ministry of Home Affairs - MOHA)¹¹, without the PwD's consent.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

None. Vietnam operates under a civil law system, where the legislative acts (Laws, Decrees, Circulars) are the primary sources of legal authority, and judicial precedent (court rulings) does not have the same universally binding force as in common law countries.

The evolution of disability employment law in Vietnam has been primarily shaped by major legislative acts, government policies, and international commitments, rather than specific, publicly cited “landmark” court rulings that establish clear legal precedent for all future cases in the manner of a common law system.

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⁸ Article 33.3, PwD Law; Article 159.1, Labor Code

⁹ Article 159.2 Labor Code

¹⁰ Article 160 Labor Code

¹¹ Circular 11/2020/TT-BLĐTBXH, effective from March 1, 2021, issued by the MOLISA provides a list of 1,838

heavy, hazardous, and dangerous occupations across 42 sectors - accessible at: [Nội Dung Văn Bản 'Thông tư 11/2020/TT-BLĐTBXH'](#)

Europe, Middle East, and Africa

Algeria

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes — Algeria does provide a legal definition of “disability” in its law for the protection and promotion of people with special needs, which includes employment protection and other protections. Algeria recently passed a new law related to the protection and promotion of people with disabilities (the “Law to Protect and Promote Persons with Special Needs”) to bring its requirements in line with the UN Convention on the Rights of Persons With Disabilities. The new law supersedes the prior law, passed in 2002.

The law covers “Any person whose physical, mental, intellectual, or sensory impairments, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.”

[Loi n° 02-09 du 8 mai 2002 \(Relative a la protection et la promotion de la personne handicapée\)](#). [Loi n0. 25-01 due 20 fevrier 2025 \(Relative a la protection et a la promotion des personnes ayant des besoins specifiques\)](#).

2. Are there different definitions for disability at a state, provincial or local level?

No.

In Algeria, disability laws are primarily established at the national level, with implementation supported by national institutions and some regional bodies. There is no evidence of separate or independent local (municipal or provincial) disability legislation. While laws are national, local authorities and institutions are responsible for implementing them. The responsibilities for implementation include:

- Ensuring accessibility in municipal infrastructure.
- Administering social services and benefits.
- Supporting inclusive education and vocational training.

- Collaborating with national bodies to enforce standards.

[Disability:IN | Global Directory - Algeria](#)

[Loi no. 25-01 du 20 fevrier 2025 relative a la protection et a la promotion des personnes ayant des besoins specifiques](#). This law defines a person with a disability as someone with a permanent or long-term physical, sensory, mental, or intellectual impairment that significantly limits their ability to participate in society on an equal basis with others.

The Ministry of National Solidarity, Family and Women’s Affairs and the National Council for Persons with Disabilities ensure that this definition is applied consistently across all regions of Algeria.

Local authorities and institutions implement the law but do not have the authority to redefine what constitutes a disability.

Official Source: [SGG Algérie](#)

3. Do these definitions include mental health?

Yes, in line with the UN Convention of the Rights of Persons With Disabilities, mental issues that impact a person’s ability to fully participate in society are included in the definition of “disability” under the law. However, the Law to Protect and Promote Persons with Special Needs does not address mental health in depth beyond its inclusion in the definition.

[Loi no. 25-01 Loi no. 25-01 du 20 fevrier 2025 relative a la protection et a la promotion des personnes ayant des besoins specifiques](#).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Under Algerian law, the main definitions of disability do not explicitly mention neurodiversity or specific conditions like ADHD, dyslexia, dyspraxia, or autism. The legal framework uses broader terminology and general classifications. Support for these conditions may be available under broader categories like “mental” or “cognitive” disabilities, but this is not clearly defined.

The Law to Protect and Promote Persons with Special Needs introduced the concept of “persons

with special needs” (besoins spécifiques) to reinforce dignity, autonomy, inclusion, non-discrimination, and accessibility in public life, but does not enumerate specific neurodiverse diagnoses (such as ADHD, dyslexia, dyspraxia, or autism) in its definitions or provisions.

[Loi no. 25-01 du 20 février 2025 relative à la protection et à la promotion des personnes ayant des besoins spécifiques.](#)

5. Are there specific disability employment laws for certain industries or sectors?

Algeria's Law to Protect and Promote Persons with Special Needs requires that all employers reserve at least 1% of posts for persons with disabilities. This obligation is not limited to specific industries. Employers who can't meet this quota are required to make contributions equal to the salary of such employees to a national fund instead.

The law includes a limitation: employers cannot assign persons with disabilities to work that is “requiring an effort exceeding their strength.” In effect, very physically demanding roles may be off-limits if they would impose undue risk.

Otherwise, there are no specific disability employment laws for certain industries or sectors.

[Loi no. 25-01 du 20 février 2025 relative à la protection et à la promotion des personnes ayant des besoins spécifiques.](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Public and Private Sector: Yes

National Law and Quota: Algeria's primary disability law – *Law No. 25-01 of 20 February 2025 on the protection and promotion of persons with disabilities* – established a mandatory hiring quota for persons with disabilities that applies to both public and private sector employers. Article 27(1) of this law requires “all employers” to reserve at least 1% of their jobs for workers with disabilities who have official recognition of that status. In other words, whether an organization is a government body, state-owned enterprise, or private company, it must allocate at least one out of every 100 positions to employees with disabilities under the current law.

[Loi no. 25-01 du 20 février 2025 relative à la protection et à la promotion des personnes ayant des besoins spécifiques.](#)

Scope and Calculation: The quota is calculated based on the employer's total workforce. Implementing regulations clarify how this is applied in practice. A 2014 Executive Decree (No. 14-214 of 30 July 2014) specifies that the 1% is computed on the total number of paid employees as of year-end, rounded down to the nearest whole number. For example, an employer with 200 staff would need to have at least 2 employees with disabilities (1% of 200), whereas an employer with 50 staff (1% of 50 = 0.5, rounded down to 0) technically has no mandatory slot – in effect, companies below a certain size may not reach a full “1%” position. In fact, under this decree, employers with 20 or fewer workers are essentially exempt, and those with *between 21 and 99 workers* receive a partial exemption: if they do not employ a person with disabilities, they pay only a proportion of the fine (two-thirds of the standard amount, as described below). For companies with 100 or more employees, at least one position must be filled by a disabled worker to meet the 1% rule (and more for substantially larger workforces). Note that though the 2014 Executive Decree remains in force, it may be replaced by a new decree taking into account the changes imposed by the 2025 law (Law No. 25-01 of 20 February 2025).

[Decret executif n° 14-214 du 3 Chaoual 1435 correspondant au 30 juillet 2014 fixant les modalités inhérentes la réservation des postes de travail, la détermination de la contribution financière et l'octroi de subventions pour l'aménagement et l'Équipement des postes de travail pour les personnes handicapées.](#)

Enforcement: To ensure the quota is not ignored, Algerian law provides an alternative compliance route: if an employer does not fulfil the 1% hiring quota, they are required to pay a special annual contribution or levy. Specifically, the 2002 Act (Art. 27(2)) and its decrees mandate that an employer who falls short of the quota must pay into a public fund for disability support an amount equivalent to the annual wages of the number of unfilled reserved positions. In practical terms, this means an employer calculates how many disabled workers *should* be employed (per the 1% rule, as rounded by the decree) and, for each slot not actually filled by a disabled person, pays a fee equal to the annual minimum wage (SNMG) into a designated fund. (The fund is the *Special National Solidarity Fund*, account no. 302-069, which

finances programs for persons with disabilities.) The 2014 implementing decree explicitly fixes this contribution at “the number of posts to be reserved **times** the annual guaranteed national minimum wage.” As noted, smaller employers between 21 and 99 employees pay a reduced amount (two-thirds of the annual minimum wage for the one notional post) if they have no disabled workers. Employers must report annually on their compliance – either listing the disabled employees on staff or providing proof of payment to the fund – to both the local labour authority and social affairs authority. Failure to do so could subject the employer to inspection and sanctions, though enforcement has been inconsistent.

Incentives and Supports: Algerian law also tries to encourage compliance through positive incentives. Article 30 of the Law for the Protection and Promotion of Persons with Special Needs and the 2014 decree provide that employers who adapt or equip their workplaces to accommodate disabled workers can receive government subsidies or grants. For example, if a company installs special equipment, modifies facilities for accessibility, or provides specific training to facilitate a disabled person’s employment, the state, local authorities, and social security bodies can help co-fund those accommodations. Additionally, employers who hire persons with disabilities are eligible for certain benefits such as reductions in social security charges or tax breaks. These measures are intended to offset costs and encourage genuine inclusion rather than a “pay the fine and ignore hiring” approach. The overall goal of the quota scheme, as stated in the law, is to promote the training and employment integration of people with disabilities on an equal basis.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Algeria’s legal tradition is based on French civil law, meaning that legislation and codified rules are the primary source of law, and jurisprudence is considered a supplementary interpretive tool. Thus, such court decisions in Algeria do not become binding precedents for other cases – they apply the law to that individual dispute. As one legal commentary notes, “*dans les systèmes juridiques de droit écrit comme c’est le cas en Algérie, la loi constitue... le matériau premier*” – in written-law systems like Algeria’s, the statute is the main instrument, even though judges may refine its application. High court decisions (from the Cour Suprême or Conseil d’État) can guide interpretation, but they typically do not have the doctrine of *stare decisis* (binding precedent) as in common-law countries. Instead, if ambiguities or gaps in disability law come to light, the usual approach is to address them via new legislation or regulations rather than court-made rules. For instance, if enforcement of the 1% quota was found problematic, the government issued detailed decrees (like the 2014 and 2019 texts) to clarify employers’ obligations, rather than waiting for a court to fill the gap.

Influence of case law/jurisprudence: While judicial decisions in Algeria have upheld disability rights on a case-by-case basis, there haven’t been well-publicized landmark lawsuits that fundamentally shaped the content of disability employment law. The development of protections has been driven more by proactive legislation (as seen with the 2002 and 2025 laws) than by reactive court battles.

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Andorra

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, in Andorra, accessibility for persons with disabilities is governed by the Law Guaranteeing the Rights of Persons with Disabilities (2002). This legislation mandates equal opportunities in employment, education, healthcare, and access to public services, explicitly prohibiting discrimination based on disability.

“Disability” is generally considered any restriction or lack of ability to carry out an activity in the manner and within the scope considered normal for human beings, as a result of a dysfunction. “Dysfunction” refers to any loss or abnormality of a psychological, physiological or anatomical structure or function. “Persons with disabilities” are persons 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.

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Andorra_Law-guaranteeing-the-rights-of-persons-with-disabilities.pdf?utm (in Catalan only)

2. Are there different definitions for disability at a state, provincial or local level?

No. The Principality of Andorra is a microstate. While it does have local laws at the parish level, we are not aware of such local laws applying to employment and/or disability.

3. Do these definitions include mental health?

Yes. Disability generally refers to any restriction or lack of ability to carry out an activity considered normal for human beings as a result of any loss of a **psychological**, physiological or anatomical function.

Source:

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Andorra_Law-guaranteeing-the-rights-of-persons-with-disabilities.pdf?utm

[guaranteeing-the-rights-of-persons-with-disabilities.pdf](#) (in Catalan only)

“Disability” is any restriction or lack of ability to carry out an activity in the manner and within the scope considered normal for human beings, as a result of a dysfunction. “Dysfunction” is any loss or abnormality of a psychological, physiological or anatomical structure or function.

“Persons with disabilities” are persons 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.

Please note that the definitions above are based on unofficial English translations of the Law Guaranteeing the Rights of Persons with Disabilities (2002).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No, not explicitly, though the definition of disability includes reference to any loss of a psychological function, which could be interpreted to include neurodiversity.

Source:

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Andorra_Law-guaranteeing-the-rights-of-persons-with-disabilities.pdf (in Catalan only).

5. Are there specific disability employment laws for certain industries or sectors?

No. We could find no evidence of industry or sector specific laws relating to disability.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There are no mandatory employment quotas for employers with respect to hiring people with disabilities.

However, the Andorran Ministry of Social Affairs, Justice and the Interior launched the Network of Inclusive Companies to encourage businesses to hire and retain employees with disabilities by offering fiscal and social incentives to participating business.

Sources:

<https://www.andorrabusiness.com/en/actualitat/network-inclusive-companies-includes-20-companies-already-registered/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No, we were not able to identify any publicly documented major legal cases in Andorra shaping disability employment laws.

Other relevant information

In Andorra, the rights of persons with disabilities are protected under the “Law guaranteeing the rights of persons with disabilities” (Llei de garantia dels drets de les persones amb discapacitats), enacted in 2002. This legislation aims to ensure equal opportunities and non-discrimination for individuals with disabilities across various sectors, including employment, education, and access to public services. The law defines disability as any long-term physical, mental, intellectual, or sensory impairment that, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others (unofficial translation). This definition aligns with the principles outlined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which Andorra signed in April 2007.

https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Andorra_Law-guaranteeing-the-rights-of-persons-with-disabilities.pdf

Unofficial translation of relevant definitions set out in Article 2 of 2002 law:

“Disability” is any restriction or lack of ability to carry out an activity in the manner and within the

scope considered normal for human beings, as a result of a dysfunction.

“Dysfunction” is any loss or abnormality of a psychological, physiological or anatomical structure or function.

“Handicap” is a disadvantage for a given person, resulting from a dysfunction or disability, which limits or prevents the performance of a role considered normal for that person in particular, depending on factors related to age, sex and social and cultural aspects.

Public actions carried out in the field of disability must conform to the following types of actions:

- a) “Prevention”: these are those measures that aim to prevent the appearance of mental, physical and sensory dysfunctions (primary prevention) or to prevent the dysfunction, once it has occurred, from having negative physical, psychological and social consequences.
- b) “Rehabilitation”: is a process limited in time and oriented with the aim of facilitating that a disabled person reaches an optimal level from a functional, mental, physical and/or social point of view, offering them the tools to change their own life.
- c) “Equality of opportunity” is the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, employment and educational opportunities, and cultural and social life, including sports and recreational facilities, is made accessible to all.
- d) “Maintenance assistance”; these are extraordinary personal, even technical, measures and aids needed by people affected by serious limitations.

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Angola

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Lei n.º 21/12 – Lei da Pessoa com Deficiência de Angola is Angola's foundational disability law, which defines disability in the employment context. An unofficial translation of the definition of “disability” is as follows:

Article 2 – Concept of Person with Disability and Other Definitions

Person with Disability:

All those who, by reason of loss or abnormality—whether congenital or acquired—of psychological, intellectual, physiological, anatomical functions or bodily structures, have specific difficulties that, in conjunction with environmental factors, are likely to restrict or hinder their activities and prevent them from participating on an equal basis with others.

This definition is based on the United Nation's Convention on the Rights of Persons with Disabilities (CRPD), which has been adopted by the Government of Angola.

Sources:

[LEI-N.o-12-21-de-07-de-maio-LEI-DA-ALTERACAO-DAS-AREAS-DE-CONSERVACAO.pdf](#)

[https://treaties.un.org/Pages/showDetails.aspx?objid=080000028017bf87](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. In Angola, the definition of “disability” is set at the national level and remains consistent across all regions.

The Constitution provides overarching principles of equality and state obligation toward persons with disabilities. Building on this, Law 21/12 (2012) offers a clear legal definition and comprehensive rights for persons with disabilities applicable everywhere in the country. Subsequent regulations and policies (on employment quotas,

education inclusion, accessibility, etc.) uniformly apply that definition and framework in all provinces. Provincial or municipal governments do not have separate disability laws or divergent definitions – they function to implement the national law rather than legislate their own standards.

Sources:

[http://rodra.co.za/angola](#)

[https://www.constituteproject.org/constitution/Angola_2010.pdf?lang=en](#)

[https://lex.ao/docs/assembleia-nacional/2012/lei-n-o-21-12-de-30-de-julho/](#) (in Portuguese only)

[https://lex.ao/docs/presidente-da-republica/2017/decreto-presidencial-n-o-187-17-de-16-de-agosto/](#) (in Portuguese only)

3. Do these definitions include mental health?

The definition of “person with disability” in question 1 above, includes those who have specific difficulties by reason of psychological, intellectual, physiological, anatomical functions, which could encompass mental health considerations. However, mental health is not explicitly referred to in the law or the examples of disabilities which (while a not exhaustive list), include:

- a) Person with motor disability: any person who, due to changes in the structure and functions of the body, whether congenital or acquired, has a permanent functional limitation of 60% or more, and presents great difficulty in moving on public roads without the help of others or recourse to means of compensation, namely prostheses, orthoses, wheelchairs and crutches, in the case of motor disability at the level of the lower limbs, or great difficulty in accessing or using conventional public transport, in the case of motor disability at the level of the upper limbs;
- b) Person with severe multiple disabilities: a person with a motor disability who, in addition to meeting the conditions referred to in the previous paragraph, has one or more disabilities, resulting in a degree of incapacity equal to or greater than 90%, which implies marked difficulty in moving on public roads without the help of others or without recourse to means of compensation, or in accessing

and using conventional public transport and who is demonstrably unable to drive cars;

- c) Person with a disability who moves using a wheelchair: a person with a disability of motor or other origin, of a permanent nature, with a degree of incapacity equal to or greater than 60%, whose movement is done exclusively through the use of a wheelchair;
- d) Person with visual impairment: a person who has a permanent change in the field of vision of 95%.

Source:

<https://angolex.com/paginas/leis/lei-da-pessoa-com-deficiencia.html#a2>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition of “person with disability” in question 1 above, includes those who have specific difficulties by reason of psychological, **intellectual**, physiological, anatomical functions, which could encompass mental health considerations. However, neurodiversity is not explicitly referred to in the law or the examples of disabilities outlined in question 3 above.

5. Are there specific disability employment laws for certain industries or sectors?

No, Angola’s disability employment laws apply at the national level.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Angola has an employment quota system for people with disabilities but this has not been actively or consistently enforced, although there is a national plan in place to improve enforcement.

Angola’s law requires employers to reserve a portion of jobs for persons with disabilities. Under the Presidential Decree No. 12/16 of 15 January 2016, which covers quotas and recruitment, 4% of positions in the public sector and 2% of positions in the private sector must be filled by persons with disabilities. The quota applies to organizations (public or private) with a minimum workforce size – specifically, those employing 10 or more people.

To qualify under the quota, a candidate typically must have a certified disability above a certain severity threshold (Angolan law uses a ≥60% impairment criterion to define a person with a disability for employment preference). During recruitment, employers are required to advertise the total number of positions and indicate how many are reserved for disabled candidates, and applicants must provide a medical certificate stating their type and degree of disability in accordance with the national disability assessment table. These steps aim to ensure transparency and that the quota seats are filled by eligible individuals.

Although Angola has ratified the U.N. Convention on the Rights of Persons with Disabilities (CRPD), in 2023 the UN Committee criticised Angola’s lack of implementation and enforcement of these employment quotas.

In 2023 Angola announced a National Action Plan (PLANIAPED 2023-2027) for the inclusion and support of persons with disabilities. This explicitly aims to enforce employment quotas through regular labour inspections and sanctions for non-compliance.

Source:

[Decreto Presidencial n.º 12/16 de 15 de janeiro | Direito Angolano: Acesso Fácil e Gratuito com o LEX.AO](#)

[Decreto Presidencial n.º 217/23 de 31 de outubro | Direito Angolano: Acesso Fácil e Gratuito com o LEX.AO](#)

<https://faolex.fao.org/docs/pdf/ang223061.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Angola's legal system is based on civil law, where legislation is the primary source of law, and case law plays a limited role. As a result, "landmark" court cases have been relatively scarce and not widely published, especially compared to

common-law countries. However, since the enactment of Law No. 21/12 (Angola's Law on the Person with Disability) and related regulations (such as Presidential Decree No. 12/16 on employment quotas), a few legal disputes and decisions have helped clarify the application of these disability employment provisions. However, limited details of such cases are made publicly available.

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Austria

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Austrian federal law does define “disability” for employment protection purposes. Section 3 of the *Bundes-Behindertengleichstellungsgesetz* (Federal Disability Equality Act, BGStG, 2005) contains the main definition, which is also used in the *Behinderteneinstellungsgesetz* (Disabled Persons Employment Act, BEinstG) for employment-related matters.

§ 3a BGStG:

“Behinderung im Sinne dieses Bundesgesetzes ist die Auswirkung einer nicht nur vorübergehenden körperlichen, geistigen oder psychischen Funktionsbeeinträchtigung oder Beeinträchtigung der Sinnesfunktionen, die geeignet ist, die Teilhabe am Leben in der Gesellschaft zu erschweren. Als nicht nur vorübergehend gilt ein Zeitraum von mehr als voraussichtlich sechs Monaten.”

English translation (Unofficial translation):

“Disability within the meaning of this Act is the effect of a physical, intellectual or psychological impairment of function, or an impairment of sensory functions, that is not merely temporary and is capable of making participation in life in society more difficult. ‘Not merely temporary’ is deemed to be a period of more than an expected six months.”

Sources:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228&FassungVom=2024-03-03>

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008253&FassungVom=2025-10-21>

2. Are there different definitions for disability at a state, provincial or local level?

No, there are no different definitions at the federal or state level. In theory there could be divergence, as each of Austria’s nine provinces (*Bundesland*)

has its own anti-discrimination legislation, in addition to Austria’s Federal law as a baseline, but they use almost identical wording to define disability.

Example — Vienna Anti-Discrimination Act, § 2(2):

“Behinderung ... ist jede Auswirkung einer nicht nur vorübergehenden körperlichen, geistigen oder psychischen Funktionsbeeinträchtigung oder Beeinträchtigung der Sinnesfunktionen, die geeignet ist, die Teilhabe am Leben in der Gesellschaft zu erschweren.”

English (Unofficial translation):

“Disability ... is any effect of a physical, intellectual or psychological impairment of function, or impairment of sensory functions, that is not merely temporary and is capable of making participation in life in society more difficult.”

Sources:

<https://ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrW&Gesetzesnummer=20000144&FassungVom=2023-06-27>

3. Do these definitions include mental health?

Yes. Under Austrian law, mental health conditions are explicitly included in the legal definition of disability for employment protection.

The phrase *“geistige oder psychische Funktionsbeeinträchtigung”* (intellectual or psychological impairment) appears directly in §3 of the *Bundes-Behindertengleichstellungsgesetz* (BGStG) and §2 Abs. 1 of the *Behinderteneinstellungsgesetz* (BEinstG), which are the two main Austrian disability protection laws. The legal definition encompasses “psychological functional impairment” as one of the four recognized categories of disability.

The same definition also underpins Austria’s obligations under Directive 2000/78/EC (Employment Equality Directive) and the UN Convention on the Rights of Persons with Disabilities (CRPD), both of which Austria has incorporated into its domestic legal framework.

Sources:

<https://eur-lex.europa.eu/eli/dir/2000/78/oj/eng>

https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Neurodiversity conditions are not included specifically by name, but may be captured if the condition meets the criteria of 'disability'. This is because disability is defined to include "mental and psychological functional impairments", which could capture neurodiversity depending on the circumstances.

5. Are there specific disability employment laws for certain industries or sectors?

Austrian disability employment law applies uniformly across all industries and sectors, including healthcare, education, and public service. There are no sector-specific exemptions or variations in the core requirements.

The Behinderteneinstellungsgesetz and BGStG establish universal standards that apply equally to private companies, public sector employers, healthcare institutions, educational organizations, and all other sectors.

Recent 2024 amendments maintain this uniform approach while adding new accessibility officer requirements for large enterprises across all industries. Austrian disability employment law operates on a principle of uniform application across all industries and sectors. The comprehensive legal framework does not provide industry-specific variations or exemptions, ensuring consistent disability employment protections whether in healthcare, education, public service, or private sector organizations.

Sources:

<https://www.wko.at/noe/industrie/novellen-im-bbg>

<https://www.ris.bka.gv.at/eli/bgbl/I/2024/98/20240718>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Austria has a mandatory employment quota system for hiring people with disabilities:

- Companies with 25 or more employees must hire people with disabilities

- The quota is 1 disabled person for every 25 employees (which equals 4%)

Sources:

- <https://www.behindertenrat.at/recht-und-soziales/>

- <https://www.sozialministeriumservice.gv.at/>

- <https://www.ris.bka.gv.at/geltendefassung/bundesnormen/10008253/beinstg,%20fassung%20vom%2009.05.2021.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

OGH 9 ObA 165/13z (29 Apr 2014)

The Austrian Supreme Court ruled that employers must take reasonable and proportionate measures to accommodate disabled workers but are not obliged to create new positions or restructure the enterprise if essential duties can no longer be performed. The Court referenced Directive 2000/78/EC and defined the practical boundary of "angemessene Vorkehrungen."

Source:

https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20140429_OGH0002_009OBA00165_13Z0000_000

OGH 8 ObA 62/15y (29 Sept 2015)

The Austrian Supreme Court held that a disease constitutes a disability only if it is long-term and seriously limits occupational participation. Temporary illnesses do not fall within §3 BGStG. The judgment aligned Austrian law with Directive 2000/78/EC and clarified that only enduring impairments trigger protection.

Source:

https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20150929_OGH0002_008OBA00062_15Y0000_000

OGH 9 ObA 107/15y (26 November 2015)

The case concerned a welder who was a registered disabled person (begünstigter Behinderter) but did not disclose this status when hired. After about a year, the employer learned of his disability from an official notification and

promptly terminated his employment, citing “dishonesty.”

The Austrian Supreme Court held that the termination was discriminatory under § 7b Behinderteneinstellungsgesetz (BEinstG) because the employee’s disability had no impact on his work performance and the dismissal was directly linked to the discovery of his protected status. While the Court acknowledged that employees generally have a duty to disclose disabilities that affect job performance or workplace safety, this obligation does not apply where the disability is irrelevant to the employment relationship. Since the worker had performed satisfactorily and his impairment posed no safety concern, the dismissal was ruled unlawful and discriminatory.

Source:

https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20151126_OGH0002_009OBA00107_15Y0000_000&Suchworte=RS0107830

OGH 9 ObA 45/21i (28 Sept 2021)

The Austrian Supreme Court confirmed that dismissal for repeated absences is not automatically discriminatory where the illness is temporary and not a lasting impairment under §3 BGStG. Disability discrimination requires a continuing limitation; past or short-term illness alone is insufficient.

Source:

https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20210928_OGH0002_009OBA00045_21I0000_000

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Other relevant information

[Austria - Disability:IN](#)

[NATLEX - Austria - Federal Law on the Equality of Persons with Disabilities \(BGBl. I Nr. 82/2005\).](#)

[The Zero Project Conference 2025 #ZeroCon25 | Zero Project](#)

[The Zero Project Conference 2025 at the United Nations in Vienna: innovations in employment and ICT](#)

[Inclusion of People with Disabilities in the Workplace: A Focus on Germany, Austria, and Switzerland | SpringerLink](#)

15% of people with a “registered disability” are in. 70% are pensioners, 2.5% in education/training employment

[15% of people with a “registered disability” are in employment](#)

[The participation in employment of people with disabilities](#)

[2137-mental-health-study-2009-AT.pdf](#)

Studies show **only 2%** of websites currently complying with accessibility laws which impacts employment opportunities - [Nur jede fünfzigste Website ist barrierefrei - Österreichs Unternehmen stehen vor großer Umsetzungsaufgabe - Presse Nachrichten](#)

Disability Mobility subsidy cut from **EUR 697** to **335**. Critics argue this undermines mobility and disproportionately affects disabled persons who cannot use public transport.

[Disability Mobility Subsidy Cut to €335 in Austria - The International](#)

Bahrain

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, protection for people with disabilities is enshrined in national legislation, most notably: Law No. (74) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities. The definition was amended in 2006.

Definition:

“Person with Disability: An individual who suffers from a deficiency in some of their physical, sensory, or mental abilities due to illness, accident, congenital causes, or hereditary factors, resulting in complete or partial inability to work, continue in work, or advance in it, and impairing their ability to perform other essential life functions, thereby requiring care and rehabilitation to integrate or reintegrate them into society.”

Source: [Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities, Article 1-d.](#)

Amended Definition:

Article One: The phrase (persons with disabilities) shall be replaced with the word (disabled) in the title of Law No. (74) of 2006 regarding Care, Rehabilitation, and Employment of Disabled Persons wherever it appears in this Law. Similarly, the phrase (for persons with disabilities) shall be replaced with the word (for the disabled), and the phrase (the disabled person) with (the disabled), and the phrase (for the disabled person) with (for the disabled), and the phrase (disabled persons) shall be replaced with the word (disabled), wherever they appear in the referred Law.

Article Two: The word (disabled) shall be replaced by the word (handicapped) mentioned in the first Paragraph of Article (5), and the word (disabled) mentioned in Article (6), the phrase (disabled person) is replaced by the word (handicapped) mentioned in Article (10), the sentence (disabled person) is also replaced by the word (handicapped) referred to in the second Paragraph of Article (5) and in Article (11) of Law No. (22) of 2011 ratifying the Convention on the Rights of Disabled Persons.

Source: [Law No. \(35\) of 2017, amending some provisions Law No. \(74\) of 2006 regarding Care, Rehabilitation, and Employment of Disabled Persons.](#)

Note: The sources of the Bahrain legislation come from a translation by the [Legislation & Legal Opinion Commission](#). [The official version](#) of the law and all amendments are in Arabic.

2. Are there different definitions for disability at a state, provincial or local level?

Bahrain does not have different definitions of disability at the state, provincial or local level. Bahrain is a unitary state with a centralized monarchy. The country follows a centralized legal and administrative framework for defining and managing disability-related matters.

Sources: [United Nations: Disability Laws and Acts by Country/Area](#); [Country Reports: Bahrain's government and political parties.](#)

3. Do these definitions include mental health?

Yes, Bahrain's legal framework does include mental health within its definition of disability. According to the definition of disability in Article 1(d) of Law No. 74 of 2006, the definition of disability encompasses physical, sensory, intellectual, and mental impairments that may hinder full and effective participation in society.

“Person with Disability: An individual who suffers from a deficiency in some of their physical, sensory, or mental abilities due to illness, accident, congenital causes, or hereditary factors, resulting in complete or partial inability to work, continue in work, or advance in it, and impairing their ability to perform other essential life functions, thereby requiring care and rehabilitation to integrate or reintegrate them into society.”

Source: [Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities, Article 1-d.](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Law No. (74) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities of Country Bahrain contains no reference to the answer to this question.

Status of Disability and Employment Laws Around the World

There is no explicit public source from Bahrain's government that directly states its legal definition of disability includes neurodiversity (e.g., dyslexia, autism, ADHD, dyspraxia). Law No. (74) regarding the Care, Rehabilitation, and Employment of Persons with Disabilities only includes reference to persons who suffer from a "deficiency in some of their physical, sensory, or mental abilities due to illness, accident, congenital causes, or hereditary factors." No further Bahraini laws relating to employment and disabilities appears to have any specific reference either.

Sources: [Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities.](#)

5. Are there specific disability employment laws for certain industries or sectors?

Bahrain does not appear to have industry-specific disability employment laws, but it does have a general legal framework that applies across sectors.

Sources: [Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities.](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Bahrain does have an employment quota system for persons with disabilities.

Quota:

Under Article 11 of Law No. (74) of 2006, employers in Bahrain with 50 or more employees must hire a certain percentage of people with disabilities, as set by the government (at least 2%). These individuals are usually selected from a government-managed list. However, employers can meet this requirement by hiring people with disabilities on their own, as long as those individuals are officially registered with the Ministry of Labour.

In 2024, Bahrain's Shoura Council approved an amendment to Article 11 of the 2006 Disability

Law, doubling the employment quota for persons with disabilities. Employers with 50 or more staff are now required to ensure that at least 4% of their workforce consists of individuals with disabilities, up from the previous 2%.

Penalty:

Per Article 20 of Law No. (74), employers who refuse to hire a person with a disability without a valid reason can be fined between 200 and 500 Bahraini dinars, and the fine increases depending on how many people are affected. In addition, the employer may have to pay the person with a disability the equivalent of the salary for the job they were qualified for—starting from the date the violation occurred—up to a maximum of one year. This payment stops if the person is hired or finds another job.

Sources: [Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities, Article 11 and 20; Bahrain: Employers Will Have to Recruit More Disabled People.](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There appears to be no significant legal cases in Bahrain which have shaped disability employment laws.

Other relevant information

[Legislation and Legal Opinion Commission-Law No. \(74\) of 2006 regarding the Care, Rehabilitation, and Employment of Persons with Disabilities.](#)

[Law No. \(36\) of 2012 Promulgating the Labour Law for the Private Sector.](#)

[Legislation and Legal Opinion Commission-Legislation.](#)

[National Institute for Human Rights](#) - NGO that submits parallel reports.

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Belgium

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

In Belgium, as per the Anti-Discrimination Act of 2007 (and influenced by EU/UN law), a person with a disability is generally defined as:

An individual with a long-term physical, mental, intellectual, or sensory impairment which, when interacting with various barriers (in society or the workplace), may hinder their full and effective participation in society on an equal basis with others.

What this means for employment protection under Belgium law:

1. **Focus on Barriers, Not Just the Condition:** It recognizes that the disability is not solely the health condition itself (e.g., being blind, having a chronic illness) but rather the result of an **unadapted environment** (e.g., lack of screen-reading software, no ramp) that prevents the person from working.
2. **Long-Term Nature:** The impairment must be **long-term** (not a temporary illness or injury).
3. **The Obligation to Adjust (Reasonable Accommodation):** This definition is crucial because it triggers the employer's main legal duty: to provide **reasonable accommodations**.
 - **Refusing** a reasonable accommodation to an individual (e.g., adapting equipment, adjusting working hours) is considered **discrimination** unless it constitutes a disproportionate burden on the employer.
4. **No Formal Recognition Required:** For employment protection under the Anti-Discrimination Law, a person often **doesn't need an official administrative recognition** of their disability. Protection applies if the individual's long-term impairment is causing difficulties in the work environment that require reasonable adjustments.

Sources:

[UN Convention on the Rights of Persons with Disabilities and Optional Protocol](#)

[Unia: together for equality | Unia](#)

2. Are there different definitions for disability at a state, provincial or local level?

The definition for disability in Belgium is different between national (federal) and regional level, while the city government will follow the federal or regional definitions.

In Belgium, there's no single definition of disability because different levels of government handle different kinds of support.

At the national (federal) level, "disability" is defined mainly for financial aid and social security. The government looks at how much your condition affects your ability to work or live independently.

At the regional level (Flanders, Wallonia, and Brussels), the focus is more on daily life, inclusion, and support services. Each region has its own agency and rules for helping people with disabilities.

At the local level (towns or cities), they don't make their own definitions. They just use the federal or regional decisions to give local help, like parking cards or accessibility improvements.

[Belgium - Disability:IN](#)

3. Do these definitions include mental health?

Belgium has enshrined in the Belgian constitution that persons with disabilities have the right to full inclusion in society, including reasonable accommodation.

There is no single, universal federal definition in Belgium that covers all purposes. Instead, definitions vary depending on which legal instrument or region/community is relevant. But there are common elements, often derived from both Belgian law and European / international standards (like the UN Convention on the Rights of Persons with Disabilities, or CRPD).

There are definitions laid out in various laws (federal anti-discrimination law, regional decrees,

etc.) and in case law. The definitions are used when applying employment equality laws (for example, when deciding whether refusing an accommodation is discrimination). Definitions differ in different regions or legal contexts. A “mental or psychological impairment” or “psychological disability” is explicitly included in most definitions / frameworks, and mental health conditions are recognized.

For example: The Unia (Belgium’s equality body) defines “people with a disability” to include “people with psychological disabilities” or mental health issues. Regional decrees define disability to include “functional disorders of a mental, psychological or sensory nature.

The case law / European law used by Belgian courts also uses definitions from the UN CRPD or EU equality directives, which include mental impairments.

Sources:

Unia — Discrimination on the grounds of disability
[Discrimination on the grounds of disability | Unia](#)

Unia — Mandate and powers
[Mandate and powers | Unia](#)

Unia — What are reasonable accommodations?
[What are reasonable accommodations? | Unia](#)

Belgium — Equal Opportunities / Legislation
[Legislation | Equal Opportunities](#)

Federal Public Service Employment — Non-discrimination
[Non-discrimination | Federal Public Service Employment - Labour and Social Dialogue](#)

OHCHR — Belgium, regarding disability & rights (Belgium country document)
<https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/RightAccessJusticeArticle13/NHRI/Belgium.docx>

United Nations Human Rights Office

Belgium — Equal treatment in the workplace (Settling in Belgium guide)
[Equal treatment in the workplace | Settling in Belgium](#)

EqualityLaw.eu — Belgium country page on non-discrimination / equality law
[Belgium - European Equality Law Network](#)

Legal overview: Anti-discrimination laws in Belgium (Leglobal)

[Anti-discrimination laws & legislation in Belgium | L&E Global](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

In Belgium, the term “neurodiversity” is not explicitly defined in national legislation, but it is increasingly recognized in legal and policy discussions - especially in the context of employment law and disability rights.

As an EU member state, it has transposed the EU Employment Equality Directive into its national law:

- It prohibits discrimination based on disability.
- It introduces the principles of equal treatment and reasonable accommodation.
- Covers conditions like autism, ADHD, dyslexia, and other neurodevelopmental differences under the broader category of disability

While not legally defined, neurodiversity is acknowledged in Belgian legal discourse and workplace policy as a concept that includes:

- Autism Spectrum Disorder (ASD)
- ADHD
- Dyslexia
- Dyspraxia
- Other cognitive and learning differences

These conditions may qualify as disabilities under Belgian law, thereby entitling individuals to reasonable accommodations and protection from discrimination.

[Adults working in Belgium - NEURODIVERSITY Belgium](#)

[Neurodiversity - understanding the legal and social impacts | Research and Innovation](#)

[Neurodiversity, the law and the workplace - BCR Law](#)

[Meritas | Legal Voices: EMEA Employment Law Podcast - Episode 3 | Neurodiversity in the Workplace](#)

[Neurolaw and Neurodiversity | EPR](#)

5. Are there specific disability employment laws for certain industries or sectors?

Yes, Belgium has disability employment laws that apply across all sectors, but there are also some sector-specific initiatives and regional differences due to the country's federal structure.

General Disability Employment Laws -

1. **Anti-Discrimination Act (2007):** This law prohibits discrimination based on disability and mandates reasonable accommodations in the workplace. Employers are legally required to adapt workstations or job conditions to meet the needs of employees with disabilities. Refusal to do so can be considered discrimination;
2. **Belgian Constitution (Article 22ter):** This article guarantees the right to inclusion of persons with disabilities, including the right to reasonable accommodation in employment;
3. **Employment Quotas:** While there is no national mandatory quota for private employers, the federal government has set a voluntary 3% target for employing persons with disabilities in public sector jobs. However, this target has not been fully met (e.g., only 1.44% in 2016);
4. **Support for Employers:** Employers can receive financial incentives and guidance to help them hire and retain employees with disabilities. These include subsidies for workplace adaptations and access to advisory services.

Sector-specific and Regional Variations -

1. **Regional Differences:** Belgium's regions (Flanders, Wallonia, and Brussels) have autonomy over employment and disability policies, which means support measures and implementation can vary. For example, Flanders may offer different incentives or support programs than Wallonia or Brussels;
2. **Public Sector:** As mentioned, the public sector has specific targets and may have more

structured programs for employing people with disabilities;

3. **Private Sector:** While not bound by quotas, private companies are still subject to anti-discrimination laws and must provide reasonable accommodations.

Sources:

[Disability:IN](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Belgium has employment quotas, but they are generally limited to the public sector and function more as a target than a strictly enforced legal obligation with sanctions for the private sector.

Federal Public Sector

- A target of **3%** of the workforce. This is a legal target that the Federal Government has consistently struggled to meet, as noted by monitoring bodies.

Regional Public Sector

- Quotas vary by region (e.g., Flanders has a target of 1%, Wallonia 2.5%, and Brussels 2%). These are regional targets for regional and local administrations. Some regions have been more successful than the Federal level in meeting them.

Private Sector

- No mandatory employment quota exists. The private sector is primarily governed by anti-discrimination law and the obligation to provide reasonable accommodation for workers with disabilities (as reinforced by the HR Rail case). Incentives like wage subsidies and hiring bonuses are used to encourage private sector recruitment.

Sources:

[Belgium: Digital Skills, Accommodation and Technological Assistance for Employment: Supporting the inclusion of persons with disabilities in the open labour market](#)

[Striving for an inclusive labour market in Belgium - Publications Office of the EU](#)

[Unia: together for equality | Unia](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Yes, a highly significant legal case originating in Belgium has profoundly shaped disability employment law, not just nationally but across the entire European Union. The case is often referred to as the HR Rail case.

Case Parties

HR Rail SA (the sole employer of Belgian railway staff) vs. a trainee railway technician.

Facts

The trainee developed a heart condition requiring a pacemaker, which made him permanently unfit to work on railway tracks due to electromagnetic fields. HR Rail dismissed him on the grounds of incapacity.

Key Question

Did the employer have a legal obligation (as part of the duty of “reasonable accommodation”) to reassign the worker to another suitable, available position for which he was competent, before proceeding to dismissal?

CJEU Ruling

The CJEU ruled in February 2022 that the obligation to provide reasonable accommodation (under Article 5 of the Directive) does include the measure of reassignment to another available post for which the employee is competent, capable, and available. Dismissal is only permissible if providing this accommodation (reassignment) would constitute a disproportionate burden on the employer.

Impact on Belgian Law

This ruling directly impacted the interpretation and application of the Belgian Anti-Discrimination Act of May 10, 2007. It establishes that an employer must actively seek and offer a suitable alternative position to a disabled employee who becomes unfit for their current role, before an incapacity dismissal can be considered non-discriminatory.

Source:

[CURIA - Documents](#)

[Unia: together for equality | Unia](#)

[Directive - 2000/78 - EN - EUR-Lex](#)

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Bosnia and Herzegovina

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the jurisdiction of Bosnia and Herzegovina defines disability for the purpose of employment protection, although this is done through entity-level legislation rather than a single unified state law.

The key definition is found in the **Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities** of the Federation of Bosnia and Herzegovina (FBiH).

- **Definition:** Article 3 of this law defines a “person with a disability” as an individual with medically established physical, sensory, or mental impairments that result in a permanent or temporary, and for at least 12 months, reduced ability to work and meet personal needs in everyday life.
- **Source:** [Zakon o profesionalnoj rehabilitaciji, osposobljavanju i upošljavanju osoba sa invaliditetom](#)

2. Are there different definitions for disability at a state, provincial or local level?

Yes. Bosnia and Herzegovina consists of: Federation of Bosnia and Herzegovina (FBiH) – 10 autonomous cantons which must all agree on laws; Republika Srpska (RS) – centralized governance; and Brčko District – self-governing unit. Each has its own laws and administrative systems, creating fragmentation and meaning there is no single definition of disability. Bar our response to question 1, we have not identified definitions of disability in other region-specific laws. The BiH Law on Prohibition of Discrimination establishes a framework for realization of equal rights and opportunities for all persons in Bosnia and Herzegovina, but also does not define disability.

As of 2023, neither the Constitution of Bosnia and Herzegovina nor the constitutions of the entities,

as the highest legal documents, contain special definition of a person with disability.

3. Do these definitions include mental health?

The Law on Prohibition of Discrimination 2009 Article 2 prohibits discrimination on several grounds, including:

*“race, colour, language, religion, ethnicity, national or social origin, connection to a national minority, political or other belief, property status, membership in a trade union or other association, education, social status, sex, sexual orientation, gender identity, age, **disability**, or any other circumstance.”*

It does not specifically refer to mental health.

Because “disability” is not defined narrowly, the accepted legal interpretation is consistent with Bosnia’s ratification of the [UN Convention on the Rights of Persons with Disabilities](#) Article 1 that states *“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.”*

The [Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities](#) Article 3 uses almost identical wording and quantifies that a temporary **mental disability must have lasted at least 12 months**:

“A person who has a physical, sensory or mental impairment that results in a permanent or temporary (at least 12 months) reduced ability to work and meet personal needs in everyday life.”

In Article 15 it states that *“persons with **mild and moderate mental retardation** have the right to employment under special conditions. Special conditions from paragraph 3 of this article are conditions that are adapted to the psychophysical and other abilities of persons with disabilities.”*

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The laws in Bosnia and Herzegovina do not explicitly list conditions like dyslexia, autism, or ADHD, their definitions of disability are broad.

Status of Disability and Employment Laws Around the World

The key lies in the general terminology used in the [Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities](#) of the FBiH

- In the **Federation of Bosnia and Herzegovina (FBiH)**, the law refers to “medically established physical, sensory, or **mental impairments**” that lead to a diminished capacity for work. (**Source:** [Zakon o profesionalnoj rehabilitaciji, osposobljavanju i upošljavanju osoba sa invaliditetom](#)).
- In Article 15, it states that “*persons with **mild and moderate** mental retardation have the right to employment under special conditions. Special conditions from paragraph 3 of this article are conditions that are adapted to the psychophysical and other abilities of persons with disabilities.*”

There are no references to different types of “normal” brain variations and the use of “retardation” and “impairments” suggests the legislation views these as abnormal conditions rather than examples of neurodiversity.

5. Are there specific disability employment laws for certain industries or sectors?

Preference for employment in entities from the public sector is given to persons with disabilities, if in addition to the general conditions they also meet special conditions for the position. Nevertheless, no specific industries or sectors could be located.

- **Source:** [Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities](#) of the FBiH; [OSCE commends steps forward in protecting the rights of persons with disabilities in Brčko District of BiH](#) | [OSCE](#).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Article 18 of the FBiH Law on Vocational Rehabilitation establishes a mandatory employment quota for persons with disabilities.

- **Core Quota:** An employer with 16 or more employees must hire at least one person with a disability.

- **Scaling Rule:** The obligation is proportional; for every 16 employees, one must be a person with a disability.
- **Calculation Method:** An employer’s total staff number is determined by the average number of employees over the preceding business quarter.

Employers who fail to meet their mandatory disability hiring quota must pay a monthly financial contribution.

- **Amount:** The payment is 25% of the average wage in the Federation.
- **Calculation:** This amount is due for each person with a disability the employer was required to hire but did not.
- **Timing:** The contribution must be paid monthly, at the same time as employee salaries.
- **Recipient:** The money is paid to the Fund for the Promotion of Rehabilitation and Employment of Persons with Disabilities.

Source: [Zakon-o-profesionalnoj-rehabilitaciji-osposobljavanju-i-uposljavanju-osoba-sa-invaliditetom.pdf](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

P.P. v. (Employer) was a landmark employment dispute in the **Brčko District**.

P.P. was an employee who had suffered a work-related injury, resulting in partial disability and periods of sick leave. In 2008, after a medical commission classified him as having diminished work capacity, his employer terminated his contract, citing “economic and technical reasons.” In June 2010, the Basic Court in Brčko ruled in P.P.’s favour, declaring the termination unlawful on [Zakon-o-profesionalnoj-rehabilitaciji-osposobljavanju-i-uposljavanju-osoba-sa-invaliditetom.pdf](#)

The court stopped short of explicitly using the term “discrimination” (*as the events predated the [Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities](#)*

application in Brčko) but framed it as a “wrongful dismissal contrary to public policy”.

Other relevant information

Law on the Prohibition of Discrimination (2009) - Brčko District.

Press (2014): [002-Anti-Discrimination-Law-.pdf](#)

Law (2009): [002-Anti-Discrimination-Law-.pdf](#)

2014 Report on Compliance of Legislative and Institutional Framework in Bosnia and Herzegovina with the United Nations Convention on the Rights of Persons with Disabilities - [Report English.pdf](#)

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Bulgaria

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Bulgaria defines disability for the purpose of employment protection. The **Persons with Disabilities Act (PDA)**, in effect since January 1, 2019, provides the primary legal framework.

The PDA defines “people with disabilities” as “persons with permanent physical, mental, intellectual and sensory impairment who may impede their full and effective participation in public life and to whom the medical expertise has established a degree of disability of 50 and over 50 percent”. [Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)

The Bulgarian system first prioritises the protections in United Nations Convention on Rights of Persons with Disabilities, and supplements with the Persons with Disabilities Act at the domestic level.

2. Are there different definitions for disability at a state, provincial or local level?

No, Bulgaria is a unitary state with laws made on a national level. There do not appear to be different definitions for disability at state, provincial or local level.

Source:

- [Bulgaria – EU country profile | European Union](#)

3. Do these definitions include mental health?

Yes, “Persons with disabilities” are persons with physical, mental, intellectual and sensory impairments which, in interaction with their environment, may hinder their full and effective participation in public life.

Source: Section 1(1) of Additional Provisions of the Persons with Disability Act. [Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition includes “permanent physical, mental, intellectual and sensory insufficiency, which, in interaction with their surrounding environment, could hinder their full and effective participation in public life, and for whom the medical expertise has established the type and degree of disability or the degree of permanently reduced working capacity of 50 and over 50 percent”.

Whilst the PDA doesn’t provide guidance on “mental, intellectual and sensory insufficiency”, the Bulgarian Medical Examination Regulation indicates that certain neurodiverse conditions will fall within the scope of the PDA definition provided that they have been classified as moderately severe (or higher).

Sources:

- [Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)
- [Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)

5. Are there specific disability employment laws for certain industries or sectors?

No, Bulgarian disability employment laws are not sector-specific.

No unique industry-specific law exists; the main regulations apply to all sectors. Certain sectors (public, education, healthcare, transport, social services) may have additional practical obligations or internal policies for inclusion and accessibility.

Sources:

- People with Disabilities Act (2018) (**Source:** [Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)).
- Protection Against Discrimination Act (2003) (**Source:** [Protection Against Discrimination Act.](#))

- Labour Code (**Source:** [Bulgaria: Labour Code 1986 | Refworld](#)).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, employers with 50–99 employees must hire at least one permanently disabled person. Employers with 100 or more employees must hire at least 2% of their workforce.

Employers do not have to comply with the obligation if there are specific factors in the work environment which means they cannot recruit permanently disabled people or if there is a lack of permanently disabled people referred by the Labour Office Directorates or by registered recruitment intermediaries. These circumstances must be certified by the Chief Labour Inspectorate Executive Agency. Employers applying alternative employment measures for permanently disabled people may also be exempt from this obligation.

Failure to observe this obligation will result in the employer having to pay a fine of 30% of the minimum monthly salary for Bulgaria for each unoccupied vacancy.

- **Source:** Article 38, People with Disabilities Act (2018) ([Lex.bg - Закони, правилници, конституция, кодекси, държавен вестник, правилници по прилагане](#)).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Bulgaria is a civil law jurisdiction, meaning its legal system is based on codified laws and statutes enacted by the legislature. This stands in contrast to common law systems, which are heavily reliant on judicial precedent. We have not been able to identify Bulgarian landmark court decisions that have specifically and fundamentally reshaped the interpretation of employment laws for people with disabilities. The legal framework has been established and consistently refined by the legislature through the passage of acts like Persons with Disabilities Act (PDA) and the Protection against Discrimination Act (PADA), not through judicial activism.

However, Supreme Administrative Court (SAC) Decision No. 10383/2015 is of some relevance. The facts of this case concerned a schoolteacher who refused to allow a student with a disability to

participate in a school excursion and this was found by the Commission for the Protection against Discrimination (CPD) to be an act of direct discrimination. The teacher's appeal of the CPD decision reached the SAC which upheld the CPD's finding of discrimination. The case illustrates how Bulgarian courts have interpreted domestic non-discrimination law broadly and in line with binding supranational legal instruments (e.g. UN Convention on the Rights of Persons with Disabilities) and provides some insight into how a court might analyse disability-based employment discrimination claims. (**Source:** [Bulgaria / Supreme Administrative Court / 10383/2015 | European Union Agency for Fundamental Rights \(Staging\)](#))

In addition to the Bulgarian courts, the CPD is the central institution for the enforcement of anti-discrimination law in Bulgaria (more details available at these English language sites: [About us - Официална Интернет страница на Комисия за защита от дискриминация](#)). The CPD is not a court, but it has authority to investigate complaints, conduct hearings, and issue legally binding decisions that are classified as individual administrative acts. The CPD's archives are the primary repository of Bulgarian disability discrimination "case law." We have not been able to search the register available at [Register - Официална Интернет страница на Комисия за защита от дискриминация](#) to identify influential cases, but we expect that cases (in Bulgarian) language would cover key topics such as quota non-compliance, recruitment discrimination, and workplace accommodations.

In addition to the Bulgarian domestic decisions referenced above, there are also several CJEU cases referred by Bulgarian courts:

- CHEZ Razpredelenie Bulgaria AD v Komisia za Zashtita ot Diskriminatsia C-83/14 ([CURIA - Documents](#)): Not an employment case, but this case established the principle of associative discrimination where the CJEU ruled that a person could be a victim of discrimination based on their association with a person from a protected group.
- TC and UB v Komisia za zashtita ot diskriminatsia Case C-824/19 ([EUR-Lex - 62019CJ0824 - EN - EUR-Lex](#)): This case dealt with the requirement to provide reasonable accommodation to enable

individuals with disabilities to participate in professional life.

- Petya Milkova v Izpalnitelen direktor na Agentsiata za privatizatsia i sledprivatizatsionen control Case C-406/15 ([EUR-Lex - 62015CJ0406 - EN - EUR-Lex](#)): This case dealt with the protections afforded to employees with disabilities against unfair dismissal and reinforced the need for employers to justify any adverse treatment.

Other relevant information

The disability assessment system in Bulgaria is founded on an initial medical evaluation conducted by Territorial Expert Medical Commissions (TEMCs), which consist of medical doctors. These commissions use a “Barema method” to determine a percentage of reduced work capability based on an individual’s health condition and anatomical or physiological impairment. This medical decision and the assigned disability percentage serve as a mandatory prerequisite for accessing a wide range of benefits, including disability pensions, social assistance allowances, and social services. Subsequent assessments for specific benefits are carried out by other institutions, such as the National Social Security Institute or Social Assistance Departments, which use the original TEMC medical decision as their basis

In Bulgaria, the rules protecting people with disabilities are layered like a pyramid. At the very top is the Bulgarian Constitution, which guarantees equality for everyone. Right below it, and more powerful than any national law, are

international treaties that Bulgaria has signed, most importantly the UN Convention on the Rights of Persons with Disabilities (CRPD). This means that all Bulgarian laws must respect the principles of the CRPD. Further down the pyramid are the national laws passed by Parliament, such as the Persons with Disabilities Act (PDA) and the Protection against Discrimination Act (PADA). So, if a national law like the PDA were ever to conflict with the rights guaranteed in the Constitution or the UN CRPD, the courts must follow the higher-ranking Constitution and the international treaty.

The main law that establishes a structure of bodies responsible for coordinating and implementing state disability policy in Bulgaria is The Persons with Disabilities Act.³⁴ According to this Act, the powers to implement disability policies are distributed between the central (national) and local government levels (Figure 2.1). At the central (national) level:

The Council of Ministers of the Republic of Bulgaria determines the government policy on the rights of persons with disabilities.

The National Council on Persons with Disabilities is an advisory body, established under the Council of Ministers for the purpose of cooperation in developing and pursuing the policy on the rights of persons with disabilities. In this way a cooperation is established between state, municipal, public, and economic entities and institutions, organisations, and nongovernmental organisations of persons with disabilities.

[EUR-Lex - 62015CJ0406 - EN - EUR-Lex](#) - Link to the Bulgarian LAW ON PEOPLE WITH DISABILITIES

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Cameroon

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Cameroon defines disability for the purpose of employment protection under **Law No. 2010/002 of 13 April 2010** on the Protection and Promotion of Persons with Disabilities (**Source: [loi 2010 protection personnes handicapées](#)**).

The law defines “personne handicapée” broadly and includes persons whose capacity to engage in normal life or social functions is hindered by a physical or mental deficiency.

Additionally, the law classifies recognized categories: **physical** (which includes motor and sensory disabilities), **mental/intellectual**, and **poly-handicaps** (multiple disabilities).

Invalidité (Invalidity / Permanent disability in work capacity sense)

“The state of a person whose capacity to work, by reason of physical or mental defects, is permanently reduced and is evaluated by a percentage.” French: “*état d’une personne dont la capacité de travail, en raison des défauts physiques ou mentaux, est réduite d’une manière permanente et s’évalue en pourcentage*”

Categories / Types of Disabilities

The law then classifies persons with disability into categories:

- Physical disabilities (motor, sensory: blind, visually impaired, deaf, etc.)
- Mental disabilities (e.g. intellectual disability, psychiatric illness)
- Poly-disabilities (i.e. combination of more than one kind)

The **Decree No. 2018/6233/PM of 26 July 2018**, which sets modalities for applying the 2010 law, refers to the definitions in the law and outlines how to assess the type, degree, and functional impact of disability, and issues of disability cards.

Under this regime, to benefit from certain rights or preferential measures, a person must generally show a **Permanent Potential Incapacity (IPP)** rate of **50% or more** (i.e. that the disability impairs them at or above that threshold).

(**Source: [DÉCRET N° 2018/6233 /PM DU 26 JUL 2018 FIXANT LES MODALITÉS D'APPLICATION DE LA LOI N° 2010/002 DU 13 AVRIL 2010 PORTANT PROTECTION ET PROMOTION DES PERSONNES HANDICAPÉES.- | Services du Premier Ministre](#)**)

2. Are there different definitions for disability at a state, provincial or local level?

There are no different definitions at state, local, provincial levels. Cameroon is a decentralized unitary State. This is enshrined in Article 1(2) of the Constitution:

“*The Republic of Cameroon shall be a decentralized unitary State.*” (**Source: [CONSTITUTION OF THE REPUBLIC OF CAMEROON, Adopted on 18 January 1996, amendment to the Constitution of 2 June 1972](#)**)

That means laws are national and uniform, with regions/municipalities implementing them — they don’t create competing legal definitions. The national law on protecting people with disabilities (N° 2010 / 002) applies across the country. (**Source: [loi 13 avril 2010 portant protection et promotion de la personne handicapé](#)**).

3. Do these definitions include mental health?

Yes. See free EN translations of

- Articles 5: ‘The prevention of disability, rehabilitation and the psychological, social and economic integration of disabled persons is an obligation of national solidarity’
- Article 6: ‘Prevention means any action aimed at preventing the occurrence of motor, sensory and/or mental impairments or reducing functional limitations. (2) The following are considered to be preventive measures: - medical prevention - social prevention’
- Article 17: ‘Prevention means any action aimed at preventing the occurrence of motor, sensory and/or mental impairments or reducing functional limitations. (2) The following are

considered to be preventive measures: - medical prevention - social prevention'

- Article 18: The social worker is responsible for coordinating all actions contributing to the psychosocial support of the disabled person.

Source: [Disability Laws and Acts by Country/Area | United Nations Enable](#)

Country: Cameroon (link to local law Nr. 2010 / 002 Dated 13 APRIL 2010): [loi 13 avril 2010 portant protection et promotion de la personne handicapé](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, but partially or implicitly called out only. Only autism is specifically called out in the Law but not dyslexia, ADHP, dyspraxia as such. See definitions of a handicapped person under article 3 of the Cameroon Law (free EN translation):

'Article 3: the term "disabled person" applies to the following categories: Physically handicapped, mentally handicapped and poly-handicapped.

1. PHYSICALLY HANDICAPPED: - motor handicapped, - sensory handicapped, blind, visually impaired, deaf, deaf - dumb, dumb, hard of hearing.
2. MENTALLY HANDICAPPED: weak, autistic, cerebral palsy, Mongolians, micro and macrocephalic, psychiatric and epileptic diseases.
3. MULTIPLE - DISABLED PEOPLE In this category are people with more than one disability'.

Source: Cameroon law Nr. 2010 / 002 Dated 13 APRIL 2010:

Source: [loi 13 avril 2010 portant protection et promotion de la personne handicapé](#)

5. Are there specific disability employment laws for certain industries or sectors?

No, Cameroon does not have **industry- or sector-specific** disability employment laws (i.e. special rules applying only in certain sectors) beyond the more general disability and labour protections.

The only exception found was one clear, genuinely **sector-specific** rule - in **public service (government) hiring** - and nothing comparable for private industries like mining, oil & gas, telecoms, transport, or health. Details below:

What is sector-specific

- **Public service recruitment (government jobs):** Prime Minister's **Order No. 040/PM of 19 May 2022** gives people with disabilities an **age-limit exemption of up to 5 years** for competitive exams/recruitment into the civil service. It also requires each recruitment notice to include this exemption and ties admission to a "**Monograph of jobs accessible to persons with disabilities**" maintained by the Social Affairs ministry. (**Source:** [order_no_040_of_19_may.pdf](#))
- This policy has been publicly communicated by the government press as well.

In summary, the **only concrete, sector-specific disability employment provision that could be verified is for the public sector** (civil service age-limit waiver + job-compatibility process). (**Source:** [order_no_040_of_19_may.pdf](#))

For **private-sector industries**, Cameroon's rules are general (non-discrimination, accessibility, training support) rather than industry-specific hiring mandates. (**Source:** [loi 13 avril 2010 portant protection et promotion de la personne handicapé](#))

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. See section V of the Cameroon Law 2010/002. Employers are encouraged to hire people with disabilities and they should be prioritized over non-disabled employees if they can demonstrate they have the same competences. However, there are no quotas mentioned in the law.

Source: Cameroon Law 2010/002 dated 13 April 2010: [loi 13 avril 2010 portant protection et promotion de la personne handicapé](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Actual court judgements related to disability and employment laws are hard to find. It appears that the law was shaped by international commitments rather than litigation within the country.

Supreme court documents - [Supreme Court of Cameroon - Welcome to the website](#)

Other relevant information

There is a human rights case database for Africa, although it does not include Cameroon-specific disability related litigation - [Communication 266/03 - Kevin Mgwanga Gunme et al v. Cameroon • Page 1 • African Human Rights CLA 2.0](#)

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Cape Verde

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

[Decreto-Lei No. 21/2019 \(24 May 2019\)](#) — This is the “law of bases” for prevention, habilitation, rehabilitation and participation of persons with disabilities. It sets up the general regime.

While Cape Verdian law does not have a specific definition of disability for purposes of employment protection, Cape Verde is a signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD), which recognizes various forms of disability such as mental, motor and sensorial. (**Source:** [République Du Cap-vert](#))

2. Are there different definitions for disability at [a state, provincial or local level?](#)

[Rights-based approach project for social inclusion of persons with disabilities at Cape Verde, Africa](#)

No.

Cape Verde defines disability through national legislation, mainly Decree-Law No. 21/2019 which sets out the general regime for prevention, habilitation, rehabilitation, and participation of persons with disabilities.

This national law applies uniformly across all islands and municipalities.

While some local governments may adopt specific accessibility or inclusion programs, they operate under the national framework and use the same legal concept of disability.

3. Do these definitions include mental health?

Yes.

Cape Verde’s legal and policy framework explicitly includes mental health within the definition of “disability” for the purpose of social and employment inclusion.

In the *Estratégia para a Inclusão da Pessoa com Deficiência 2024–2030*, published in the *Boletim Oficial* n.º 108 (11 Nov 2024), the government cites Article 1 of the UN Convention on the Rights

of Persons with Disabilities (CRPD) as the operative definition adopted nationally:

“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.”

[BOE :: Boletim Oficial n.º 108, I Série de 11-11-2024](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

In Cape Verde, the legislation defines a “person with a disability” as someone who, as a result of one or more impairments of a physical, sensory, mental, or intellectual nature, of a permanent character, is in a situation of disadvantage that limits, hinders, or prevents the normal exercise of activities in personal, social, educational, or professional life. Therefore, depending on the neurodiversity condition it can be deemed as a disability.

[BOE :: Boletim Oficial n.º 48, I Série de 17-09-2013](#)

5. Are there specific disability employment laws for certain industries or sectors?

No.

[The Constitution of the Republic of Cape Verde \(Article 75\)](#) establishes the State’s duty to ensure the social and occupational integration of persons with disabilities.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Decree-Law No. 38/2015, which sets out the procedures for recruitment and selection in public administration, provides for a 5% quota for persons with disabilities.

Source: [République Du Cap-vert](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

[Employment and Education Discrimination against Disabled Persons in Cape Verde Munich Personal RePEc Archive](#)

There are no publicly reported landmark court cases specifically dealing with disability employment discrimination in Cape Verde. However, government reports and academic research highlight persistent employment discrimination and underrepresentation of persons with disabilities in the workforce, an issue documented in studies like Échevin (2009), *Employment and Education Discrimination Against Disabled Persons in Cape Verde*.

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Côte d'Ivoire

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, see Côte d'Ivoire's Labor Code (Law No. 2015-532 of July 20, 2015) defines a person with disability as any individual whose physical or mental integrity is temporarily or permanently diminished-whether congenitally, due to illness, or as a result of an accident-in such a way that their autonomy, ability to attend school, or capacity to hold a job is compromised.

The law recognizes two main categories of disability:

- Physical disability
- Intellectual disability

See Article 12.1. of [Chapitre 2 : Travail Des Personnes En Situation De Handicap \(2015\)](#). The law is available in French.

The Decree on "Employment of persons with disabilities in the private sector" uses the same definition. See Article 2 of Decree 2018-458 of May 9, 2018 available at [L'EMPLOI DES PERSONNES EN SITUATION DE HANDICAP DANS LE SECTEUR PRIVE](#)

Law No. 98-594 of 10 November 1998 on the Orientation in favour of Persons with Disabilities ([Cote-d-Ivoire-Loi No 98-594.pdf](#)) guarantees access to education, employment, and social assistance to persons with disability. In its Article 1, it is stated that the law applies to persons whose physical or mental integrity is temporarily or permanently reduced, either congenitally or as a result of illness or accident, such that their autonomy or ability to attend school or hold employment is compromised. These persons include, in particular:

- a physical disability;
- a mental (psychological) disability;
- a visual impairment;
- a hearing impairment;

- cerebral motor impairments (I.M.C.).

2. Are there different definitions for disability at a state, provincial or local level?

No. Law No. 98-594 of 10 November 1998 on the Orientation in favour of Persons with Disabilities states that the prevention of disability is a national mandate, and that families, local authorities, public institutions and public and private organizations shall contribute to the implementation of this national mandate.

See Article 3 of the Law: [Cote-d-Ivoire-Loi No 98-594.pdf](#)

3. Do these definitions include mental health?

Yes. See response to question 1 above.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Neurodiversity is not expressly mentioned. The Labor Code, Law No. 98-594 of 10 November 1998 on the Orientation in favour of Persons with Disabilities, and the Decree on Employment of persons with disabilities in the private sector refer to mental integrity that is temporarily or permanently reduced. The neurodiverse condition would need to be congenital **or** developed due to an illness **or** an accident to be protected by these regulations.

5. Are there specific disability employment laws for certain industries or sectors?

The only legal regulations specifically addressing sector-based employment for persons with disabilities in Côte d'Ivoire are for the private sector, as set out in the Decree on Employment of persons with disabilities in the private sector.

There is no information about disability employment laws for any specific types of business or industries beyond the general private sector.

There are other initiatives related to disability employment laws, including public sector programs or broader support, originating from NGOs, but these are not codified in national law. For example, under the auspices of the Global Initiative on Decent Jobs for Youth and on behalf of the African Union, the International Labour Organization and the International

Telecommunication Union are implementing a program aimed at creating decent jobs and improving youth skills, including digital skills, in Africa's digital economy, including people with disabilities.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, the Côte d'Ivoire's Labor Code (Law No. 2015-532 of July 20, 2015) states that employers must reserve a quota of jobs for persons with disabilities who possess the required professional qualifications. See Article 12.2. of [Chapitre 2 : Travail Des Personnes En Situation De Handicap \(2015\)](#).

There are also employment quotas for employers in the private sector of Côte d'Ivoire with respect to hiring people with disabilities. ([Cote-d-Ivoire-Loi No 98-594.pdf](#))

- Every employer is required to employ persons with disabilities in the following proportions:
 - Up to 100 permanent workers: At least 1 person with a disability.
 - Beyond 100 permanent workers: 2% of the total workforce.
- If the employer fails to meet the quota, they are required to pay a contribution to the integration fund for persons with disabilities.
- The decree also mandates that the employer must make the necessary accommodations aimed at facilitating the access of the person with a disability to the workplace.

Financial incentives in the form of tax credits are offered to companies that hire people with disabilities, with higher credit amounts for permanent contracts (CDI) compared to fixed-term contracts (CDD).

- For enterprises subject to corporate income tax, the annual tax credit is 1,500,000 CFA francs for each PSH hired on a permanent contract.
- The tax credit for an apprenticeship contract is also increased to 750,000 CFA francs when the apprentice is a person with a disability.

There is no clear evidence of a permanent, statutory percentage quota (like 2%) being uniformly enforced across the Ivorian public sector. The public sector primarily uses a targeted hiring approach rather than a continuous, mandatory percentage. The exceptional recruitment measure has been in place, allowing people with disabilities to access jobs in the public administration. According to announcements from the Ivorian Ministry of Employment and Social Protection, additional recruitment drives for people with disabilities into the civil service are periodically organized. This will create 200 positions in 2023 ([Côte d'Ivoire : Un recrutement dérogatoire de 200 personnes en situation de handicap ouvert à la Fonction Publique - KOACI](#)).

The employment system in Côte d'Ivoire mostly aligns with the goals of the UN Convention on the Rights of Persons with Disabilities (CRPD), especially in using quotas as a tool to force inclusion. The mandatory quota of 2% for large private companies is a direct form of affirmative action. The law requires employers to make necessary accommodations to help people with disabilities access the workplace. The system includes both tax breaks for companies (an incentive) and a financial contribution (a penalty) for companies that fail to meet the quota. The CRPD supports using such funding mechanisms to drive integration. The public sector lacks a permanent, clear percentage quota, relying instead on periodic "Exceptional Recruitment" programs. The CRPD suggests that the state should set a strong example by making inclusion a permanent, legally guaranteed requirement, rather than a temporary program.

[Repertoire Des Mesures D'incitation A La Creation Et Au Maintien Des Emplois](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

1. LIDHO v. Côte d'Ivoire (2023)

Recent case which extended liability for human rights violations to corporate bodies and also emphasized the state's obligation to ensure equal access to public services and remedies. The judgment held that the dumping of toxic waste which caused health problems and disabilities in the population violated a number of specified human rights including (i) right to life and physical and moral integrity, (ii) right to enjoyment of the highest attainable standard of physical and

mental health, and (iii) right to a general satisfactory environment. The court stated at para 171 that “the right to health presupposes the existence of the following essential and interrelated elements: availability, accessibility, acceptability and quality.” On this basis, this case may be interpreted in the future as a precedent to include violations of disability rights.

Case: [African Court On Human And Peoples' Rights Cour Africaine Des Droits De L'homme Et Des Peuples](#)

Commentary: [Extending human rights accountability for corporate actors in the LIDHO v Cote d'Ivoire case of the African Court – EJIL: Talk!](#)

2. **Kone v. Caisse* (Cour d'Appel d'Abidjan, 2e Ch. Soc., Arrêt No. 253, 18 Dec 2009)**

An employee sued for ethnic/religious discrimination after an internal audit interview included derogatory questions about his ethnicity and faith. Notably, the court did not attempt to formally define “discrimination,” but rather focused on the blatantly biased conduct and held that the dismissal was wrongful as a result. This case indicates the judiciary is ready to enforce non-discrimination in the employment context and this may be extended to disabilities.

Case is unreported; **Commentary:** [Discrimination \(droit français et droit ivoirien\) – Dictionnaire des recherches en droit social de l'IRERP](#)

Examples of civil society actions which changed the application of laws in relation to persons with disabilities:

1. **Non-violent civil disobedience - bus fares (2004)**

In 2004, a group of disabled students was arrested and detained by SOTRA (Société de Transport Abidjanaise) police officers because they refused to pay bus fare. The activists cited Law No. 98-594 of 10 November 1998 on the Orientation in favor of Persons with Disabilities that allows them to take buses free of charge. In protest, disabled students blocked roads. As a result, the director of SOTRA decided to allow disabled persons to ride free of charge, and this is still the case today. This incident became a symbolic legal mobilization for disability rights and led to increased scrutiny of how public institutions implement disability-related laws. It indirectly

influenced employment access by highlighting systemic discrimination.

Source: [ICNC - Inside Cote d'Ivoire's Nonviolent Struggle for Disability Rights \(Interview\)](#)

2. **Campaign to recruit persons with disabilities in public administration (2014)**

In December 2014, disabled persons organized a mass sit-in at the presidential palace to protest poor living conditions and demand decent jobs. The government adopted an exceptional decree to recruit 300 disabled persons for jobs in public administration.

Source: [ICNC - Inside Cote d'Ivoire's Nonviolent Struggle for Disability Rights \(Interview\)](#)

3. **Campaign to recruit persons with disabilities in public administration (2017)**

In 2017, the group organized another movement that led the recruitment of 158 handicapped persons to work in the public administration.

Source: [ICNC - Inside Cote d'Ivoire's Nonviolent Struggle for Disability Rights \(Interview\)](#)

Status of Disability and Employment Laws Around the World

Other relevant information

Link to the French version of the Labour Code:

[Le-code-du-travail-ivoirien-2023.pdf](#)

Please search “handicap” to go to articles related to disability in the Labour Code.

[Cote-d-Ivoire-Loi No 98-594.pdf](#)

[Employment and Labour law in the Ivory Coast - Lexology](#)

News article:

[Cadre juridique des personnes en situation de handicap : la Côte d'Ivoire dispose de beaucoup de textes et lois mais le problème réside dans la mise en oeuvre \(expert\) - Abidjan.net News](#)

[International Labour Standards country profile: Côte d'Ivoire](#)

[Repository on Disability Rights in Africa - Côte d'Ivoire](#)

784	JOURNAL OFFICIEL DE LA REPUBLIQUE DE CÔTE D'IVOIRE	6 août 2018
PARTIE NON OFFICIELLE		
Arvls et amonices.	794	
PARTIE OFFICIELLE		
2018 ACTES PRÉSIDENTIELS		
PRÉSIDENT DE LA RÉPUBLIQUE		
DECRET n° 2018-334 du 19 mars 2018 portant intérim du garde des Sceaux, ministre de la Justice et des Droits de l'Homme.		
LE PREMIER MINISTRE.		
Vu la Constitution ;		
Vu le décret n° 2017-12 du 10 janvier 2017 portant nomination du Premier Ministre, Chef du Gouvernement, tel que modifié par le décret n° 2017-474 du 19 juillet 2017 ;		
Vu le décret n° 2017-14 du 11 janvier 2017 portant nomination des membres du Gouvernement, tel que modifié par le décret n° 2017-475 du 19 juillet 2017 ;		
Vu le décret n° 2017-45 du 25 janvier 2017 portant attributions des membres du Gouvernement, tel que modifié par le décret n° 2017-596 du 27 septembre 2017 ;		
Vu le décret n° 2018-128 du 5 février 2018 portant délégation de signature à M. le Premier Ministre, Chef du Gouvernement,		
DECRETE:		
Article 1. — M. Amadou KONE, ministre des Transports, assure l'intérim du garde des Sceaux, ministre de la Justice et des Droits de l'Homme, pendant l'absence de M. Samson KAMBLE, du 19 au 22 mars 2018.		
Art. 2. — Le présent décret prend effet à compter du 19 mars 2018 et sera publié au Journal officiel de la République de Côte d'Ivoire.		
Fait à Abidjan, le 19 mars 2018.		
Amadou Gon COULIBALY.		
DECRET n° 2018 - 332 du 22 mars 2018 portant intérim du ministre de l'Economie et des Finances.		
LE PREMIER MINISTRE.		
Vu la Constitution ;		
Vu le décret n° 2017-12 du 10 janvier 2017 portant nomination du Premier Ministre, Chef du Gouvernement, tel que modifié par le décret n° 2017-474 du 19 juillet 2017 ;		
Vu le décret n° 2017-14 du 11 janvier 2017 portant nomination des membres du Gouvernement, tel que modifié par le décret n° 2017-475 du 19 juillet 2017 ;		
Vu le décret n° 2017-45 du 25 janvier 2017 portant attributions des membres du Gouvernement, tel que modifié par le décret n° 2017-596 du 27 septembre 2017 ;		
Vu le décret n° 2018-128 du 5 février 2018 portant délégation de signature à M. le Premier Ministre, Chef du Gouvernement,		
DECRETE:		
Article 1. — M. Souleymane DIARRASSOUBA, ministre du Commerce, de l'Artisanat et de la Promotion des PME, assure l'intérim du ministre de l'Economie et des Finances, pendant l'absence de M. Adama KONE, du 22 au 24 mars 2018.		
Art. 2. — Le présent décret prend effet à compter du 22 mars 2018 et sera publié au Journal officiel de la République de Côte d'Ivoire.		
Fait à Abidjan, le 22 mars 2018.		
Amadou Gon COULIBALY.		
DECRET n° 2018 - 456 du 9 mai 2018 relatif à l'emploi des personnes en situation de handicap dans le secteur privé.		
LE PRÉSIDENT DE LA RÉPUBLIQUE,		
Sur rapport du ministre de l'Emploi et de la Protection sociale,		
Vu la Constitution ;		
Vu la loi n° 98-594 du 10 novembre 1998 d'orientation en faveur des personnes handicapées ;		
Vu la loi n° 2015-532 du 20 juillet 2015 portant Code du Travail ;		
Vu le décret n° 2016-506 du 13 juillet 2016 portant organisation du ministère de l'Emploi et de la Protection sociale ;		
Vu le décret n° 2017-12 du 10 janvier 2017 portant nomination du Premier Ministre, Chef du Gouvernement, tel que modifié par le décret n° 2017-474 du 19 juillet 2017 ;		
Vu le décret n° 2017-14 du 11 janvier 2017 portant nomination des membres du Gouvernement, tel que modifié par le décret n° 2017-475 du 19 juillet 2017 ;		
Vu le décret n° 2017-45 du 25 janvier 2017 portant attributions des membres du Gouvernement, tel que modifié par le décret n° 2017-596 du 27 septembre 2017 ;		
Vu l'avis de la Commission consultative du Travail, objet du procès-verbal du 12 juillet 2017 ;		
Le Conseil des ministres entendu,		

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Croatia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Croatia defines disability for the purpose of employment protection. The Social Welfare Act defines persons with disabilities in line with the definition in the UN Convention on the Rights of Persons with Disabilities: “a person with disabilities is a person having 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 persons without disabilities.”
(**Source:** [Disability:IN | Global Directory - Croatia](#))

This definition applies broadly across social protection and employment contexts.

Disability and Disabled Persons are also defined more extensively in the ‘Act on Vocational Rehabilitation & Employment of Persons with Disabilities’:

- Section 2(1): “any person who has a physical, sensory or mental impairment that results in permanent or temporary (i.e. of at least 12 months’ duration) reduction in capacity to meet basic needs in daily life”.
- Section 2(2): “A person with a disability and reduced working capacity is a person whose disability results in permanent or temporary (i.e. of at least 12 months’ duration) reduction in capacity for training or employment under ordinary terms, by comparison with the capacity of an able-bodied person of identical or similar age, identical or similar education and identical or similar working conditions occupying an identical or similar post”.
(**Source:** [PROMULGATING THE ACT ON VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)).

Source: [NATLEX - Croatia - Social Welfare Act of 8 March 2012 \(Text No. 798\)](#).

2. Are there different definitions for disability at a state, provincial or local level?

No evidence of any state/local specific definition of disability has been found.

The following information suggests that local law (if any) is likely to implement/is consistent with national law.

- Section 10 of the Act on Vocational Rehabilitation & Employment of Persons with Disabilities sets quotas which apply to ‘Government authorities, judicial authorities, local and district (regional) authorities, public services, extra-budgetary funds, legal persons under the full or majority ownership of the Republic of Croatia, and legal persons under the full or majority ownership of local or district (regional) authorities’, suggesting that national law is applicable at all levels. (**Source:** [HRVATSKI SABOR](#)).

3. Do these definitions include mental health?

Yes, Croatia’s legal definition of disability includes mental health conditions.

The definitions in both the Social Welfare Act and the Act on Vocational Rehabilitation and Employment of Persons with Disabilities include mental health conditions:

- Individuals with 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. (**Source:** [OFFICIAL GAZETTE \(NN\) - 73/97, 27/01, 59/01, 82/01, 103/03, 44/06, 79/07](#))
- “For the purposes of this Act [Vocational Rehabilitation and Employment of Persons with Disabilities, 2002], a person with a disability shall be any person who has a physical, sensory or **mental impairment** that results in permanent or temporary (i.e. of at least 12 months’ duration) reduction in capacity to meet basic needs in daily life.”
(**Source:** [PROMULGATING THE ACT ON VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#))

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes – The Social Welfare Act includes neurodiversity; however, conditions like dyslexia, autism, and ADHD are not explicitly named in a single law but are recognized under a broad, social-model definition of disability. A person's condition is considered a disability if it is a long-term impairment—physical, mental, intellectual, or sensory—that, in interaction with societal barriers, hinders their full and effective participation in society on an equal basis.

While “neurodiversity” is not a specific legal category in Croatia, labour law protects neurodivergent individuals under its broader provisions for people with disabilities.

“The Social Welfare Act defines persons with disabilities in line with the definition in the UN Convention on the Rights of Persons with Disabilities: a person with disabilities is a person having 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 persons without disabilities. A child with developmental disabilities is a child who, due to physical, sensory, communication, speech and language, or intellectual disabilities, should receive more support in learning and development, so as to achieve the best possible developmental outcome and social inclusion.”

In May 2018, the long-awaited Act on Changes and Amendments to the Act on Professional Rehabilitation and Employment of Persons with Disabilities entered into force²⁴. It sought to improve the existing legislative and institutional framework of support available to persons with disabilities and employers in the preparation for employment and during the working life (Office of the Ombudsperson for Persons with Disabilities, 2018). One of the adopted amendments that the Office of the Ombudsperson advocated for was for both public and private employers to ensure reasonable adjustments in testing and interviewing of a disabled person as a suitable employee. Moreover, persons with disabilities have a priority when seeking employment in public institutions in cases when they have the same qualifications as the other best candidate. This, however, does not apply in the case of private employers. For persons registered as unemployed in the Croatian Employment Office, each regional office has a designated officer

responsible for the employment of people with disabilities and supporting them with finding a suitable job²⁵.

Recruitment is a key element of involvement and economic independence of all citizens and one of the fundamental human rights. Croatia as a party to the Convention has undertaken to encourage the employment of persons with disabilities in the open labour market by applying the principles of anti-discrimination policy. The prohibition of discrimination refers to all forms of employment, starting with the selection of candidates for employment, job performance and safe working conditions, while using the right to advantage in employment in the public sector for persons with disabilities facilitates employment in comparison with other candidates with equal professional and other conditions required for the job. – The paragraph doesn't include neurodiversity however, it is classified as disability so it is related to neurodiversity.

Anti-Discrimination Act: Croatia's Anti-Discrimination Act prohibits discrimination in employment on the basis of “health condition” and “disability”. While ADHD is not explicitly named, it can be covered under these broader categories, especially if it significantly affects a person's ability to carry out their daily activities.

A person with dyspraxia who meets the legal criteria for a disability is protected from discrimination and has the right to reasonable workplace accommodations under the country's employment and disability legislation.

The Act on Vocational Rehabilitation and Employment of Persons with Disabilities: This is the key law that regulates the employment of workers with disabilities. It defines a disability broadly as a “physical, sensory or mental impairment that results in permanent or temporary (i.e. of at least 12 months' duration) reduction in capacity to meet basic needs in daily life”. If a person with dyspraxia can demonstrate this impact, they may be eligible for benefits and protections under this act.

Sources:

[Disability:IN | Global Directory - Croatia](#)

[NATLEX - Croatia - Social Welfare Act of 8 March 2012 \(Text No. 798\).](#)

Croatia Fact Sheet on Social Care & Support Services Sector for Persons with Disabilities

National Strategy for Equalization of Opportunities for Persons with Disabilities 2017 - 2020

5. Are there specific disability employment laws for certain industries or sectors?

Both private companies and public offices with a workforce of more than 20 employees must hire a number of persons with disabilities, depending on the total number of employees and activities they perform.

Source: [Disability:IN | Global Directory - Croatia](#)

The Act on Vocational Rehabilitation and Employment of Persons with Disabilities (157/13, 152/14, 2/15) is the main legislation regarding employment in public sector.

The state administration bodies, judicial bodies, government bodies and other state bodies, local and regional self-governing bodies and public services, public institutions, non-budgetary and budgetary funds, legal persons owned or predominantly owned by the Republic of Croatia, legal entities owned or predominantly-owned by local and regional self-governing bodies and legal persons with public authorities are obliged to give priority under the same conditions when hiring a person with disabilities.

Source: [Croatia | European Blind Union](#)

The quota is determined by the amount of 3% in relation to the total number of employees of the employer, irrespective of the activity by an employer.

Source: [Employment of Disabled Persons | Croatian Association of People with Intellectual Disabilities](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Employers employing a minimum of 20 employees are subject to quotas, i.e. the employment of a certain number of persons with disabilities. The number of persons with disabilities that the employer is obligated to employ is calculated at the rate of three percent of the total number of employees.

Employers can also meet the quota in an alternative manner:

- by admitting developmentally challenged students or students with disabilities for traineeship
- by admitting rehabilitants for traineeship within the framework of their professional rehabilitation
- by concluding a student employment contract with students with disabilities
- by admitting persons with disabilities to vocational work-related training without establishing an employment relationship
- by concluding business cooperation agreements with self-employed persons with disabilities
- by concluding business cooperation agreements with sheltered and integrative workshops, as well as companies, cooperatives and associations where over half of the personnel are people with disabilities
- by providing full-time education scholarships to persons with disabilities.

Employers that do not meet the quota, neither by employing people with disabilities nor in an alternative manner, are obligated to pay monetary compensation. The monetary compensation amounts to 20 percent of the monthly minimum wage for each person with disabilities that the employer was required to employ.

As of 1 April 2020, employers in labour-intensive industries are permanently exempted from the employment quota regarding persons

Summary:

Who it applies to: Employers with 20 or more employees must meet a disability quota.

The quota: At least 3% of the total number of employees must be people with disabilities.

How to meet the quota (alternative options):

1. Admit developmentally challenged students or students with disabilities for traineeship.

2. Admit rehabilitants for traineeship within the framework of their professional rehabilitation.
3. Conclude a student employment contact with students with disabilities.
4. Admit persons with disabilities to vocational work-related training without establishing an employment relationship. Incentives for Employment of Persons with Disabilities - gov.hr Quota - Institute for Expertise, Vocational Rehabilitation and Employment of Persons with Disabilities with disabilities, therefore, also from the obligation to pay monetary compensation.
5. Conclude business cooperation agreements with self-employed persons with disabilities.
6. Conclude business cooperation agreements with sheltered and integrative workshops, as well as companies, cooperatives and associations where over half the personnel are people with disabilities
7. By providing full-time education scholarships to persons with disabilities.

If the quota is not met: Employers that do not meet the quota (neither by employing people with disabilities nor via the alternative methods) must pay monetary compensation.

Exemption for certain industries: As of 1 April 2020, employers in labour-intensive industries are permanently exempt from the disability employment quota and, therefore, from the obligation to pay monetary compensation also.

Sources:

[Incentives for Employment of Persons with Disabilities - gov.hr](#)

[Kvota - Zavod za vještačenje, profesionalnu rehabilitaciju i zapošljavanje osoba s invaliditetom](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Summary: Croatia's disability employment laws are primarily shaped by legislation, including the Law on Vocational Rehabilitation and Employment of Persons with Disabilities and the Anti-Discrimination Act. Legal decisions can be accessed through **e-Case Courts of the**

Republic of Croatia, though these are available **only in Croatian** and **require a Case number to search** for a relevant case.

Two notable cases from European courts have influenced Croatia's broader disability rights framework:

1. Guberina v. Croatia (Application No. 23682/13)

Source Link: [Guberina v Croatia.SOIH, EDF, IDA.Final.doc](#)

Issue: Croatian authorities denied Guberina a tax exemption for purchasing a more accessible house, arguing his previous apartment met his family's housing needs.

Claim: The apartment lacked a lift, forcing the family to carry the child up and down stairs, making it unsuitable.

Legal Basis: Guberina argued this denial violated his rights under Article 1 of Protocol No. 1 (property) and Article 14 (non-discrimination) of the European Convention on Human Rights.

Key Concept: Discrimination by association - Guberina was not disabled himself but was disadvantaged due to his relationship with his disabled son.

Applicable Legal Sources:

- European Court of Human Rights judgment (Application No. 23682/13)
- UN Convention on the Rights of Persons with Disabilities (CRPD)
- Croatian Anti-Discrimination Act (OG 85/08, 112/12)

This case is a landmark in recognizing reasonable accommodation and discrimination by association under European human rights law. It has implications for disability-inclusive housing policy and broader anti-discrimination protections.

2. Case Reference: Oršuš v. Croatia (Application No. 15766/03)

Source Link: [ORŠUŠ AND OTHERS v. CROATIA](#)

Status of Disability and Employment Laws Around the World

Issue: Concerned the segregation of Roma children in Croatian schools.

Relevance: Although not directly related to employment or disability, the case is significant for its interpretation of Article 14 (non-discrimination) and Article 2 of Protocol No. 1 (right to education).

Impact: Reinforced the principle that indirect discrimination and systemic exclusion violate European human rights standards - a concept relevant to disability rights enforcement.

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Cyprus

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Cyprus does define disability for the purpose of employment protection, and its legal framework is aligned with international standards, particularly the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which Cyprus ratified in 2011. [disabilityin.org] Definition of Disability in Cyprus (for Employment Protection) According to the Recruitment of Persons with Disabilities in the Wider Public Sector Law, a person with a disability is defined as: "A person who, according to the assessment by a special multidisciplinary committee, experiences any kind of impairment which causes permanent or long-term physical, intellectual, or mental restriction that substantially reduces or excludes the possibility to find and maintain appropriate employment."

Under the Law 127(I)/2000 – Persons with Disabilities Law disability in relation to a person is defined as any kind of insufficiency or impairment which cause permanent or long lasting bodily or intellectual or mental restriction to the person and, taking into consideration his history and other personal elements of the person, substantially reduce or exclude the possibility to perform one or more activities or functions which are considered natural and substantial for the quality of life of each person of the same age, who does not experience such insufficiency or impairment;

<https://disabilityin.org/country/republic-of-cyprus/>

[The Recruitment of Persons with Disabilities in the Wider Public Sector Law 146\(1\)/2009 - Department for Social Inclusion of Persons with Disabilities - Gov.cy](#)

[Law 127\(I\)/2000 – Persons with Disabilities Law cyprus](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Cyprus is considered a unitary presidential republic.

[Cyprus – EU country profile | European Union](#)

3. Do these definitions include mental health?

Yes, the definition specifically include mention of "intellectual or mental restriction."

[The Recruitment of Persons with Disabilities in the Wider Public Sector Law 146\(1\)/2009 - Department for Social Inclusion of Persons with Disabilities - Gov.cy](#)

[Law 127\(I\)/2000 – Persons with Disabilities Law cyprus](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, the definition is broad enough to include physical, intellectual, and mental impairments, which can encompass many different neurodiverse conditions.

Neurodiversity Inclusion

While Cyprus's legal texts may not explicitly list neurodivergent conditions, the social model of disability adopted by organizations like Deloitte Cyprus supports the inclusion of neurodiverse individuals. This model views disability as a result of societal and environmental barriers rather than the individual's condition itself.

[Neurodiversity at Deloitte](#)

Additionally, Cyprus promotes:

- Vocational rehabilitation
- Non-discrimination in hiring and promotion
- Reasonable accommodations in the workplace
- Inclusive education and employment policies

[The Recruitment of Persons with Disabilities in the Wider Public Sector Law 146\(1\)/2009 - Department for Social Inclusion of Persons with Disabilities - Gov.cy](#)

[Law 127\(I\)/2000 – Persons with Disabilities Law cyprus](#)

[Disability:IN | Global Directory - Republic of Cyprus](#)

5. Are there specific disability employment laws for certain industries or sectors?

It does not appear that there are any specific disability laws for certain industries or sectors. I looked here:

<https://dp-ho.com/perspective-of-disability-2/individuals-with-disabilities-3#Building a Brighter Future Through Employment>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

The Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions) Law 2009 (N.146(I)/2009) provides for a 10% quota to employ persons with disabilities in the public sector. However, this target has mostly not been met due to problems in the implementation of the legislation, namely a lack of adequate infrastructure and reasonable accommodation. Notably, the Law does not apply to the private sector.

<https://disabilityin.org/country/republic-of-cyprus/>

[The Recruitment of Persons with Disabilities in the Wider Public Sector Law 146\(1\)/2009 - Department for Social Inclusion of Persons with Disabilities - Gov.cy](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In Cyprus, several legal developments and cases have significantly shaped disability employment laws. While landmark court cases are less frequently cited publicly, the evolution of the legal framework and interventions by oversight bodies like the Ombudsman have played a crucial role. Here are the most impactful legal and institutional actions:

1. Ratification of the UN Convention on the Rights of Persons with Disabilities (UNRPD)

Law 8(III)/2011 ratified the UNCRPD, committing Cyprus to uphold international standards for disability rights, including employment protections. This led to the coordination of disability-related policies under the Department for Social Inclusion

of Persons with Disabilities within the Ministry of Labour and Social Insurance.

[Disability:IN | Global Directory - Republic of Cyprus](#)

2. National Legislation on Disability Employment

Law L127(1)/2000: Provides broad protections for persons with disabilities, including equal employment opportunities, vocational rehabilitation, and anti-discrimination measures. Amending Law 57(1)/2004: Strengthened anti-discrimination provisions have allowed for positive measures to counterbalance disadvantages faced by disabled individuals in employment.

[Law 127\(I\)/2000 - Persons with Disabilities Law cyprus](#)

[Disability:IN | Global Directory - Republic of Cyprus](#)

3. Ombudsman Interventions and Case Studies

The Cyprus Ombudsman has responded to numerous complaints from disabled individuals, leading to: Amendments in disability benefit assessments, ensuring that individuals with permanent irreversible disabilities are no longer subject to reassessment. Reforms in school support worker recruitment, requiring qualifications tailored to the needs of disabled children and consultation with parents.

[CFNHRI - Commonwealth Forum of National Human Rights Institutions](#)

4. Legal Framework Against Disability Discrimination at Work

A comprehensive review published in the Equality, Diversity and Inclusion Journal highlights Cyprus's alignment with international standards and the need for national mechanisms to monitor law enforcement. The study emphasizes that despite strong legal protections, implementation and societal attitudes remain challenges.

[Legal framework against disability discrimination at work in Cyprus](#)

5. Revised National Disability Strategy (2024-2028)

Approved by the Cabinet, this strategy includes 75 new actions across seven pillars, including employment integration.

It introduces quantitative and qualitative indicators to ensure accountability and effectiveness in promoting disability rights.

[Cyprus Cabinet Approves Revised National Disability Strategy And Action Plan 2024-2028](#)

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Czech Republic

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the definition of “persons with disabilities” is included in section 3 of the Act No. 435/2004 Coll, on Employment, as amended (the Act).

The Act provides that persons with disabilities are provided with increased protection and defines them as follows:

Persons with health disabilities who are recognized by the Social Security Administration as

- a) third-degree disabled (i.e., person with severe disability”),
- b) first- or second-degree disabled, or
- c) **health-disadvantaged**.

Health-disadvantaged refers to a natural person who has retained the ability to perform regular employment or other gainful activity, but whose ability to be or remain employed, to perform his/her current occupation, to use his/her current qualifications, or to acquire qualifications is significantly **limited due to his/her long-term adverse health condition**;

Please note that a person who is third-degree disabled or first- or second-degree disabled is not considered to be a health-disadvantaged person.

A **long-term adverse health condition** is considered to be a health condition that, according to medical science, is expected to last longer than one year and significantly limits physical, sensory or mental abilities, and thus the ability to work.

Source:

The full version of the Act (which provides the definitions above) is available online here: <https://www.zakonyprolidi.cz/cs/2004-435#cast3>. See also the Law about Social Services online here: <https://www.zakonyprolidi.cz/cs/2006-108>.

2. Are there different definitions for disability at a state, provincial or local level?

No, the legal definition is governed by national legislation.

3. Do these definitions include mental health?

Yes.

The definition of a health-disadvantaged person includes persons whose ability to perform their current occupation or to use current qualifications or to acquire qualifications is significantly limited due to their long-term adverse health condition. This long-term adverse health condition includes conditions that according to medical science, are expected to last longer than one year and **significantly limits** physical, sensory or **mental abilities**, and thus the ability to work.

Source: See question 1.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

While not explicitly mentioned, neurodiversity may be captured by the definition of health-disadvantaged person as neurodiversity may be categorized as “mental abilities”. See question 3 for further information.

In addition, neurodiversity is referred to in a legislation relating to education. Section 16 Education of Children, Pupils and Students with Special Educational Needs provides that: (1) A child, pupil or student having special educational needs shall be a disabled person, or a person disadvantaged in terms of health condition or social position. However, in this legislation reference is made to persons with disability and “with autism”.

Source: <https://www.zakonyprolidi.cz/cs/2004-561>

5. Are there specific disability employment laws for certain industries or sectors?

Yes, there are specific disability employment laws for certain industries/sectors.

In the Czech Republic, disability employment laws are structured to promote inclusion across all sectors, with specific mechanisms and obligations for employers. Here’s a breakdown of the key

legal frameworks and sector-specific considerations:

General Legal Obligations for Employers

1. Some employers could be subject to mandatory employment quotas. The law provides that quotas can be met through direct employment, making a financial contribution to the state, and purchasing goods and services from companies that employ a certain number of people with disabilities.
2. Where applicable employment quotas are not met, in some cases, employers may make a financial contribution to the state.

Sector-Specific Provisions

While the requirements above apply broadly, certain industries and employment types have tailored mechanisms. Depending on the industry, employers may be subject to higher quotas or receive state subsidies. The Czech Republic Labour Office may also provide career training or reimburse employers for offering such training. Further some sectors (e.g., education, health, transport) follow specific accessibility regulations rather than a unified disability law.

References

- [1] 2025 Czech Employment Law Update for Disabled Individuals <https://cms-lawnow.com/en/ealerts/2025/01/changes-in-the-employment-of-people-with-disabilities>
- [2] Czech Republic - Disability:IN <https://disabilityin.org/country/czech-republic/>
- [3] Disability - MPSV <https://www.mpsv.cz/en/disability>
- [4] <https://www.psp.cz/sqw/sbirka.sqw?cz=435&r=2004>
- [5] <https://www.zakonyprolidi.cz/cs/2004-435>
6. Are there employment quotas for employers with respect to hiring people with disabilities?

There is a general obligation for employers with more than 25 employees to have at least 4% of

their workforce consist of disabled employees.

This is stipulated in

<https://www.psp.cz/sqw/sbirka.sqw?cz=435&r=2004>. To meet this obligation, employers may generally:

- directly employ disabled individuals;
- purchase goods or services from employers with over 50% of disabled employees, recognised by the Labour Office as employers on the protected labour market;
- make a financial contribution to the state; or
- a combination of the above options.

If the employer fails to meet the mandatory 4% quota, the law provides that they may face financial penalties, with the amount varying based on the degree of non-compliance - these penalties can range from 1 to 3.5 times the average monthly wage.

Employers may also be required to report to the regional branch of the Labor Office on their fulfillment of the mandatory proportion of disabled employees and chosen method of compliance by February 15th each year.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

The first and only disability discrimination case heard by the Czech Constitutional Court is Alena Skalova v Czech Republic (Constitutional Court, February 2004), in which a mother challenged the situation of having to institutionalize her disabled son due to the lack of adequate financial and social support from the state as discriminatory and a violation of their rights. In the judgment, the Constitutional Court acknowledged the systemic shortcomings in the Czech welfare system and highlighted the need to move from a medical/welfare model to a human rights-based approach to disability accommodation. Although it was not directly linked to employment, the case was cited in academic and policy discussions as a turning point in Czech disability rights.

Source: <https://hudoc.echr.coe.int/eng/?i=001-243567>

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Democratic Republic of Congo

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

In the Democratic Republic of Congo (DRC), the primary legislation governing disability protections is the Organic Law No. 22/003, which was enacted in 2022. The law applies for the purposes of employment protection. The definition of “disability” in this law as defined in Article 2 is as follows:

“A person with a disability is any person who has long-term physical, mental, intellectual, or sensory impairments, including persons with albinism, autism, and dwarfism, whose interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Source:

[CD Lois 2022 Loi-organique-22 003 protection-et-promotion-des-droits-de-la-personne-avec-handicap.pdf](#).

2. Are there different definitions for disability at a state, provincial or local level?

No. Organic Law No. 22/003 (enacted in May 2022) is the only law relating to disabilities in the DRC.

This law provides a comprehensive definition of “disability” and applies uniformly across the country. The national definition of “disability” includes long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.

Based on the available information, there are no separate definitions of “disability” at the state or local government level in the DRC. The national definition applies uniformly across all regions.

Source: <https://borgenproject.org/disability-rights-in-the-congo/>; <https://unprpd.org/new/wp->

[content/uploads/2023/12/DRC-Country-Report-52c.pdf](#)

3. Do these definitions include mental health?

Yes. The definition (as also produced in question 1) of a person with a disability, includes any person who has long-term mental or sensory impairments.

Source: [CD Lois 2022 Loi-organique-22 003 protection-et-promotion-des-droits-de-la-personne-avec-handicap.pdf](#).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. The definition (as also produced in question 1) of a person with a disability, includes any person who has long-term mental, intellectual, or sensory impairments, including persons with autism, whose interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The definition (and in particular the reference to autism) suggests that disability includes neurodiversity; however, as the law is new, its judicial application is in its early stages (there is no case law) and therefore it is unclear how it will apply in practice.

Source:

[CD Lois 2022 Loi-organique-22 003 protection-et-promotion-des-droits-de-la-personne-avec-handicap.pdf](#).

5. Are there specific disability employment laws for certain industries or sectors?

In the DRC, the only legislation governing disability protections is the Organic Law No. 22/003, enacted in 2022. This law provides comprehensive protections for persons with disabilities and applies uniformly across all industries and employment sectors.

The law mandates that employers make reasonable accommodations for employees with disabilities, ensuring they can perform their job functions effectively. It also prohibits discrimination based on disability in all aspects of employment, including recruitment, training, promotion, and termination.

Status of Disability and Employment Laws Around the World

There are no specific disability employment laws that apply exclusively to certain industries or sectors. The protections and requirements are consistent across all areas of employment.

Sources:

<https://generisonline.com/employee-rights-and-employer-obligations-in-the-democratic-republic-of-the-congo/> <https://unprpd.org/new/wp-content/uploads/2023/12/DRC-Country-Report-52c.pdf>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There are no mandatory employment quotas.

That said, the law encourages the employment of persons with disabilities in both the public and private sectors and establishes a framework for promoting their inclusion in the workforce.

Source:

<https://borgenproject.org/disability-rights-in-the-congo/>; <https://unprpd.org/new/wp-content/uploads/2023/12/DRC-Country-Report-52c.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Based on the available information, there are no widely documented significant legal cases that

have specifically shaped disability employment laws in the Democratic Republic of Congo (DRC). The primary legislation governing disability protections is the Organic Law No. 22/003, enacted in 2022, which provides comprehensive protections for persons with disabilities.

However, the development of disability employment law in the DRC has been influenced by broader human rights and employment law cases, as well as international conventions such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD). These frameworks have guided the interpretation and application of disability rights within the country.

Sources:

<https://unprpd.org/new/wp-content/uploads/2023/12/DRC-Country-Report-52c.pdf>; <https://generisonline.com/employment-law-in-the-democratic-republic-of-congo-legal-requirements-for-employers/>

Other relevant information

<https://generisonline.com/employment-law-in-the-democratic-republic-of-congo-legal-requirements-for-employers/>

<https://unprpd.org/new/wp-content/uploads/2023/12/DRC-Country-Report-52c.pdf>

<https://borgenproject.org/disability-rights-in-the-congo/>

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Denmark

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes – While Denmark does not have a single codified definition of “disability” for the purpose of employment protection it has adopted the EU definition through its implementation of the EU Employment Equality Directive (2000/78/EC). Denmark relies on the EU Court of Justice’s definition of a disability,

“A limitation which results in particular from physical, mental or psychological impairments and which, in interaction with various barriers, may hinder the full and effective participation of the person in professional life on an equal basis with others.”

Sources:

<https://eur-lex.europa.eu/eli/dir/2000/78/oj>

https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698811/EPRS_BRI%282021%29698811_EN.pdf

https://www.humanrights.dk/files/media/migrated/personer_med_handicap_paa_arbejdsmarkedet.pdf

2. Are there different definitions for disability at a state, provincial or local level?

No – There is no codified definition of disability in Denmark and at all levels of government, the relied upon definition comes from the European Court of Justice (see question 1).

Sources:

<https://www.ohchr.org/en/press-releases/2014/09/committee-rights-persons-disabilities-considers-initial-report-denmark>

https://www.humanrights.dk/files/media/migrated/personer_med_handicap_paa_arbejdsmarkedet.pdf

<https://disabilityin.org/country/denmark/>

<https://www.humanrights.dk/our-work/our-work-denmark/disability>

<https://www.retsinformation.dk/eli/lt/2009/727#K2>

3. Do these definitions include mental health?

Yes – See the definition in question 1, which defines a disability to include a limitation which results in particular from mental or psychological impairments.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes.

Although the Danish national law does not list specific neurodiversity conditions (as it does not define disability directly), the concept of disability is understood in line with EU and UN definitions as a physical, mental, or psychological impairment, in combination with long-term impact and barriers to participation. The CRPD, which Denmark has ratified, defines disability in Article 1 as including: “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.”

Neurodiversity conditions such as dyslexia, ASD, ADHD, or dyspraxia—when long-term and substantially limiting work performance—appear to fall within the legal definition of “handicap” in Danish employment law. Denmark ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2009, and therefore explicitly commits to organising its legislation and practices in accordance with it.

Source:

https://www.humanrights.dk/our-work/our-work-denmark/disability?utm_source=chatgpt.com

https://www.internationaldisabilityalliance.org/blog/weekly-updates-31st-crpdc-committee-session-0?utm_source=chatgpt.com

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030_en

5. Are there specific disability employment laws for certain industries or sectors?

No, there are no industry- or sector-specific disability employment laws in Denmark. The legal framework governing disability employment applies uniformly across all sectors, both public and private.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, Denmark does not have employment quotas for hiring people with disabilities. Instead, they focus on an inclusive and active labor market approach, aiming to integrate individuals with disabilities into the general workforce without specific quotas.

Denmark also has measures in place to support the employment of people with disabilities, such as job placement programs, financial incentives, and other support measures. They also have anti-discrimination legislation that prohibits differential treatment based on disability.

Sources:

<https://tonioaxisa.com/2021/02/03/disability-quota-systems-still-a-valid-mechanism/>

https://en.wikipedia.org/wiki/Disability_in_Denmark

<https://pure.vive.dk/ws/files/292672/wp182002.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Supreme Court case numbers 305/2016 and 300/2016 - from these cases it can be concluded that it is not a requirement that the disease (causing a disability) has been conclusively

medically diagnosed as long as it is sufficiently supported by documentation and information from doctors and other healthcare professionals and all other circumstances of the case in order to be within scope of certain discrimination legislation.

Another Supreme Court case of January 2025 ruled that employers have an obligation to consider disabled employees for redeployment and an obligation to seek redeployment broadly in the organisation. The judgment also establishes that the general principle of a public-sector employer filling a vacant position by public advertisement and with the most qualified candidate does not limit the obligation to redeploy in relation to employees with disabilities. Furthermore, the ruling confirms the case law of the ECJ according to which the obligation to redeploy employees with disabilities will be conditional on there being at least one vacant position for which the employee would be competent, suitable and available to fulfil the essential functions, and that the redeployment must not constitute a disproportionate burden for the employer.

Sources:

<https://kliemt.blog/2025/01/31/danish-high-court-takes-a-strict-line-on-redeployment-for-disabled-person/>

<https://www.bechbruun.com/en/news/news/danish-employment-non-discrimination-act-new-judgment-from-the-danish-supreme-court>

<https://iuslaboris.com/insights/danish-high-court-takes-a-strict-line-on-redeployment/>

<https://www.twobirds.com/en/insights/2017/denmark/nye-domme-fra-hoejesteret-om-forskelsbehandlingsloven#:~:text=Offices>

<https://norrbohminding.com/en/knowledge/news/redeployment-as-an-appropriate-measure/>

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Egypt

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, 'Persons with Special Needs' are defined in Egyptian law No 10 of 2018 as *"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"*.

Sources: See article 2 of Egyptian law No. 10 of 2018 on the Rights of Persons with Disabilities

- [Human Rights Studies - Persons with Special Needs](#)
- e-inclusion.unescwa.org

The term "persons with disabilities" is used instead of terms like "people of determination" or "special abilities." This term was chosen based on the designations mentioned in the international convention and the Egyptian law "Rights of Persons with Disabilities," issued in 2018.

Source: [Disability in Egypt – Ataa Fund](#)

2. Are there different definitions for disability at a state, provincial or local level?

No, the national law sets the legal definition. However, governorates may use operational definitions or lower thresholds (such as 'mild' and 'moderate' disabilities) in practice to determine eligibility for social services. For example, the eligibility for integrated services cards is implemented through social rehabilitation offices in each governorate, which may require specific medical reports or meet local screening practices.

Source: [Egyptian ministry operates 152 caravans offering services to disabled in 12 governorates - EgyptToday](#)

3. Do these definitions include mental health?

Yes, the 'Persons with Special Needs' definition set out in Law No. 10 of 2018 on the Rights of Persons with Disabilities ("Law No. 10 of 2018")

explicitly includes mental health as part of the definition of disability.

Earlier law, Rehabilitation Law 39 (1975) included "mental" impairment in its definition of disability, but the focus was often on the individual's inability to perform work due to a physical, mental, sensory, or congenital impairment. In modern times, Egypt has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), which defines disability more broadly as a long-term physical, mental, intellectual, or sensory impairment that, in interaction with barriers, hinders full and effective participation in society. Since ratifying the CRPD in 2008, Egypt has been actively working to integrate individuals with mental disabilities into society. This includes issuing medical cards for people with disabilities to access services and developing a Code of Practice for the Mental Health Act in 2009. Law No. 10 of 2018 provides more detailed definitions for key terms related to disability, which helps in implementation and compliance with the law and is designed to ensure persons with disabilities enjoy all their rights on an equal basis.

Sources:

[The Rehabilitation Law 39 \(1975\); the UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Although not specifically mentioned in the definition of "Persons with Disabilities," Egypt's disability laws are broad enough to include neurodivergent conditions, such as dyslexia, autism, and ADHD.

As mentioned above, Law No. 10 of 2018 on the Rights of Persons with Disabilities defines a person with a disability as: "A person with a disability is any person who has a full or partial disorder or impairment for a long-term be it physical, mental, intellectual or sensory; if this disorder or impairment is stable; and which in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others."

Source: [Disability in Egypt – Ataa Fund](#)

Neurodivergent conditions would fall under the categories of “mental” or “intellectual” impairments, particularly where the condition is a long-term condition (stable) or leads to a disorder or impairment. For an individual with a neurodivergent condition to officially benefit from the employment quota (the 5% rule described below), they would need to obtain the official disability certificate (disability card) issued by the Ministry of Social Solidarity, which recognizes their condition under the law.

5. Are there specific disability employment laws for certain industries or sectors?

Based on Egyptian law, the primary disability employment regulations, such as the employment quota, are generally applied across all relevant industries and sectors, rather than being specific to a sector.

While the main employment law is broad and covers all sectors, there have been targeted initiatives focusing on specific sectors to encourage inclusion. For example, in the Information and Communications Technology (ICT) and tourism sectors, a joint project involving the United Nations Development Programme, the International Labour Organization, and others specifically focused on supporting the labor market inclusion of persons with disabilities in these sectors by, for example, providing targeted training.

Source:

[Disability:IN | Global Directory - Egypt](#).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Law No. 10 of 2018 on the Rights of Persons with Disabilities (“Law No. 10 of 2018”) mandates that employers (in both the private and public sectors) with 20 or more employees allocate at least 5% of their total jobs to persons with disabilities (rather than 50 employees under the prior law (Rehabilitation Law for PWDs of 1975)).

Sources:

- See Article 22 of Law No. 10 of 2018: [Disability in Egypt – Ataa Fund](#)
- [Employment & Labour Laws and Regulations Report 2025 Egypt](#)

Employers who do not comply with the quota will be subject to a financial penalty of not less than EGP 10,000 and up to 30,000 and/or imprisonment for a period not exceeding one year (Article 54 of Law No. 10 of 2018).

The law also encourages employers to hire persons with disabilities by providing a 5% reduction on income taxes for the employment of every person with a disability above the legal quota (Article 23 of Law No. 10 of 2018).

Other relevant/notable provisions:

- The government must guarantee the right of people with disabilities to acquire equal job opportunities without discrimination, and in accordance with their capacities, academic credentials and vocational training (Article 20 of Law No. 10 of 2018).
- Additionally, the law considers the needs of persons with disabilities within the workplace. It provides a paid one-hour work time reduction daily for workers with disabilities and for relatives (up to the second degree) who take care of an employee with disabilities.
- Furthermore, the new law stipulates punishments related to discriminatory behaviour, violence and isolation in the workplace.

Source: [https://e-](https://e-inclusion.unescwa.org/book/2264)

[inclusion.unescwa.org/book/2264](https://e-inclusion.unescwa.org/book/2264); (this link contains some background info on the outcomes following the previous quota, which was subject to a much lower penalty); and [Egypt's Efforts to Address Challenges Facing Persons with Disabilities Enhancing Progress and Exploring Barriers \(1\).pdf](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Rather than case law, the adoption of the rights-based approach was the main shift in formulating laws and policies (generally, not specifically in relation to employment laws) - past legal frameworks and policies had been formulated around charity rather than a rights-based approach. This was inspired by international developments, and in 2007 Egypt signed the Convention on the Rights of Persons with

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Disabilities. In 2014, this change was reflected in the amendments to the Egyptian Constitution. Furthermore, the core principles of the Sustainable Development Strategy, adopted in 2016, include the empowerment of people with disabilities. Law No. 10 of 2018 on the Rights of Persons with Disabilities is currently the main national legal framework for the rights of persons with disabilities.

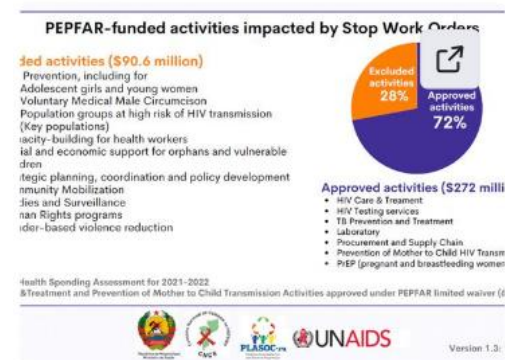
Source: [Egypt's Efforts to Address Challenges Facing Persons with Disabilities Enhancing Progress and Exploring Barriers \(1\).pdf](#); and [Employing People with Disability in Egypt / Employing People with Disability in Egypt / توظيف ذوي الإعاقة في مصر](#)
Recommended Citation
Recommended Citation

The Supreme Administrative Court of Egypt, Fifth Chamber, ruled in 2021 (Case No. 46175 of Year 61 Administrative) that the decision of the Chairman of the Local Unit of the Center and City of Shubrakheit to close the marble workshop owned by the local unit and managed by a person with a disability was illegal and discriminatory. The Court ordered the reopening of the workshop.

Source: [The National Council for Human Rights Sixteenth Annual Report \(December 2020- June 2023\)](#) (page 21)

Other relevant information

Landmark court ruling in Egypt prohibits HIV discrimination in the workplace



Landmark court ruling in Egypt prohibits...

Ahmed was dismissed from his job as a plumber for a club in Giza, Egypt, in 2015 after his employer discovered he was living with HIV. Rather than rem...

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Equatorial Guinea

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Equatorial Guinea currently has no explicit definition of disability within its national Labor Code regarding employment. The law does not prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. While the law requires companies employing more than 50 employees hire a certain percentage of persons with disabilities, few if any did so.

Source:

[EQUATORIAL-GUINEA-2022-HUMAN-RIGHTS-REPORT](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. As Equatorial Guinea is a unitary republic, it lacks subnational jurisdictions (e.g., states/provinces) with independent authority to define disability.

Equatorial Guinea 1991 (rev. 1995) Constitution - Constitute

3. Do these definitions include mental health?

Equatorial Guinea currently has no explicit definition of disability within its national Labor Code regarding employment.

Source:

[EQUATORIAL-GUINEA-2022-HUMAN-RIGHTS-REPORT](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No,

Source:

[EQUATORIAL-GUINEA-2022-HUMAN-RIGHTS-REPORT](#)

5. Are there specific disability employment laws for certain industries or sectors?

No. Equatorial Guinea's **Labor Code**, last reformed in 2021 (Law 4/2021), does **not include sector-specific provisions for disability inclusion**. There are no tailored rules for industries like mining, oil, or public administration regarding disability employment.

Source:

[Guinee Equatoriale - Loi n°4/2021 du 3 decembre 2021 portant Code du travail \(www.droit-afrique.com\)](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No quotas have been established under national law for either public or private employers. The country also has **not adopted public-sector quotas** as mandated by the CRPD's Article 27.

Source:

[article_27_crp_d_sep_2025.docx](#)

<https://www.droit-afrique.com/uploads/GE-Code-2021-travail-ES.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are **no publicly available case-law decisions** or judicial rulings specifically addressing disability discrimination in employment in Equatorial Guinea.

2022 human rights report indicates: Persons with disabilities cannot access education, health services, public buildings, and transportation on an equal basis with others. New buildings must reportedly be accessible to persons with disabilities, but inaccessible public buildings and schools remained obstacles, including some newly constructed government buildings. Access to other state services such as health services, information, communications, transportation, and the judicial system are not explicitly provided by law. Authorities did not effectively enforce existing access requirements. The government did not provide information on disability concerns in accessible formats. Authorities did not investigate

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incidents of violence or other abuses against persons with disabilities.

Source:

[EQUATORIAL-GUINEA-2022-HUMAN-RIGHTS-REPORT](#)

Other relevant information

Equatorial Guinea is a party to the United Nations Convention on the Rights of Persons with

Disabilities (CRPD). The country signed the convention in 2015 and ratified it on March 25, 2022, with the treaty entering into force for Equatorial Guinea on April 24, 2022. [UNTC](#)

Our research referenced this country has the 2017 Disability Act (Act No. 2017-10)—which aligns with the UN CRPD. However, we were unable to locate this law to verify information provided by AI.

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Ethiopia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, in the Proclamation No. 568/2008 “Right to Employment of Persons With Disability” available online here:

<https://www.refworld.org/legal/decrees/natlegbod/2008/en/72579>

Art. 2 (1) defines Person with disability as an individual whose equal employment opportunity is reduced as a result of his physical, mental or sensory impairments in relation with social, economic and cultural discrimination;

2. Are there different definitions for disability at a state, provincial or local level?

No. There are no different definitions for disability at a state, provincial or local level. Federal law provides the legal definition of disability

3. Do these definitions include mental health?

Yes. The definition of a person with disability includes an individual whose equal employment opportunity is reduced as a result of his physical, **mental or sensory impairments** in relation with social, economic and cultural discrimination (see question 1 above for further information).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Presumably yes as the definition of a person with disability includes an individual whose equal employment opportunity is reduced as a result of his physical, mental or sensory impairments in relation with social, economic and cultural discrimination. However, it is not explicitly stated in statute, and we are not aware of any cases considering whether disability includes neurodiversity.

5. Are there specific disability employment laws for certain industries or sectors?

No. There are no specific disability employment laws for certain industries or sectors.

Sources:

<https://www.lshtm.ac.uk/sites/default/files/2024-02/Phase%201%20Ethiopia.pdf>

<https://justice.gov.et/am/law/right-to-employment-of-persons-with-disability-proclamation/>

<https://humanrightsinclusion.org/assets/resources/inclusion-of-people-with-disabilities-in-ethiopia.pdf>

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_112299.pdf

https://www.academia.edu/28953433/ETHIOPIA_COUNTRY_PROFILE_Employment_of_People_with_Disabilities_The_Impact_of_Legislation_East_Africa

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. Ethiopia does not impose a mandatory employment quota for hiring persons with disabilities under its current legal framework.

In fact, Proclamation No. 568/2008 explicitly discourages the reservation of specific job vacancies for persons with disabilities. The rationale is that such quotas may unintentionally reinforce negative stereotypes about the capabilities of people with disabilities and hinder the broader goal of reasonable accommodation and equal opportunity.

<https://ethiodata.et/right-to-employment-of-persons-with-disability-proclamation-no-568-2008/>

<https://justice.gov.et/am/law/right-to-employment-of-persons-with-disability-proclamation/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

N/A. As of now, no landmark court cases in Ethiopia have significantly shaped or redefined disability employment law in the way seen in some other jurisdictions.

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Finland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

At a high level, the Constitution of Finland, Section 6 - Equality, provides that no one shall, without an acceptable reason, be treated differently from other persons on the grounds of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns their person.

In addition, discrimination against persons with disabilities in employment is prohibited in the Non-Discrimination Act, section 8, and reasonable accommodations must be made for them, section 15.

The legislation itself does not define “disability”. However, there is guidance from the Finnish Occupational Safety and Health Administration (*Työsuojelu*) that a “disabled person” is defined as a person with a permanent physical, mental, intellectual or sensory impairment that may prevent them from participating in working life fully and effectively equally with other workers. Such disability may be congenital or caused by an accident. Disability can also be a consequence of a chronic disease.

Sources:

Guidance: <https://tyosuojelu.fi/en/employment-relationship/non-discrimination/disability-and-adjustments>

Constitution of Finland (unofficial English translation): [Ministry of Justice, Finland](#)

Non-Discrimination Act (unofficial English translation): <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/101088/FIN101088English.pdf>

2. Are there different definitions for disability at a state, provincial or local level?

No. We are not aware of applicable definitions for disability at a state, provincial or local level.

3. Do these definitions include mental health?

The legislation itself does not define “disability.” However, there is guidance from the Finnish Occupational Safety and Health Administration (*Työsuojelu*) that a “disabled person” is a person with a permanent physical, mental, intellectual or sensory impairment that may prevent them from participating in working life fully and effectively, equally with other workers. Such disability may be congenital or caused by an accident. Disability can also be a consequence of a chronic disease.

Mental health issues appear to be captured by the inclusion of “mental, intellectual or sensory impairment”. That said, we did not locate any guidance further elaborating these terms.

More details on the legislation and guidance are available in the response to question 1.

Sources:

Guidance: <https://tyosuojelu.fi/en/employment-relationship/non-discrimination/disability-and-adjustments>

Constitution of Finland (unofficial English translation): [Ministry of Justice, Finland](#)

Non-Discrimination Act (unofficial English translation):

<https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/101088/FIN101088English.pdf>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Possibly. Neurodivergent conditions are not named explicitly in Finnish law, but they are recognised as potential mental or intellectual impairments if they cause a substantial and long-term effect on a person’s ability to function independently or participate fully in daily life. The key factor is not the diagnosis, but the practical impact of the condition. This means that many neurodivergent individuals are legally protected, even if they do not identify as disabled.

In Finland, disability rights are primarily governed by the Non-Discrimination Act (1325/2014) and the Disability Services and Support Act (380/1987). These laws apply across all regions of Finland and are supported by Finland’s

ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD).

Under the Non-Discrimination Act, a person is considered to have a disability if they have a long-term physical, mental, intellectual, or sensory impairment that, when interacting with various barriers, hinders their full participation in society. The law requires employers, schools, and service providers to avoid discrimination and to provide reasonable accommodations for individuals who meet this definition.

Neurodivergent conditions such as autism, ADHD, dyslexia, dyspraxia, and Tourette's syndrome may fall within this definition if they cause substantial and long-term difficulties in daily functioning, learning, communication, or social interaction.

Legal protection is not automatic. An individual may not be covered if the condition is mild, temporary, or does not create meaningful barriers to participation in work or everyday life. The deciding factor is not the diagnosis itself, but the functional impact of the condition on the person's ability to participate equally.

Employers and public bodies are required to make changes where necessary, such as offering flexible schedules, adjusting communication methods, or modifying job roles. These are known as reasonable accommodations, and failure to provide them may amount to unlawful discrimination.

If a person meets the legal definition of disability, they are entitled to equal treatment, protection from discrimination, and individualised support in education, employment, and public services.

Sources:

Non-Discrimination Act (1325/2014), Finland:
<https://www.finlex.fi/en/laki/kaannokset/2014/en20141325>

Disability Services and Support Act (380/1987), Finland:
<https://www.finlex.fi/en/laki/kaannokset/1987/en19870380>

Ministry of Social Affairs and Health, Finland – Rights and Services for Persons with Disabilities:
<https://stm.fi/en/services-for-persons-with-disabilities>

UN Convention on the Rights of Persons with Disabilities (CRPD), Ratified by Finland in 2016:
<https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

Finnish Institute for Health and Welfare (THL) – Disability Services Overview:
<https://thl.fi/en/web/disability>

Yle News. (2021). "Sharp rise in ADHD-linked disability support for children":

<https://yle.fi/news/3-11898176>

5. Are there specific disability employment laws for certain industries or sectors?

In general, there are no specific disability employment laws for certain industries or sectors and there are no sectors where disabled individuals are legally prohibited from employment.

However, Section 12 of the Non-Discrimination Act (1325/2014) permits justifications for different treatment at work and in employing personnel which may impact disabled individuals, for example different treatment may be justified if the treatment has a basis, takes into account job performance requirements, and the treatment is proportional.

Sources:

https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=101088#:~:text=The%20purpose%20of%20the%20Act,1%20Purpose%20of%20the%20Act.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Currently, in Finland it is not a legal requirement for employers to have disability quotas when it comes to recruiting for employees.

Sources:

https://disabilityin.org/country/finland/?utm_source=chatgpt.com

What are Disability Quota Systems? – Tonio Axisa

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

A.M.V. v Finland

In this case, a man in Finland with an intellectual disability wanted to move to live with his former foster family in another part of the country. He had lived with them before and clearly said he wanted to live with them again. However, the Finnish authorities decided he could not move. They believed he did not fully understand what moving would mean for his care and well-being. The courts in Finland agreed with this and said that staying where he was would be safer and better for his long-term support.

The case was taken to the European Court of Human Rights. The man argued that not allowing him to move violated his rights to family life and freedom of movement. The Court accepted that his rights were affected but said that the Finnish authorities had considered his situation carefully. They looked at medical advice, his support needs, and his safety. The Court decided that Finland had acted within its rights and had not violated the law.

In short, the Court ruled that it was not a human rights violation to stop him from moving, because the decision was made to protect his health and support needs.

Source:

<https://strasbourgobservers.com/2017/05/10/a-m-v-v-finland-independent-living-a-bridge-too-far-for-the-european-court-of-human-rights/>

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France

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Article 114 of the Disability Law No. 2005-102 (Equal Rights and Opportunities, Participation and Citizenship of Persons with Disabilities) defines disability as “any limitation of activity or restriction of participation in life in society suffered by a person in his or her environment due to a substantial, lasting or permanent alteration of one or more physical, sensory, mental, cognitive or psychological functions, a multiple disability or a disabling health disorder.”

(**Source:** [Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées \(1\) - Légifrance](#) ; [Article L114 - Code de l'action sociale et des familles - Légifrance](#))

This definition is used to determine eligibility for various protections and benefits, including employment-related rights. French law requires employers with 20 or more employees to employ workers with disabilities constituting at least 6% of their workforce. If they fail to meet this quota, employers are required to contribute financially to Agefiph, a national fund that supports the employment of people with disabilities.

(**Source:** [The French law on disabled persons | Atousante - Health at work in France](#))

Further, ‘Disabled workers’ are legally defined by Article L. 5213-1 of the French Labor Code as: “any person whose ability to obtain or retain employment is effectively reduced as a result of impairment of one or more physical, sensory, mental, or psychological functions.”

(**Source:** [Article L5213-1 - Code du travail - Légifrance](#))

2. Are there different definitions for disability at a state, provincial or local level?

- National Definition: “Any person who has a lasting limitation of one or more physical, sensory, mental, cognitive or psychological functions, a multiple disability or a disabling health disorder.”

- Definition is mostly governed at the national level.
- Definition is used consistently across the country for purposes such as employment quotas, accessibility standards, and social support services.
- Local authorities implement support services under the national legal framework using national definitions to do so.
- France ratified the Convention on the Rights of Persons with Disabilities (December 12, 2006) where Article includes a description of persons with disabilities: “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.”

links for no. 2 [Accueil - Ministère de la santé et de l'accès aux soins](#); [Article L114 - Code de l'action sociale et des familles - Légifrance](#); [Labour & Employment law France | L&E Global](#)

3. Do these definitions include mental health?

A disability, within the meaning of this law, is any limitation of activity or restriction of participation in life in society suffered in their environment by a person due to a substantial, lasting or permanent impairment of one or more physical, sensory, *mental*, cognitive or psychological functions, a multiple disability or a disabling health disorder.

(**Source:** [Article L114 - Code de l'action sociale et des familles - Légifrance](#)) - [refer **italics and bold**]

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, A disability, within the meaning of this law, is any limitation of activity or restriction of participation in social life experienced by a person in their environment due to a substantial, lasting, or permanent impairment of one or more physical, **sensory**, mental, **cognitive**, or **psychological functions**, a multiple disability, or a disabling health condition. (**Source:** [Article L114 - Code de l'action sociale et des familles - Légifrance](#)) - [refer **italics and bold**]

5. Are there specific disability employment laws for certain industries or sectors?

No, France does not have sector-specific measures and laws that support the employment of persons with disabilities. The core legal framework applies broadly across all industries:

Law No. 2005-102 and Article L. 5213-1 of the French Labor Code define disability and mandate workplace accommodations. French law requires employers with 20 or more employees to employ workers with disabilities constituting at least 6% of their workforce or pay a contribution to Agefiph, the national fund supporting disability employment.

(**Sources:** [Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées \(1\) - Légifrance](#) ; [Article L114 - Code de l'action sociale et des familles - Légifrance](#))

There are several ways in which French employers can comply with their obligations under French law: (i) by hiring disabled workers directly, (ii) by subcontracting work to sheltered companies, or (iii) by paying a financial contribution to Agefiph, the national fund supporting disability employment.

Disability-friendly companies (*entreprises adaptées*): Some companies are specifically designed to employ people with disabilities. These “disability-friendly companies” are subject to ordinary labor laws but are required to have at least 55% of their employees with disabilities, with 80% of their production staff being disabled in some cases.

(**Source:** [Report on the employment of disabled people in European countries](#) ; [Adapted employment in France: Facing the challenges of disability, what are the prospects?](#) ; [Adapted companies \(EA\) and adapted temporary work companies \(EATT\)](#))

6. Are there employment quotas for employers with respect to hiring people with disabilities?

- Employers with 20+ employees are required to have least 6% of their workforce represented by people with disabilities. If they do not comply with this requirement, they are required to pay a contribution to Agefiph, the national fund supporting disability employment

(*Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées*).

- Agefiph uses penalty-based contributions to fund programs supporting people with disabilities. The mandated contributions are calculated based on the following factors: (i) the number of disabled workers the company is short of, (ii) a coefficient which depends on the size of the company's workforce and (iii) the current hourly gross minimum wage in France.

[L'obligation d'emploi des travailleurs handicapés \(OETH\) | Travail-emploi.gouv.fr | Ministère du Travail et des Solidarités](#); [Employment of people with disabilities](#); Primary Law: *Loi n° 2005-102 du 11 février 2005* (Law for Equal Rights and Opportunities, Participation and Citizenship of Persons with Disabilities).

Key Article: Article L.5212-2 of the French Labor Code outlines the OETH (*Obligation d'emploi des travailleurs handicapés*).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

- *Cour de cassation sociale, 15 mai 2024, n° 22-11.652:*
- This recent ruling highlights the importance of distinguishing between a breach of the obligation to reclassify and discrimination in hiring or at work. It reiterates that employees must present factual evidence suggesting discrimination, and that employers must prove that no discrimination has taken place. This ruling also emphasizes the need for employers to scrupulously comply with their reasonable accommodation obligations (**Source:** [Cour de cassation, civile, Chambre sociale, 15 mai 2024, 22-11.652, Publié au bulletin - Légifrance](#))

Article about history of related cases: [Licenciement pour inaptitude du travailleur handicapé : de nouvelles précisions sur l'obligation d'aménagement raisonnable | Lexbase](#)

See especially the following sections about the duty of employers to provide reasonable accommodation to employees with disabilities:

II.A. Des précisions sur l'effort « d'accommodement » de l'employeur

II.B. Des précisions sur l'effort « d'accommodement » de l'employeur

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Gabon

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the definition is “Disability: A lasting physical, mental, intellectual, or sensory impairment whose interaction with various barriers may hinder full and effective participation in society on the basis of equality among citizens.”

Translated from French

Source: Gabon Code of Protection Sociale 2017, article 4 (<https://www.droit-afrique.com/uploads/Gabon-Code-2017-protection-sociale.pdf>)

2. Are there different definitions for disability at a state, provincial or local level?

There are no indications that any subdivisions of Gabon have a separate set of definitions different from the national laws referenced in Question 1. There are nine provinces in Gabon, however Gabon is a unitary state and legal authority is centralized at the national level.

Source:

<https://www.nyulawglobal.org/globalex/gabon.html>

<https://www.iijd.org/wp-content/uploads/2021/06/Gabon.pdf>

3. Do these definitions include mental health?

Yes, these definitions do include mental health.

Article 4 of the Code de Protection Sociale and Article 197 of the Code du Travail

Source (in French): <https://www.droit-afrique.com/uploads/Gabon-Code-2017-protection-sociale.pdf> and <https://journal-officiel.ga/code-du-travail>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, because the definition in the Code de Protection Sociale is broad enough and refers to both physical and mental disability.

Source: Gabon Code of Protection Sociale 2017, article 4 (<https://www.droit-afrique.com/uploads/Gabon-Code-2017-protection-sociale.pdf%20and%20https://journal-officiel.ga/code-du-travail>)

5. Are there specific disability employment laws for certain industries or sectors?

Health and safety provisions in the Labor Code include special measures for particular occupations, but these are not disability-specific (see Art 259 of the Labour Code).

There do not appear to be any other industry-specific disability employment laws.

Source:

[Gabon - Loi n°022/2021 du 19 novembre 2021 portant Code du Travail en Republique Gabonaise](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, private companies with at least 40 employees are required to ensure at least 2.5% of the workforce consists of people with disabilities

Source: Article 181 of the 1994 Labour Code, which was later amended by Law n°12/2000 <https://www.droit-afrique.com/upload/doc/gabon/Gabon-Code-1994-travail-MAJ-2000.pdf>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No case law indexing system for the review of case law. Unable to confirm.

Other relevant information

In August 2025, Gabon's Ministry of Social Affairs and Inclusion (Ministre des Affaires Sociales et de l'Inclusion) created the National Committee for the Integration of People with Disabilities (CNIPH) (Comité National d'Insertion des Personnes Handicapées (CNIPH)). CNIPH had its inaugural meeting on August 12 and several initiatives were identified, including employer awareness campaigns and better training and enforcement initiatives so developments from this National Committee are something to monitor.

[\(https://www.famille.gouv.ga/273-presse/274-actualites/1879-ouverture-des-assises-du-cniph-sous-legide-du-ministere-des-affaires-sociales-et-de-linclusion/\)](https://www.famille.gouv.ga/273-presse/274-actualites/1879-ouverture-des-assises-du-cniph-sous-legide-du-ministere-des-affaires-sociales-et-de-linclusion/)

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Gambia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

[Gambia's Constitution link:](#)

In The Gambia's two key statutes the term "disability" is explicitly defined for employment-protection purposes:

- Persons with Disabilities Bill, 2020 (Section 2 – Interpretation)
 - "Disability includes having long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others."
 - "Person with a Disability" means someone with a physical, intellectual, sensory or mental impairment whose functional capacity is limited by attitudinal, environmental and institutional barriers.
- Labour Act, 2023 (Section 2 – Interpretation)
 - "Disability, in relation to an individual, means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person's social and economic participation."

These definitions form the foundation for the employment-protection provisions in Part X of the Labour Act and the employment-and-work-protection sections of the PWDs Bill.

Yes. Under The Gambia's Persons with Disabilities Act, 2021, (link below) the law explicitly defines "disability" for the purposes of accessing protections (including employment):

Definition of Disability

"Disability" means physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others. The Act further clarifies that an impairment

must amount to a substantial functional limitation of daily life activities or have a long-term effect on the person. Certification is made in consultation with a medical officer and relevant organisations of persons with disabilities [unprpd.org] ([PERSONS WITH DISABILITIES BILL, 2020](#))

This statutory definition underpins all employment-related benefits and quota obligations set out in the Act.

Source:

[Persons with Disabilities Bill Final Draft \(2020\)](#)

[Natlex.ilo.org - Labour Act 2023](#)

2. Are there different definitions for disability at a state, provincial or local level?

In Gambia's unitary system there are no separate "province-level" or "municipality-level" definitions – the national definitions apply across all regions and local councils.

State (National) Level Persons with Disabilities Act, 2021

- Defines "disability" as "physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others."
- Defines "person with a disability" as one whose "functional capacity is limited by encountering attitudinal, environmental and institutional barriers." Persons with Disabilities Act 2021 (GAMNA) [Persons with Disabilities Bill Final Draft \(2020\)](#).
- [unprpd.org] ([PERSONS WITH DISABILITIES BILL, 2020](#))

Labour Act, 2023

- Defines "disability" in the employment context as "a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person's social and economic participation." Labour Act 2023 (Ministry of Trade, Industry & Employment) [Natlex.ilo.org - Labour Act 2023](#)

Status of Disability and Employment Laws Around the World

Constitution of The Gambia, 1997

- Section 31(1)(d) and Section 33 prohibit discrimination on the ground of “disability,” guaranteeing equal opportunity in employment, education and public services. Constitution of the Republic of The Gambia (HRLibrary) <https://hrlibrary.umn.edu/research/gambia-constitution.pdf>

Provincial & Local Levels

There are no distinct regional (“provincial”) or municipal legal definitions of disability in employment. All administrative regions and Local Government Authorities must use the definitions set out in the national Persons with Disabilities Act and Labour Act.

Under Part VII of the Persons with Disabilities Act, Local Government Authorities are tasked with implementing programmes and policies for persons with disabilities, but they do so using the uniform, national definition.

In short, The Gambia’s legal framework for employment uses a single, nationwide definition of disability—enshrined in the Persons with Disabilities Act 2021 and reinforced by the Labour Act 2023 and the Constitution—and applies it at national, regional and local levels.

Source:

[Country and territory profiles - SNG-WOFI - THE GAMBIA - AFRICA](#)

3. Do these definitions include mental health?

Gambia recognizes disabilities involving mental health issues in its national PERSONS WITH DISABILITIES BILL, 2020. Specifically, the 2020 bill law defines “Mental Disability” as “a transient or chronic disability that significantly affects how a person feels, thinks, behaves, and interacts with other people but also initiates, develops and sustains mutually satisfying personal relationships.”

[Persons with Disabilities Bill Final Draft \(2020\).](#)

This is also the definition in the 2021 Act, as per a U.N. report: [unprpd.org] ([PERSONS WITH DISABILITIES BILL, 2020](#)).

The concept of “mental health” is also embedded in the following two definitions found in the law:

- “Disability”: “includes having long-term physical, mental, Intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with other.”
- “Person with a Disability”: “means a person with a physical, intellectual sensory or mental impairment and whose functional capacity is limited by encountering attitudinal, environmental and institutional barriers.”
- Persons with Disabilities Bill Final Draft (2020).

While the Constitution provides for Disability Rights, it does not actually define disability. <https://hrlibrary.umn.edu/research/gambia-constitution.pdf>

There is also a sector specific law for the employment context which includes mental health. This law provides for rights of workers with disabilities, including disabilities involving mental health. The Labour Act of 2023. This applies to recruiting, hiring, apprenticeship, employers and employees. In the law, “disability” is defined “in relation to an individual, means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person’s social and economic participation.” [Natlex.ilo.org - Labour Act 2023](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Below recap from the Gambia Constitution: <https://hrlibrary.umn.edu/research/gambia-constitution.pdf><https://hrlibrary.umn.edu/research/gambia-constitution.pdf>

Yes. Neither law tries to narrowly confine “disability” to physical or strictly medical conditions. Both definitions explicitly cover “mental” and “intellectual” impairments and, in the Labour Act, even call out “learning ... incapability.” That broad framing means neuro-developmental conditions such as dyslexia, autism, ADHD or dyspraxia fall within the statutory term “disability,” provided they are long-term and

Status of Disability and Employment Laws Around the World

substantially limit a person's full and equal social or economic participation.

Link to the Disabilities Bill, 2020: Persons with Disabilities Bill Final Draft (2020).

The Gambia's Persons with Disabilities Act, 2021 uses broad category-based language—"physical, mental, intellectual or sensory impairments which ... may hinder full and effective participation in society"—to define disability. It does not enumerate specific diagnoses (dyslexia, autism, ADHD, dyspraxia, etc.), but by including both "mental" and "intellectual" impairments those neuro-developmental conditions would fall within its scope, provided they:

1. Constitute a substantial, long-term functional limitation in daily life activities; and
2. Are certified by a medical officer (in consultation with organizations of persons with disabilities) as meeting the Act's impairment threshold.

In short, neurodiverse conditions are not singled out by name but are captured under the Act's "mental ... impairment" and "intellectual ... impairment" definitions [unprpd.org] ([PERSONS WITH DISABILITIES BILL, 2020](#)).

Yes. The Persons with Disabilities Bill, 2020 explicitly defines "disability" (and "person with a disability") in its Interpretation section, which applies throughout—including the employment-protection provisions in Part XII.

Definition of "Disability" (Section 2) "Disability" includes having long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.

Definition of "Person with a Disability" (Section 2) "Person with a Disability" means a person with a physical, intellectual, sensory or mental impairment and whose functional capacity is limited by encountering attitudinal, environmental and institutional barriers.

5. Are there specific disability employment laws for certain industries or sectors?

<https://hrlibrary.umn.edu/research/gambia-constitution.pdf>

No. Neither the PWDs Bill 2020 nor the Labour Act spin off separate disability-employment regimes for particular industries. Both apply their definitions and protections across all covered employers and sectors (aside from the general carve-outs in the Labour Act for the Civil Service, Armed Forces and other disciplined services).

The only sector-tailored mechanism sits inside the Labour Act's industrial-relations chapter: each Joint Industrial Council (e.g. commerce, transport, ports, agriculture/fisheries) may grant "special terms for persons with disabilities" permits, allowing employment at a rate below the sector's normal minimum wage where an individual's impairment makes standard terms untenable (Labour Act 2023, § 155). But this operates as a uniform collective-bargaining tool, not as a distinct statutory regime per industry.

[Persons with Disabilities Bill Final Draft \(2020\).](#)

<https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5eed15507067530416068565/1592595794781/PWDs+Bill%2C+2020.pdf>

[Natlex.ilo.org - Labour Act 2023](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Under Gambian law, employers are legally required to reserve a fixed share of jobs for persons with disabilities:

Under the Persons with Disabilities Act (2021), Gambian law does require employers to reserve a portion of their workforce for persons with disabilities—but it does not itself fix the percentage. Instead:

- Section 37) of the Act directs the Minister (in consultation with the Minister of Labour) to determine, by statutory instrument, "the quota of persons with disabilities in an employer's workforce" and to issue regulations obliging every employer to meet that quota.
- The primary Act therefore creates the quota-system framework but leaves the exact hiring ratio to a subsequent ministerial regulation (statutory instrument), which, so far, has not been publicly released.

In practice, then, there is a legal mandate to have a disability-hiring quota, but no nationwide, legally

binding percentage is yet on the books. Enforcement and uptake have been uneven in the absence of the detailed regulations.

- The Persons with Disabilities Act, 2021—Section 37 empowers the Minister (in consultation with the Minister of Labour) to set, by statutory instrument, a “quota of persons with disabilities in an employer’s workforce” and to make regulations obliging every employer to fill that quota Persons with Disabilities Act 2021 [Persons with Disabilities Bill Final Draft \(2020\)](#).
- Although the law is clear, successive reports note that enforcement has been uneven and many employers still fall short of the required disability-hiring quotas Foroyaa: “Gambia failing to meet disability-quota targets”. <https://foroyaa.net/gambia-faces-ongoing-disability-inclusion-challenges-despite-legal-advances/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No reported Gambian court decisions currently serve as landmark precedents in disability employment law. Instead, The Gambia’s legal framework is driven almost entirely by legislation (the Constitution, the Labour Act and, most recently, the Persons with Disabilities Act 2021) and by the UN CRPD which the country has ratified. There are no published High Court or Supreme Court rulings that have “shaped” disability hiring quotas or discrimination standards in the way that case law has in some other jurisdictions. In practice, gaps in enforcement and implementation have been addressed through policy directives and secondary regulations rather than through judicial interpretation.

The Constitution empowers the High Court to hear and enforce the fundamental rights of all individuals in the country. Persons with disabilities whose rights are violated can bring a claim to the High Court. Not a single disability-focused claim has been brought to date.

https://unprpd.org/new/wp-content/uploads/2023/12/Situation_Analysis_CountryBrief_The_Gambia-f1a.pdf

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Germany

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes.

A person is considered disabled in German Employment law if

- their physical, mental or psychological health deviates from the typical condition for their age for more than 6 months
- their condition makes it harder for them to take part in everyday life, especially at work.

The phrase 'typical condition' considers what's normal for someone of that age. For example:

- If a 70-year-old has mild joint pain, that might be normal.
- But if a 30-year-old has the same issue and it affects their ability to work, it could be seen as a disability.

This is checked through assessments:

- Medical Check: A doctor examines the person's condition.
- Impact on Life: They look at how the condition affects things like working, learning, or socialising.
- Severity Rating: As a general rule, it is not necessary for a person with disabilities to have been assessed as having a specific degree of disability. The government gives a score (called GdB) from 20 to 100. A score of 50 or more means the person is "severely disabled" and gets extra protection at work

Protection at work: Under German Law Employers are required to have a special body within the company to represent persons with severe disabilities (*Schwerbehindertenvertretung*).

Sources:

Social Code Book IX ([SGB IX](#)), section 2 (§ 2 SGB IX - Individual provision)

Social Code Book IX (SGB IX), section 176 (SchwbG) ([§ 176 SGB IX - Individual provision](#))

General Equal Treatment Act (AGG) ([Antidiskriminierungsstelle - General Equal Treatment Act](#))

2. Are there different definitions for disability at a state, provincial or local level?

Each state in Germany (*Bundesland*) has enacted an act on inclusion and equality of people with disabilities. While the nomenclature of the acts and the definition of disability in these acts differ (only very) slightly, they are all based on and stay very close to the definition used in the framework of SGB IX on a federal level. The state regulations implement and, in some aspects, supplement the federal requirements at the state level.

The same holds true on a city level: While city level regulations exist, they typically implement or supplement federal/state laws rather than create entirely separate legal regimes.

Below is a list of all state laws referencing the relevant law and the definition of disability (with source reference):

Baden-Württemberg:

Landesgesetz zur Gleichstellung von Menschen mit Behinderungen §3(1): "Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können."

[Landesrecht BW - L-BGG | Landesnorm Baden-Württemberg | Landesgesetz zur Gleichstellung von Menschen mit Behinderungen ... | gültig ab: 01.01.2015](#)

Bayern:

Bayerisches Behindertengleichstellungsgesetz Art. 2 Abs. 1: Menschen mit Behinderung im Sinn dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder

Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit von außen wirkenden Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft hindern können. 2Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[BayBGG: Abschnitt 1 Allgemeine Bestimmungen \(Art. 1–8\) - Bürgerservice](#)

Berlin:

Gesetz über die Gleichberechtigung von Menschen mit und ohne Behinderungen §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, intellektuelle oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt in der Regel ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Gesetz über die Gleichberechtigung von Menschen mit und ohne Behinderungen \(Landesgleichberechtigungsgesetz - LGBG\) - Berlin.de](#)

Brandenburg:

Gesetz des Landes Brandenburg zur Gleichstellung von Menschen mit Behinderungen §3(1): Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft hindern können.

[Gesetz des Landes Brandenburg zur Gleichstellung von Menschen mit Behinderungen \(Brandenburgisches Behindertengleichstellungsgesetz - BbgBGG\)](#)

Bremen:

Bremisches Behindertengleichstellungsgesetz (BremBGG) §4: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, die sie in Wechselwirkung mit einstellungs- und

umweltbedingten Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft mit hoher Wahrscheinlichkeit länger als sechs Monate hindern können.

[Bremisches Behindertengleichstellungsgesetz \(BremBGG\) vom 18. Dezember 2018 - Transparenzportal Bremen](#)

Hamburg:

Hamburgisches Gesetz zur Gleichstellung von Menschen mit Behinderungen §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Hamburg - § 3 HmbBGG | Landesnorm Hamburg | Behinderung | § 3 - Behinderung | gültig ab: 08.01.2020](#)

Hessen:

Hessisches Gesetz zur Gleichstellung von Menschen mit Behinderungen §2: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt in der Regel ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Bürgerservice Hessenrecht - § 2 HessBGG | Landesnorm Hessen | Menschen mit Behinderungen | § 2 - Menschen mit Behinderungen | gültig ab: 03.07.2019](#)

Mecklenburg-Vorpommern:

Gesetz zur Gleichstellung, gleichberechtigten Teilhabe und Integration von Menschen mit Behinderungen §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristig körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der

gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauern wird.

[Mecklenburg-Vorpommern - § 3 LBGG M-V | Landesnorm Mecklenburg-Vorpommern | Menschen mit Behinderungen | § 3 - Menschen mit Behinderungen | gültig ab: 05.06.2021](#)

Niedersachsen:

Niedersächsisches Behindertengleichstellungsgesetz (NBGG) §2(2): Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische oder geistige Beeinträchtigungen oder Sinnesbeeinträchtigungen haben, die sie in Wechselwirkung mit verschiedenen, insbesondere einstellungs- und umweltbedingten Barrieren an der vollen und wirksamen Teilhabe am Leben in der Gesellschaft auf gleichberechtigter Grundlage mit anderen hindern können. 2Langfristig ist ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Niedersächsisches Behindertengleichstellungsgesetz \(NBGG\) | Nds. Ministerium für Soziales, Arbeit, Gesundheit und Gleichstellung](#)

Nordrhein-Westfalen:

Inklusionsgrundsatzgesetz Nordrhein-Westfalen (IGG NRW) §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit verschiedenen Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt in der Regel ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[SGV § 3 Menschen mit Behinderungen | RECHT.NRW.DE](#)

Rheinland-Pfalz:

Landesgesetz zur Gleichstellung, Inklusion und Teilhabe von Menschen mit Behinderungen §3(1): Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, die sie in

Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft mit hoher Wahrscheinlichkeit länger als sechs Monate hindern können.

[Landesrecht Rheinland-Pfalz](#)

Saarland:

Gesetz Nr. 1541 zur Gleichstellung von Menschen mit Behinderungen im Saarland §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Bürgerservice Saarland](#)

Sachsen:

Sächsisches Inklusionsgesetz §2: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der gleichberechtigten Teilhabe am Leben in der Gesellschaft hindern können. 2Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[REVOSax Landesrecht Sachsen - Sächsisches Inklusionsgesetz – SächsInklusG](#)

Sachsen-Anhalt:

Gesetz des Landes Sachsen-Anhalt §2: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen mit nicht nur vorübergehenden körperlichen, seelischen, geistigen oder Sinnesbeeinträchtigungen, die sie in Wechselwirkung mit verschiedenen Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe am Leben in der Gesellschaft hindern können. Als nicht nur vorübergehend gilt ein Zeitraum von mehr als sechs Monaten. zur Gleichstellung von Menschen mit Behinderungen

[Landesrecht Sachsen-Anhalt](#)

Schleswig-Holstein:

Gesetz zur Gleichstellung von Menschen mit Behinderungen in Schleswig-Holstein §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollständigen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Schleswig-Holstein - LBGG | Landesnorm Schleswig-Holstein | Gesetz zur Gleichstellung von Menschen mit Behinderungen in Schleswig-Holstein ... | gültig ab: 15.04.2022](#)

Thüringen:

Thüringer Gesetz zur Inklusion und Gleichstellung von Menschen mit Behinderungen (ThürGIG) §3: Menschen mit Behinderungen im Sinne dieses Gesetzes sind Menschen, die langfristige körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, welche sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der vollen, wirksamen und gleichberechtigten Teilhabe an der Gesellschaft hindern können. Als langfristig gilt ein Zeitraum, der mit hoher Wahrscheinlichkeit länger als sechs Monate andauert.

[Bürgerservice Thüringen - § 3 ThürGIG | Landesnorm Thüringen | Menschen mit Behinderungen | § 3 - Menschen mit Behinderungen | gültig ab: 01.12.2019](#)

3. Do these definitions include mental health?

Yes. Germany's main legal definition of disability — found in Section 2 of the Ninth Book of the Social Code (Sozialgesetzbuch IX, or SGB IX) — explicitly includes “seelische Beeinträchtigungen”, which means *psychological or mental impairments*.

According to § 2 (1) SGB IX, a person has a disability if their physical, mental, intellectual, or psychological health is impaired for longer than six months and this limits their participation in society on an equal basis with others.

This means that mental health conditions—such as depression, anxiety disorders, bipolar disorder,

post-traumatic stress disorder, or schizophrenia—can qualify as disabilities if they substantially and long-term limit a person's ability to work or participate in daily life.

German Text (SGB IX § 2)

§ 2 Begriffsbestimmungen

(1) Menschen mit Behinderungen sind Menschen, die körperliche, seelische, geistige oder Sinnesbeeinträchtigungen haben, die sie in Wechselwirkung mit einstellungs- und umweltbedingten Barrieren an der gleichberechtigten Teilhabe an der Gesellschaft mit hoher Wahrscheinlichkeit länger als sechs Monate hindern können. Eine Beeinträchtigung nach Satz 1 liegt vor, wenn der Körper- und Gesundheitszustand von dem für das Lebensalter typischen Zustand abweicht. Menschen sind von Behinderung bedroht, wenn eine Beeinträchtigung nach Satz 1 zu erwarten ist.

(2) Menschen sind im Sinne des Teils 3 schwerbehindert, wenn bei ihnen ein Grad der Behinderung von wenigstens 50 vorliegt und sie ihren Wohnsitz, ihren gewöhnlichen Aufenthalt oder ihre Beschäftigung auf einem Arbeitsplatz im Sinne des § 156 rechtmäßig im Geltungsbereich dieses Gesetzbuches haben.

(3) Schwerbehinderten Menschen gleichgestellt werden sollen Menschen mit Behinderungen mit einem Grad der Behinderung von weniger als 50, aber wenigstens 30, bei denen die übrigen Voraussetzungen des Absatzes 2 vorliegen, wenn sie infolge ihrer Behinderung ohne die Gleichstellung einen geeigneten Arbeitsplatz im Sinne des § 156 nicht erlangen oder nicht behalten können (gleichgestellte behinderte Menschen).

*(Footnote: zur Anwendung vgl. § 211 Abs. 3) *

Working English Translation (non-official) — § 2 SGB IX

Section 2 – Definitions

(1) Persons with disabilities are those who have physical, mental, intellectual, or sensory impairments which, in interaction with attitudinal and environmental barriers, are likely to hinder their full and equal participation in society for more than six months. An impairment exists if the bodily or health condition deviates from what is typical for the relevant life stage. Persons are

threatened by disability if such an impairment is expected to occur.

(2) Persons are to be regarded as severely disabled (in the sense of Part 3 of this Book) if they have a degree of disability (Grad der Behinderung, GdB) of at least 50, and they lawfully have their residence, habitual abode or employment in a workplace within the scope of this Book.

(3) Persons with disabilities whose degree of disability is less than 50 but at least 30 shall be treated as though they were severely disabled (*gleichgestellte behinderte Menschen*) if, by virtue of their disability, they are unable without this equalization to obtain or keep a suitable job (in the sense of § 156), and if the other prerequisites of paragraph (2) are met.

Sources:

[Social Code – Bug e.V.;](#)

[§ 2 SGB IX Begriffsbestimmungen](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Although neurodiversity is not specifically mentioned in the definition of persons with disability, such definition includes mental and intellectual impairments, which covers autism spectrum disorder, attention deficit hyperactivity disorder, and learning disabilities.

Source: [SGB IX - Sozialgesetzbuch Neuntes Buch – Rehabilitation und Teilhabe von Menschen mit Behinderungen – \(Artikel 1 des Gesetzes v. 23. Dezember 2016, BGBl. I S. 3234\)](#)

Further information on what protections are provided can be found in the SGB IX (linked above), the General Act on Equal Treatment [General Act on Equal Treatment \(Allgemeines Gleichbehandlungsgesetz – AGG\)](#), and the Bundesteilhabegesetz [Bundesteilhabegesetz - BMAS](#).

5. Are there specific disability employment laws for certain industries or sectors?

While the core laws apply across sectors, public sector employers and larger private companies often have additional obligations:

Public Sector:

- Must ensure barrier-free access to buildings, transportation, and digital services.
- Often subject to stricter oversight and must lead by example in inclusive hiring.

Companies with ≥5 Severely Disabled Employees:

- Must allow the election of a representative body for severely disabled employees.
- Must appoint an Inclusion Officer to liaise with this body.

Industries with Physical Demands (e.g., manufacturing, logistics):

- May need to make significant physical accommodations (e.g., ramps, adapted machinery).
- Can apply for government subsidies to offset costs.

Education & Healthcare:

- Often have special inclusion programs and may be involved in vocational training for disabled individuals.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, employers (in the public and private sectors) with 20 or more employees are required by law to ensure that at least 5% of their workforce consists of people with severe disabilities. Also, severely disabled women must be given special consideration in this context.

By way of derogation to the above, employers with an annual average of less than 40 jobs per month must employ one severely disabled person per month on an annual average, and employers with an annual average of less than 60 jobs per month must employ two severely disabled persons per month on an annual average.

German Law provides detailed rules for calculation. If employers do not meet quota, they must pay a fine for each unfilled mandatory position.

Source: See SGB IX, Teil 3, Kapitel 2, § 155-162 — [SGB IX - Sozialgesetzbuch Neuntes Buch – Rehabilitation und Teilhabe von Menschen mit Behinderungen – \(Artikel 1 des Gesetzes v. 23. Dezember 2016, BGBl. I S. 3234\)](#)

As part of meeting the legal requirement to employ severely disabled persons, employers must also make sure that certain special groups of severely disabled persons are included in their workforce in a reasonable proportion. Severely disabled persons who are particularly affected in working life due to the nature or severity of their disability are those:

- a) who, due to their disability, require a special assistant for employment on a more than temporary basis, or
- b) whose employment, due to their disability, involves extraordinary expenses for the employer on a more than temporary basis, or
- c) who, due to their disability, can obviously provide only significantly reduced work performance on a more than temporary basis, or
- d) who have a degree of disability of at least 50 solely as a result of intellectual or mental disability or an epileptic condition, or
- e) who, due to the nature or severity of their disability, do not have completed vocational training within the meaning of the Vocational Training Act. Severely disabled persons who have reached the age of 50.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Notable Legal Cases

1. [Bundesarbeitsgericht \(Federal Labor Court\), 7 March 2003 – 2 AZR 612/00](#)

Summary: An employee suffering from severe intestinal illness informed his employer of his condition and intention to apply for disability status. The employer dismissed him before the disability application was submitted. The employee later received recognition of a 100% disability retroactively.

The court held that special dismissal protection under §15 SchwbG applies if the employee has

either already received recognition of disability or has applied for it before the dismissal.

Exceptionally, protection may apply even before the application if the employer was informed of the disability and the intent to apply.

Impact:

- Strengthened protections for disabled employees by recognizing pre-application awareness as a valid basis for dismissal protection.
- Emphasized the employer's duty to consider disability status even if not yet formally recognized.

2. [Bundessozialgericht \(Federal Social Court\), 9 April 1997 – 9 RVs 4/95](#)

Summary: This case concerns the degree of disability (GdB) to be assigned to the plaintiff (employee) under the Severely Disabled Persons Act (SchwbG). Initially, the defendant (employer) recognized spinal and nerve damage as a disability and set the GdB at 30. However, after consulting medical experts and reports, the Social Court determined that the plaintiff's condition—degenerative spinal disease with disc damage and post-discotomy syndrome—warranted a GdB of 50 due to severe symptoms and functional limitations. The defendant appealed, arguing that the expert's use of the "Bochum Evaluation Score" was improper and that the established "Indications 1983" should have been the sole assessment standard, contending that a GdB of 30 was sufficient even considering the plaintiff's symptoms.

The court emphasized that each impairment must be individually assessed, and the combined impact must be considered.

Impact: Set a precedent for holistic disability assessment, influencing how benefits and workplace accommodations are determined.

3. [Oberverwaltungsgericht \(Administrative High Court\) of North-Rhine Westphalia, 30 July 1958 – VII A 1458/5a](#)

Summary: This early case laid the groundwork for inclusive employment practices in the public sector. It emphasized that state institutions must

lead by example in integrating disabled individuals into the workforce.

Impact:

- Influenced the development of quota systems and mandatory inclusion policies for public employers.
- Helped shape the later SGB IX provisions on public sector responsibility toward disabled employees.

Other relevant information

German government uses a severity rating for disabilities: Grad der Behinderung (GdB) found in the Federal Commissioner for Disabled Persons (behindertengeauftragter.de)

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Ghana

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

No. Under Persons with Disability Act 2006, disability is not specifically defined. However, *“person with disability” is defined to mean “an individual with a physical, mental or sensory impairment including a visual, hearing or speech functional disability which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual”.*

Source:

Persons with Disability Act 2006:
[https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20\(ACT%20715\).pdf](https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20(ACT%20715).pdf)

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition of *“person with disability”* under Persons with Disability Act 2006 applies nationally.

Source:

Persons with Disability Act 2006:
[https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20\(ACT%20715\).pdf](https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20(ACT%20715).pdf)

3. Do these definitions include mental health?

Yes. Disability is not defined under the Persons with Disability Act 2006. However, the definition of *“person with disability”* includes *“an individual with mental or sensory impairment”*.

Source:

Persons with Disability Act 2006:
[https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20\(ACT%20715\).pdf](https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20(ACT%20715).pdf)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Under the Persons with Disabilities Act 2006, *“person with disability”* is defined to include person with *“sensory impairment including a visual, hearing or speech functional disability”*. This would cover conditions such as dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity.

However, there are no specific definitions or mentions of *“neurodiversity”* or dyslexia, autism, ADHD, dyspraxia etc. in the Persons with Disabilities Act 2006.

Source:

Persons with Disability Act 2006:
[https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20\(ACT%20715\).pdf](https://ir.parliament.gh/bitstream/handle/123456789/1910/PERSONS%20WITH%20DISABILITY%20ACT,%202006%20(ACT%20715).pdf)

5. Are there specific disability employment laws for certain industries or sectors?

No. The Persons with Disabilities Act 2006 does not have specific provisions for particular industries or sectors.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There is no quota system in place for employers in Ghana (both in the private sector and government). Employers are not legally required to hire a specific number or percentage of people with disabilities.

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Greece

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

According to the 2021 Special Report of the Greek Ombudsman on the Rights of Persons with Disabilities, Greece's approach to disability is led by international instruments and, specifically, the UN Convention on the Rights of Persons with Disabilities ("UNCRPD"). Under the UNCRPD, 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.

(https://www.theioi.org/downloads/9n6u9/AMEA_REPORT_ENG_%281%29.pdf)

Greece has implemented several laws to protect the rights of individuals with disabilities.

The most important Greek law on the field of employment was Law 2643/1998 on the Compulsory Placement of Disabled People (Quota system), which defined the quota scheme for the private and the public sector ([Greece | European Blind Union](#)). Under Law 2643/1998, a person with disability was defined as a person with limited possibilities to find work, due to a chronic bodily, mental or psychological disease or impairment (person with special needs), provided that his/her disability reaches a severity of 50% and is registered with the Greek Manpower Employment Organization (OAED) in a special register for unemployed disabled people.

Changes in Law 2643/1998 were enacted with a series of newer laws, that redefined the distribution of working places for people with disabilities – by adding more favourable provisions (e.g. Law 2956/2001, Law 3051/2002, Law 3227/2004). ([Employment Laws and policies in Greece](#))

The Law on the Equal Treatment of Persons with Disabilities (Law 3845/2010) prohibits discrimination based on disability in various areas of life, including education, employment, healthcare, and social services. The Law on the Equal Treatment of Persons with Disabilities also addresses employment discrimination, requiring employers to accommodate the needs of

employees with disabilities. Additionally, the Greek healthcare system provides accessible services to individuals with disabilities, and public buildings and transportation systems are required to be accessible. ([Rights of Special Persons in Greece \(updated\) - DP-HO](#))

According to Law 4443/2016, discrimination based on race, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic disease, age, marital status, sexual orientation, gender identity or characteristics in the field of work and employment is prohibited. ([Principle of Equal Treatment - Ministry of Labour and Social Security](#))

2. Are there different definitions for disability at a state, provincial or local level?

No.

3. Do these definitions include mental health?

Yes, the definition includes mental health.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Although the definition under UNCRPD does not specifically address neurodiversity, Law 5053/2023 is an important legislative initiative promoting the equal inclusion of neurodiverse individuals in the workplace. Such law promotes equal inclusion of neurodiverse individuals in the workplace, particularly for individuals with disabilities, including neurodivergent conditions such as autism, ADHD, dyslexia, and dyspraxia. Among other incentives, the Law includes:

- Tax incentives for businesses hiring neurodiverse individuals
- Reasonable workplace accommodations (flexible hours, quiet environments, sensory supports)
- Employer training on neurodiversity
- Collaboration with NGOs to implement inclusive practices

([Supporting Neurodiversity in the Workplace | WIN - OECON Group](#)) ([WIN BPG EN.pdf](#))

5. Are there specific disability employment laws for certain industries or sectors?

Law 2643/1998 defines the quota scheme for the private and public sectors. See below.

Retail (Kiosks): Disabled individuals may be granted licenses to operate public kiosks, a form of self-employment supported by law (Presidential Decree 37/2009). ([Employment Laws and policies in Greece](#))

Education: Teachers with disabilities may receive accommodations, and inclusive education policies support employment in mainstream schools. ([Rights of Special Persons in Greece, 2024 \(updated\) - DP-HO](#))

Healthcare: Facilities are being retrofitted for accessibility, and disabled healthcare workers are entitled to workplace adjustments. ([Rights of Special Persons in Greece, 2024 \(updated\) - DP-HO](#))

See also Law 5053/2023 mentioned above.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Law 2643/1998 defines the quota scheme for the private and the public sector.

This law forecasts the obligatory placement of individuals from protected social groups to companies of private sector, public enterprises and organizations, but also in public services and local-government bodies, via objective criteria of placement based on age, familial and economic conditions, formal qualifications and percentage of disability. (Note: The “disability percentage” is an official tool intended to represent the extent of disability which also corresponds to different disability entitlements. The percentage is decided by statutory commissions within social security bodies on the basis of medical information for each individual case.)

Under Law 2643/1998, public and private entities employing over 50 employees are required to ensure an employment quota of persons with disabilities (whose disability has been assessed at 50% or over), as well as of the parents, siblings or spouses of persons with disabilities (assessed at 67% or over), totalling 2% and 3 % of overall staff in the public and private sectors respectively.

Vacancies and placements are managed by the Public Employment Service and the Ministry of Labour. Private sector businesses may be excluded under circumstances of limited operation and/or financial loss. In addition, under Law 2643/1998 (Article 3(1)), public services, including local authorities, may exceptionally appoint persons with disabilities without an open call procedure at a 5 % quota of total regular and/or open contract placements.

Law 4440/2016 established a quota of 10% of vacancies advertised in municipalities to be covered by persons with disabilities (assessed at over 50%).

Moreover, wage subsidy programs have periodically been made available by the Public Employment Service. Such programs cover 90% of the total salary cost and apply to both public and private sector businesses employing persons with disability (assessed at 50% or over) who have been registered as unemployed in the past two years.

[Greece | European Blind Union](#)

[Striving for an inclusive labour market in Greece - Publications Office of the EU](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

TM vs Greece (2019) Case was dismissed but it's about difficulties in relation to misdiagnosis and obtaining proper certification

The individual was diagnosed with Asperger syndrome in January 2016 and applied for disability certification in Greece but was instead diagnosed by the KEPA first-degree Health Committee with severe borderline personality disorder at a lower disability rate, excluding her from certain social benefits. She challenged this decision through various administrative and legal avenues, including written objections, complaints to authorities, and legal proceedings, but received no resolution or meaningful response. The author argued that these actions violated multiple articles of the Convention on the Rights of Persons with Disabilities, citing psychological harm, privacy breaches, and exclusion from social security and full societal participation. The State party countered that the author did not exhaust all available domestic remedies, as she did not follow through with the second-degree Health

Committee's procedures or appeal to the administrative courts. The Committee concluded that the communication was inadmissible due to non-exhaustion of domestic remedies, as the individual failed to pursue all required administrative and judicial steps before seeking international recourse.

[TM v. Greece, Decision, 42/2017 \(CRPD, Apr. 02, 2019\)](#)

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Greenland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

In June 2024, Greenland's Parliament (Inatsisartut) passed Inatsisartutlov nr. 36 af 4. juni 2024 om ligestilling og forbud mod diskrimination (Act on Equality and Prohibition Against Discrimination).

While the 2024 law does not include an explicit definition of disability, Greenland is bound by the UN Convention on the Rights of Persons with Disabilities (CRPD), which Denmark ratified in 2009 and extends to Greenland. The CRPD defines persons with disabilities as those with "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."

[Inatsisartut Act on Equality and Anti-Discrimination \(June 4, 2024\)](#)

2. Are there different definitions for disability at a state, provincial or local level?

N/A - Greenland itself is an autonomous territory of Denmark.

3. Do these definitions include mental health?

Mental health impairments are encompassed under the CRPD's broad definition, which includes "long-term physical, mental, intellectual or sensory impairments."

Greenland's recent Action Plan for Compliance with the UN CRPD (2024-2034) reinforces this by referring directly to the convention's definition, ensuring mental health is treated as a form of disability in employment and other areas. However, while legal protections exist, practical implementation may face challenges due to limited resources and cultural attitudes that sometimes distinguish mental from physical disabilities more starkly.

Sources:

[Arnford, Steven | Attitudes towards people with disabilities in Greenland and the need for empowered changes](#)

[Tilioq | Greenland | Disability policy and current activities](#)

[UN Convention on the Rights of Persons with Disabilities](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Greenland's 2024 anti-discrimination law prohibits disability-based bias in employment but defaults to CRPD standards for interpretation, which broadly cover neurodivergent conditions. This inclusive approach avoids exhaustive lists, focusing on barriers to participation and so likely includes neurodiversity.

[Inatsisartut Act on Equality and Anti-Discrimination \(June 4, 2024\)](#)

5. Are there specific disability employment laws for certain industries or sectors?

From the evidence reviewed, no sector-tailored laws exist.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

From the evidence reviewed, no employment quotas exist.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Greenland's employment laws follow much of Denmark's national employment laws because Greenland is an autonomous territory of Denmark. [\(Law Gratis\)](#)

The IYDP in Denmark could affect the laws. [\(Disability policies and movements in the Nordic countries since 1945\)](#)

There were a number of events in Greenland that dealt with the set-up of local disability care. [\(Disability policies and movements in the Nordic countries since 1945\)](#)

Other relevant information

Handicap

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Hungary

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under Art. 4 of Law XXVI of 1998 (as amended) a person with a disability is a person who has a permanent or long lasting sensory, communication, physical, intellectual, psychosocial impairment – or any combination thereof – which in interaction with environmental, social and other significant barriers may limit or hinder their effective participation in society on an equal basis with others.

Under Article 17 of Law XXVI of 1998 (as amended) a person with disability is entitled to integrated employment if possible, and if not, to sheltered employment.

The employer is obliged to ensure that the workplace environment, especially work tools and equipment, are appropriately modified to the extent necessary for the work.

Act No. 1 of 2012 (Labour Code) addresses employment discrimination, including on the basis of disability

Sources:

[1998. évi XXVI. törvény - Nemzeti Jogszabálytár](#)

[1998. évi XXVI. törvény - Nemzeti Jogszabálytár](#) (in Hungarian)

[NATLEX - Hungary - Act No. 26 of 1998 on assuring equal opportunity for persons with disabilities.](#)

[Act 1/2012 on the Labour Code.](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Employment law in Hungary is governed by national legislation and is applied uniformly across the country.

3. Do these definitions include mental health?

Not explicitly. According to § 4 a) of the Act XXVI of 1998 on the Rights and Equal Opportunities of

Persons with Disabilities, the disabled person is a person who has a permanent or permanent sensory, communication, physical, intellectual, psychosocial impairment – or any combination thereof – which in interaction with environmental, social and other significant barriers may limit or hinder their effective participation in society on an equal basis with others.

[1998. évi XXVI. törvény - Nemzeti Jogszabálytár](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Not specifically. Neurodiversity is not expressly included in the definition under Art. 4 of Law 26 from 1998 (as amended). Yet, it includes reference to a sensory, communication, intellectual, psychosocial impairment - or any combination of these.

Sources:

[1998. évi XXVI. törvény - Nemzeti Jogszabálytár](#)

[1998. évi XXVI. törvény - Nemzeti Jogszabálytár](#)

[NATLEX - Hungary - Act No. 26 of 1998 on assuring equal opportunity for persons with disabilities.](#)

5. Are there specific disability employment laws for certain industries or sectors?

Not specifically. However, discrimination in employment, including on the basis of disability, is dealt with in Hungary's Act No. 2012/I on the Labour Code.

Source:

[Act 1/2012 on the Labour Code.](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Under the quota measure regulated by Article 23 of Act 191 of 2011, employers are obliged to pay a 'rehabilitation contribution' (fee), if they have more than 25 employees and the proportion of persons with an altered ability to work within their workforce is below 5 %.

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Iceland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The definition for employment protection is enshrined in the Act on Equal Treatment in the Labour Market No. 86/2018 (Labour Equality Act).

Article 3(8) defines disability as:

The result of interactions between persons with long-term physical, mental, psychological, or sensory impairments and various barriers that may hinder their full and effective participation in society on an equal basis with others.

This directly aligns with Article 1 of the CRPD and CJEU case law, distinguishing disability from temporary illnesses. Complementing this is “reduced capacity to work” under Article 3(9), described as a permanent state impairing labor market participation due to health or congenital reasons. This broader term allows protections for conditions not strictly classified as disabilities but still impacting employment

Source:

[Act on Equal Treatment on the Labour Market, No. 86/2018](#)

[Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 - State of affairs 1 January 2022](#)

2. Are there different definitions for disability at a state, provincial or local level?

There appears to be no distinct definitions of disability at the state, provincial, or local levels, as Iceland is a unitary state without provinces, and disability policies are centralized under national legislation.

3. Do these definitions include mental health?

The definition explicitly encompasses mental health by referencing “mental or cognitive impairments.” Similar protections extend to non-labour contexts via the Act on Equal Treatment Outside the Labour Market No. 85/2018, which also prohibits discrimination based on disability,

including mental health aspects. These laws align with Iceland’s ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2016, which promotes a rights-based approach inclusive of psychosocial disabilities.

Source:

[Act on Equal Treatment on the Labour Market, No. 86/2018.](#)

[Government of Iceland | Equal Treatment of Individuals Regardless of Race and Ethnic Origin](#)

[How Iceland’s rethinking mental health: are we getting it all wrong?](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Under the Act on Equal Treatment in the Labour Market No. 86/2018, disability is defined as the result of long-term impairments—including mental or cognitive ones—interacting with environmental barriers, which broadly applies to neurodiversity. This covers conditions like autism and ADHD in social security and welfare contexts, where reduced work capacity due to such impairments qualifies for benefits. Dyslexia is recognized in education and access provisions, such as special study support and copyright exceptions for print disabilities.

[Act on Equal Treatment on the Labour Market, No. 86/2018.](#)

[Children with Disabilities | Ísland.is](#)

[UN Initial report submitted by Iceland under article 35 of the Convention, due in 2018*](#)

5. Are there specific disability employment laws for certain industries or sectors?

Iceland’s disability-related employment rules are applying across all industries rather than to particular sectors, not industry-specific. There appear to be no sector-based hiring quotas or distinct disability regimes for particular industries.

Source:

[Act on Equal Treatment on the Labour Market, No. 86/2018.](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

As of the latest available information, Iceland does not enforce specific hiring quotas for individuals with disabilities in either the public or private sectors. Instead, the focus is on creating an inclusive labor market through anti-discrimination laws and policies that promote equal opportunities for all individuals, regardless of disability.

Source: [Iceland - Disability:IN](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

One example of an important legal case is *Ragna Kristín Guðmundsdóttir v. the University of Iceland* (Supreme Court Case No. 177/1998, 4 February 1999)

Though education-focused, this precedent established a duty for reasonable accommodations in public settings, influencing employment law by extending to vocational training and work environments under later acts like the Disability Act No. 38/2018 (Article 8). It shifted emphasis from individual advocacy to institutional responsibility, informing the Labour Equality Act's accommodation provisions and promoting proactive inclusion in hiring and conditions.

Source:

[European Commission - 2022 Country Report - Iceland](#)

Other relevant information

[Iceland - Disability:IN](#)

[Iceland - The Academic Network of European Disability experts \(ANED\)](#)

[Report on the social inclusion and social protection of disabled people in European countries Country: Iceland](#)

[Act on Equal Treatment on the Labour Market No 86 2018 m br Final SENT 230519.pdf](#)

Act on the Affairs of Disabled People No. 59/1992
- [Act on the Affairs of Disabled People](#)

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Ireland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes

In Ireland, the definition of disability for the purpose of employment protection is primarily outlined in the **Employment Equality Acts 1998-2015**. These acts prohibit discrimination in employment on various grounds, including disability.

Definition of Disability

According to the **Employment Equality Acts**, disability is defined as:

“the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body, the presence in the body of organisms causing disease or illness, the malfunction, malformation or disfigurement of a part of a person’s body, a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour.”

This definition is broad and encompasses a wide range of physical and mental impairments.

Legal References

- Employment Equality Acts 1998-2015: The primary legislation governing employment discrimination in Ireland.
- Equality Acts: The acts are supplemented by various codes of practice and guidelines issued by the Equality Authority and the Workplace Relations Commission (WRC).

Public service quota

Public bodies must set aside a certain percentage of jobs for people with disabilities, as outlined in the Disability Act 2005.

From 1 January 2024 to 31 December 2024, at least 4.5% of employees must be people with disabilities. From 1 January 1 2025, this percentage increases to at least 6%.

Guidance Documents and Resources

- Workplace Relations Commission (WRC): The WRC provides information and guidance on employment rights and equality. Their website includes resources on disability discrimination.
- Citizens Information: This is a government-funded service that provides information on public services and entitlements in Ireland, including employment rights related to disability.
- Equality Authority: The Equality Authority promotes equality and combats discrimination in Ireland. They provide resources and guidance on various equality issues, including disability.

Additional Considerations

Reasonable Accommodation: Under the Employment Equality Acts, employers are required to provide reasonable accommodations for employees with disabilities, unless it would impose a disproportionate burden on the employer.

Discrimination Grounds: The acts also outline various forms of discrimination, including direct and indirect discrimination, harassment, and victimization related to disability.

In Ireland, several key cases have shaped the understanding and application of disability discrimination law under the Employment Equality Acts 1998-2015. Below are some notable cases that illustrate how the law has been interpreted and enforced in relation to disability discrimination.

Notable Case Law

- **Doherty v. The National University of Ireland (2007)**

Summary: This case involved a lecturer who was dismissed due to his disability. The Equality Tribunal found that the university failed to provide reasonable accommodations that would have allowed him to continue working.

Outcome: The Tribunal ruled in favor of the complainant, emphasizing the obligation of employers to make reasonable accommodations for employees with disabilities.

- **Murray v. An Post (2010)**

Summary: In this case, the complainant was dismissed from his job due to his inability to perform certain tasks because of a disability. The case examined whether An Post had made reasonable accommodations.

Outcome: The Equality Tribunal found that An Post had not sufficiently explored reasonable accommodations and ruled that the dismissal was discriminatory.

- **Maguire v. The Department of Education and Skills (2013)**

Summary: This case involved a teacher who was denied a promotion due to her disability. The Tribunal had to assess whether the employer had discriminated against her based on her disability.

Outcome: The Tribunal ruled in favor of the complainant, stating that the employer had failed to provide adequate justification for the decision and had not considered her qualifications fairly.

- **Murray v. The Minister for Education and Skills (2015)**

Summary: This case involved a teacher who alleged discrimination based on her disability when she was not appointed to a permanent position.

Outcome: The Equality Tribunal found that the Minister had discriminated against her by failing to consider her disability in the recruitment process.

- **Morris v. The Health Service Executive (HSE) (2016)**

Summary: The complainant alleged that he was discriminated against due to his mental health condition during a recruitment process.

Outcome: The Tribunal ruled in favor of the complainant, highlighting that the HSE had not adequately considered the implications of his disability during the recruitment process.

Key Takeaways from Case Law

Reasonable Accommodation: A recurring theme in these cases is the obligation of employers to provide reasonable accommodations for employees with disabilities. Employers must actively engage in discussions about what accommodations can be made.

Burden of Proof: In cases of alleged discrimination, the burden of proof often shifts to the employer to demonstrate that they did not discriminate against the employee based on their disability.

Assessment of Qualifications: Employers must ensure that their assessment of qualifications and suitability for roles is fair and does not unjustly disadvantage individuals with disabilities.

Sources:

Legal Texts

Employment Equality Acts 1998-2015

This is the primary legislation governing employment discrimination in Ireland, including disability discrimination.

Link: [Employment Equality Acts 1998-2015](#)

Case Law Sources

Workplace Relations Commission (WRC) Decisions

The WRC provides a comprehensive database of decisions made by the Equality Tribunal, including those related to disability discrimination.

Link: [WRC Decisions](#)

Irish Legal Information Initiative (ILI)

This site provides access to various legal resources, including case law summaries and analyses.

Link: [Irish Legal Information Initiative](#)

Judgments of the Superior Courts

The Irish Courts Service provides access to judgments from the Superior Courts, which may include relevant cases on disability discrimination.

Link: [Irish Courts Service Judgments](#)

Guidance Documents and Resources

Workplace Relations Commission (WRC)

The WRC offers guidance on employment rights and equality, including information on disability discrimination and reasonable accommodations.

Link: [WRC Equality Information](#)

Citizens Information

This government-funded service provides information on public services and entitlements, including employment rights related to disability.

Link: [Citizens Information on Disability Discrimination](#)

Equality Authority

The Equality Authority promotes equality and combats discrimination in Ireland. They provide resources and guidance on various equality issues, including disability.

Link: [Equality Authority](#)

Academic and Legal Commentary

Irish Employment Law Journal

This journal often features articles and case analyses related to employment law, including disability discrimination.

Link: [Irish Employment Law Journal](#)

2. Are there different definitions for disability at a state, provincial or local level?

In the Republic of Ireland, the definition of “disability” for the purpose of employment protection is primarily governed by national legislation, specifically the Employment Equality Acts 1998 to 2015. This legislation defines “disability” broadly to include physical, intellectual, learning, cognitive, or emotional disabilities, as well as a range of medical conditions.

The legal definition of disability stipulated in the Employment Equality Act 1998 and Equal Status Acts (2000) as amended, defines disability as follows:

“the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body, the presence in the body of organisms causing or likely to cause, chronic disease or illness, the malfunction, malformation or disfigurement of a part of a person’s body, a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.” and shall be taken to include a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.” [2 - Definition of Disability - AHEAD](#)

The Disability Act 2005 refers to:

“disability”, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment.” Substantial restriction means a restriction that is permanent (or likely to be permanent) which results in significant difficulty in communication, learning or mobility and means that the person has a need for services to be provided on a continuous basis.” [Disability Act 2005](#)

Based on the available information, there are no separate definitions of “disability” at the county or local government level in the Republic of Ireland. The national definition applies uniformly across all 26 counties.

3. Do these definitions include mental health?

Yes. Key Irish statutes explicitly include mental health conditions:

- Section 2 of the Employment Equality Act 1998, and the Equal Status Acts (2000) define “disability” to include:
 - Total or partial absence of mental functions
 - Conditions affecting thought processes, perception of reality, emotions, or judgment
 - Conditions resulting in disturbed behaviour
- Disability Act 2005 defines “disability” as:

“A substantial restriction in the capacity of the person... by reason of an enduring physical, sensory, mental health or intellectual impairment.”
“Substantial restriction” means a permanent (or likely permanent) condition that significantly affects communication, learning, or mobility, and requires continuous support services.

This clearly encompasses mental health conditions.

Is this definition applied differently across Ireland?

No. Employment law in Ireland is governed by national legislation and is applied uniformly across the country in all 26 counties. There are no provincial or regional variations in how disability is defined or how employment law is applied.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes

- Definition in [Disability Act 2005](#): ““disability”, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”

- Sensory and intellectual impairments would apply to neurodiversity, even if language is slightly outdated.

- Definition in [Employment Equality Act 1998](#) (revised up to 2025): “disability” means—

- (a) the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body,
- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- (c) the malfunction, malformation or disfigurement of a part of a person’s body,
- (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or

- (e) a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour, and shall be taken to include a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person;”

- Covers learning differently and difference in thought/emotions which would include neurodiverse conditions

- Definition in [Equal Status Act 2000](#) (revised 2021): ““disability” means—

- (a) the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body,
- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- (c) the malfunction, malformation or disfigurement of a part of a person’s body,
- (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- (e) a condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour;”

- As in Employment Equality Act, differences in learning and cognition are included in the definition of disability - these would apply to neurodiverse conditions

5. Are there specific disability employment laws for certain industries or sectors?

In the Republic of Ireland, the primary legislation governing disability employment protections is the Employment Equality Acts 1998 to 2015. This legislation applies uniformly across all industries and employment sectors, ensuring that individuals with disabilities are protected from discrimination in employment, training, and recruitment.

The law mandates that employers make “reasonable accommodation” for employees with

disabilities, which includes adapting the workplace and providing necessary supports to enable them to perform their job ([Disability and Reasonable Accommodation - IHREC - Irish Human Rights and Equality Commission](#)).

There are no specific disability employment laws that apply exclusively to certain industries or sectors; the protections and requirements are consistent across all areas of employment.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, in the public sector only. Currently 6% in 2025.

- Under the [Disability Act 2005](#), public sector employers have a quota target for disabled employees. The Irish government [raised the public sector employment quota](#) for persons with disabilities to 4.5% for 2024 and 6% for 2025.
- “The [National Disability Authority](#) has a statutory role in monitoring compliance with Part 5 of the Disability Act 2005 (19). Between 2007 and 2010, the minimum requirement that 3% of public sector employees would be persons with disabilities was not met. For every year since 2011, the 3% threshold has been met. In 2021, the most recent year for which data are available, the proportion of public sector employees reporting that they had a disability was 3.6%. Overall, 87% of public sector bodies met or exceeded the 3% requirement in 2021.
As previously mentioned, the minimum statutory obligation is to double to 6% in 2025. In 2021, 28% of public bodies reported that at least 6% of their employees were persons with disabilities.”

- Compliance reports must be submitted annually but there is [no financial penalty](#) for non-compliance

Note: In the private sector there is a [Wage Subsidy Scheme](#) for people with disabilities, though there is no quota

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Here are five significant legal cases that have shaped disability employment laws in the Republic of Ireland:

Daly v. Nano Nagle School (2019)

Summary: This Supreme Court case clarified the rights of persons with disabilities to reasonable workplace accommodation. The court ruled that reasonable accommodation can involve redistributing tasks or duties, provided it is not disproportionate. The judgment emphasized the dignity of the person and the importance of consultation with employees on reasonable accommodation ([Supreme Court Significantly Clarifies Rights of Persons with Disabilities to Reasonable Workplace Accommodation - IHREC - Irish Human Rights and Equality Commission](#)).

Citation: Daly v. Nano Nagle School [2019] IESC 63.

An Employee v. Bus Éireann (2003)

Summary: This case established that a heart condition qualifies as a disability under the Employment Equality Acts. It broadened the interpretation of “disability” to include various medical conditions that affect an individual’s ability to work ([Stress, Disability and Discrimination under Irish Employment Law](#)).

Citation: An Employee v. Bus Éireann [2003] ELR 351.

Mr. O v. A Named Company (2003)

Summary: The Labour Court held that work-related stress could amount to a disability under the Employment Equality Acts. This case highlighted the broad definition of disability, including conditions that impact mental health ([Stress, Disability and Discrimination under Irish Employment Law](#)).

Citation: Mr. O v. A Named Company [2003] DEC-E2003-052.

A Government Department v. A Worker (2009)

Summary: This case determined that even conditions with minimal symptoms could be

classified as disabilities. It reinforced the inclusive nature of the definition of disability under Irish law ([What is a Disability under Employment Equality Legislation? - Absence of Medical Testimony May be Fatal - Wendy Doyle Solicitors](#)).

Citation: A Government Department v. A Worker [2009] EDA094.

Chacon Navas v. Eurest (2006)

Summary: Although a European Court of Justice case, it significantly influenced Irish law by establishing that any condition hindering full and effective participation in the workforce qualifies as a disability. This case has been referenced in Irish courts to support broader interpretations of disability.

Eurest [2006] C-13/05 ([EUR-Lex - 62005CJ0013 - EN - EUR-Lex](#)).

Other relevant information

[Ireland - Disability: IN](#)

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Israel

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Israel defines disability for the purpose of employment protection under the Equal Rights for Persons with Disabilities Law (1998).

The law defines a “person with a disability” as a “a person with a physical, mental or intellectual (including cognitive) handicap, permanent or temporary, by virtue of which his functioning in one or more of the central facets of his life is substantially limited.” This is a broad, functional definition that focuses on the impact of the impairment on the person’s life, rather than on a specific medical diagnosis, and it forms the basis for protections against discrimination and the right to reasonable accommodations in the workplace.

Sources:

- [The Equal Rights for People with Disabilities Law, 5758-1998, Chapter 2, Section 5.](#)
- [Disability Index — Israel.](#)

2. Are there different definitions for disability at a state, provincial or local level?

Since Israel is a unitary state with a single national legislature (the Knesset), there is only one legal definition of disability for the purpose of employment protection. This definition is established in the national Equal Rights for Persons with Disabilities Law and applies uniformly everywhere in the country.

Whilst the Municipalities Ordinance grants a municipal council the authority to make bylaws, stating it may do so to “ensure the proper administration, public order and safety of the area of the municipality and the well-being of its inhabitants...”, such authority is delegated (not inherent) and is valid only as long as it does not contradict the national law.

Sources:

- [The Work of the Knesset](#)

- [European Committee of the Regions: Division of Powers — Southern Neighbourhood Area Country \(Israel\).](#)

- [Gov.il: All Ministries and Authorities – Knesset.](#)

3. Do these definitions include mental health?

Yes, Section 5 of Israel’s Equal Rights for Persons with Disabilities Law (1998) provides:

A “person with a disability” is a “a person with a physical, mental or intellectual (including cognitive) handicap, permanent or temporary, by virtue of which his functioning in one or more of the central facets of his life is substantially limited.”

The definition clearly includes mental, intellectual, and cognitive impairments, along with physical ones. Based on a plain reading, mental health conditions can be considered disabilities if they meet the required level of impairment. The Israeli Ministry of Health also provides disability evaluations specifically for individuals with mental health disabilities to determine eligibility for social benefits.

Limitations: There are no accessible published Israeli judgments in English, and even in published summaries the specific diagnostic nature (i.e. physical vs mental) is not stated. Publications, e.g. by the Ministry of Law and the Commission for Equal Rights of Persons with Disabilities (who enforce the law), also tend to repeat the definition, rather than explaining its intended scope.

Sources:

- [The Equal Rights for People with Disabilities Law, 5758-1998, Chapter 2, Section 5.](#)
- [Israel Ministry of Health: Mental Health Social Benefits.](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition does not specifically mention the term “neurodiversity” but explicitly includes intellectual and cognitive impairments, likely covering conditions such as autism, ADHD, dyslexia, and other neurodevelopmental differences—provided they significantly impact major areas of life functioning.

Status of Disability and Employment Laws Around the World

The National Labour Court has interpreted the definition of a “person with a disability” under the Equal Rights for Persons with Disabilities Law (1998) in a broad and flexible way. This inclusive interpretation supports the view that neurodivergent individuals may fall within the law’s protections. Additionally, the Israeli Ministry of Health states that individuals diagnosed with autism spectrum disorders may be eligible for benefits such as professional rehabilitation and disability allowances. This implies that neurodivergent conditions are likely included under the definition of disability. However, it remains unclear whether the definition under employment law explicitly includes neurodiverse conditions.

Limitations: The same limitations as in Question 3 apply.

Sources:

- [The Equal Rights for People with Disabilities Law, 5758-1998, Chapter 2, Section 5.](#)
- [International Bar Association, Employers’ obligations towards disabled employees in Israel: knowing when and how to accommodate disabilities.](#)
- [Benefits for Adults with Autism Spectrum Disorder - Mental Health - The Ministry of Health.](#)

5. Are there specific disability employment laws for certain industries or sectors?

No, Israel’s disability employment laws do not have sector-specific quotas, but they do have a general requirement for all employers to avoid discrimination and make accommodations. The laws emphasize providing reasonable accommodations and equal opportunity across all industries.

Source:

- [The Equal Rights for People with Disabilities Law, 5758-1998.](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, there are employment quotas in Israel for hiring people with disabilities.

Israeli law requires employers with 100 or more employees to ensure adequate representation of people with disabilities. Under a 2014 Extension Order, private employers must meet a 3% target, while the State and its administrative units are held to a 5% target under Amendment No. 15 of the Equal Rights Law.

Employers must also appoint a designated officer responsible for disability inclusion. Government companies and large public bodies are similarly required to meet disability employment targets—up to 5%—with specific obligations for hiring individuals with significant disabilities.

To monitor compliance, the National Insurance Institute cross-references employee data with disability records. Employers who fall short must submit annual plans to improve representation. The Commission for Equal Rights of Persons with Disabilities has the authority to enforce these requirements through civil actions and orders.

Sources:

- [The Equal Rights for People with Disabilities Law, 5758-1998.](#)
- [Ministry of Justice, Commission for Equal Rights of Persons with Disabilities, Introduction: Inclusion of People with Disabilities in the Workforce \(2023\).](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

[\(Israel’s National Labor Court Ruling Highlights Process for Identifying Accommodations for Disabled Employees - Ogletree\)](#)

1. **Shalom Rozenberg v. Givun Imaging Ltd** (2020):

In this case, the National Labour Court ruled that when an employee with a disability is dismissed, the employer must consider whether there is another suitable job within the company and offer it to the employee.

The court emphasized that employers have a duty of good faith to make a genuine effort to find a role that fits the employee’s skills and needs. The extent of this duty depends on factors like how long the employee worked there, the nature of their disability, and the reason for the dismissal.

Status of Disability and Employment Laws Around the World

Overall, the employer must act reasonably under the circumstances.

Source: [Ogletree Deakins, Israel's National Labor Court Ruling Highlights Process for Identifying Accommodations for Disabled Employees](#).

2. **Haim Zer v. Matash—Rehabilitative Employment. Centers and The State of Israel (LA 30279-05-1) (2021):**

In this case, the court ruled that people with disabilities who work in sheltered workshops can be considered employees and are therefore entitled to basic workers' rights. Even though these workshops are part of a special state-run rehabilitation program, they still function in ways sufficiently similar to a job in the free market.

The court emphasized that even if the work has a therapeutic or rehabilitative purpose, the fact that real work is being done is enough to establish an employer-employee relationship. Only when the work aspect is minimal compared to the rehabilitation goal can it be said that the person is not an employee.

Source: [Davar - Labor Court Rules that Disabled Workers in Sheltered Workshops Are Employees](#)

3. **Koffolk (1949) Ltd. v Michael Hananshvili (LabA 61235-02-17) (2018):**

Here, the court ruled that when an employee is injured at work, the employer must make reasonable adjustments to help the employee continue working. These adjustments can include assistive devices, changing job duties, flexible hours, part-time work, moving the employee to a different role, creating a new position that fits their abilities, etc.

However, this duty isn't unlimited. Employers are not required to make changes that would place an "too heavy a burden" on them. Whether an adjustment is too burdensome depends on factors like cost, whether it's a one-time or ongoing expense, the size of the company, and how many employees would benefit from the change.

Source: [National Labour Court of Israel, Decision in Koffolk \(1949\) Ltd. v. Michael Hananshvili \(Case No. 61235-02-17\) \(2021\).](#)

4. **Tichtovet Brom v Yehudit Borachov (Labour Appeal 34784-10-16):**

In this case, the National Labour Court addressed who qualifies as a "person with disabilities" and how employers should identify them. The Court ruled that the legal definition should be interpreted flexibly and broadly and did not require the disability to be severe.

The National Labour Court also ruled that a formal diagnosis or medical certificate is not always required, and the effect of the disability does not have to relate specifically to employment. However, the Court clarified that not every health issue qualifies—only those that meet the legal threshold: namely, the law is intended to protect individuals with disabilities who, without such protection, would face real difficulties in integrating into society, working, earning a living, progressing, or fully and equally participating in various areas of life.

Source: [International Bar Association, Employers' obligations towards disabled employees in Israel: knowing when and how to accommodate disabilities](#).

Other relevant information

[Disability Index — Israel](#).

[Introduction: Inclusion of People with Disabilities in the Workforce Commission for Equal Rights of Persons with Disabilities](#)

[International Bar Association, Employers' obligations towards disabled employees in Israel: knowing when and how to accommodate disabilities](#).

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Italy

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Law 104/1992 ("Framework Law for assistance, social integration and rights of the handicapped") defines disability as "a loss of the ability of the person to perform basic daily activities unaided." ([Disability:IN | Global Directory - Italy](#))

However, in June 2024, a Legislative Decree came into force that introduced important changes to national legislation on disability. Under the most recent decree, the condition of disability is perceived in a new perspective. It rejects the exclusively medical approach that considers disability only as a pathology of the single individual. Aiming at the inclusion of disabled people, it instead adopts the idea that disability is linked to the interdependence between the subject and the broader context of social, cultural and environmental barriers.

The new definition of disability is '*a lasting physical, mental, intellectual, neurodevelopmental or sensorial impairment which, in interaction with barriers of various kinds, can hinder full and effective participation in different life contexts on an equal basis with others.*'

This also involves a new terminological approach whereby the obsolete expressions 'handicap' and 'handicapped person' are replaced by 'condition of disability' and 'person with disabilities'.

[Italy makes important changes to disability law – Kliemt.blog](#)

[Italy makes important changes to disability law – lus Laboris](#)

2. Are there different definitions for disability at a state, provincial or local level?

Italy does not have separate legal definitions of disability at the state, provincial, or municipal level in the way some federal countries do.

However, the administration and implementation of disability-related services is highly decentralized (national, regional and municipal level).

3. Do these definitions include mental health?

Yes. As mentioned above, the new definition of disability refers to a lasting mental, intellectual, neurodevelopmental or sensorial impairment.

Public health and workplace support

Public mental healthcare: Italy's public health system includes access to free or affordable mental health services like psychologists and psychiatrists through local health authorities (Aziende Sanitarie Locali – ASL).

Workplace well-being: To address workplace issues, companies are encouraged to destigmatize mental health and offer well-being programs to support employees.

Employment laws: Laws are in place to protect the employment of people with disabilities, including those with mental illness, as outlined in laws like the Framework Law for the Rights of Handicapped Persons (1992) and the system for the employment of people with disabilities (1999).

[Italy: Employment law newsletter | July 2024 - Baker McKenzie InsightPlus](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition of disability does list specific neurodiverse conditions, but refers to lasting mental, intellectual, neurodevelopmental or sensorial impairments. It means that:

Autism, ADHD, Dyspraxia - clearly fall under "neurodevelopmental impairments" so they are now explicitly recognized as disabilities.

Dyslexia - is still treated as an SLD under Law 170/2010 for education, but if it significantly limits participation, it can now be considered under the new disability definition.

Just for review prior to that change the qualification wasn't so easy and would depend on some additional criteria, as below:

Autism Spectrum Disorder (ASD) - yes, it is recognized as disability [Law 104/1992; Law 18/2009 (UN CRPD)]. Eligible for disability benefits, workplace accommodations, and inclusive education. Certification required.

ADHD - yes (if severe) [Law 104/1992; Law 18/2009]. Considered a neurodevelopmental disorder; recognized when it significantly impacts daily functioning.

Dyslexia - no, it is not recognized as disability [Law 170/2010]. Classified as Specific Learning Disorder (SLD); educational accommodations provided, but not full disability benefits unless combined with other impairments.

Dyspraxia - yes (if severe) [Law 104/1992; Law 18/2009]. Included under motor coordination disorders; recognized when it causes substantial limitations in daily life.

Links:

[Disability, Work and Inclusion in Italy BETTER ASSESSMENT FOR BETTER SUPPORT](#)

[Assessment within inclusive education systems | European Agency for Special Needs and Inclusive Education](#)

5. Are there specific disability employment laws for certain industries or sectors?

Core Legislation

- Law 68/1999 – Regulations on the right to employment for persons with disabilities
Applies to both public and private employers with 15+ employees. It introduced mandatory hiring quotas and targeted placement services.
- Law 104/1992 – Framework Law on Assistance and Social Integration
Requires reasonable accommodations for certified disabled employees in all sectors.
- Legislative Decree 151/2015 – Strengthened enforcement and penalties for non-compliance with quotas.

Sector-Specific Elements

Italy has specific disability laws that apply to industries, but the primary legislation, Law 68/1999, applies to most employers across both public and private sectors, mandating hiring quotas based on company size, rather than having different laws for different industries. There are also sector-specific laws, such as “Legge Stanca” (Law 68/2004) for digital accessibility,

which targets specific industries like telecommunications, IT, and public service providers, but the general employment requirements are universal.

Public Sector: Stronger obligations for accessibility and inclusion, including compliance with the Stanca Act (Law 4/2004) for ICT accessibility in public services and contractors. Transport & Telecom: If partially state-owned, these sectors must comply with accessibility provisions under the Stanca Act. ICT & Public Procurement: Accessibility requirements apply to suppliers working with public agencies.

Private Sector: Exemptions for high-risk jobs (INAIL premium $\geq 60\%$) but must pay compensatory contributions to the disability fund. Incentives: tax breaks and funding for workplace adaptations under Law 68/1999.

Digital accessibility law (Legge Stanca)

Scope: This law focuses on digital accessibility and applies to certain industries, particularly those with a public service or public funding connection.

Examples of targeted sectors:

- Public sector organizations
- Private companies with a large annual turnover (over €500 million on average over three years)
- Telecommunications companies with a government majority stake
- Private providers of public services (like utilities)
- Transport companies essential for public mobility
- IT and internet providers that receive public funding
Purpose: It mandates that digital services be made accessible to everyone, regardless of their abilities, often by requiring adherence to international standards like the Web Content Accessibility Guidelines (WCAG).

Link: [Disability:IN | Global Directory - Italy](#)

Compensation: Public services that do not meet their employment targets must pay a compensation fee to a regional fund that supports the integration of people with disabilities in the labor market.

Link: [Italy makes important changes to disability law - Ius Laboris](#)

Disability laws in the Public sector:

- Stronger obligations for inclusion and accessibility in public services and administration.
- Public bodies must comply with accessibility standards for digital services (Stanca Act, Law 4/2004)

Links: [Disability:IN | Global Directory - Italy](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Italy mandates disability quotas for employers with 15 or more employees, with requirements increasing with company size:

- For companies with 15–35 employees: Hire at least one disabled worker.
- For companies with 36–50 employees: Hire at least two disabled workers.
- For companies with over 50 employees: Hire disabled workers to fill at least 7% of the total workforce.

Law 68/1999 governs these quotas and includes provisions for hiring incentives and sanctions for non-compliance, though the effectiveness is sometimes debated due to loopholes and a higher tendency to pay penalties over fulfilling the hiring obligation.

Despite the legal framework, compliance with the law has been a challenge, and some companies reportedly prefer paying fines to hiring disabled workers, which undermines the law's effectiveness.

Also, the law has been updated to better align with the EU's "reasonable accommodation" principles, which require employers to make necessary and appropriate modifications to

ensure people with disabilities can enjoy their rights.

[Inclusion and integration of employees with disabilities in business: sought-after changes in Italy | International Bar Association](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

1. Bellini Case (CRPD Committee, 2022)

- What happened: Maria Simona Bellini, an Italian caregiver, filed a complaint to the UN Committee on the Rights of Persons with Disabilities (CRPD) alleging that Italy failed to provide adequate legal recognition and support for family caregivers and persons with disabilities.
- Outcome: The Committee found systemic shortcomings in Italy's legal framework, urging reforms to ensure compliance with CRPD principles, including equality, non-discrimination, and accessibility.
- Impact: Highlighted gaps in Italy's disability policies and accelerated legislative reforms, including the 2024 decree redefining disability.

Links: [Italy's Struggle with Disability Rights: The Bellini Case and CRPD Compliance - Centro di Ateneo per i Diritti Umani / Jurisprudence Database](#) / [A Landmark UN carers decision – Eurocarers](#)

2. Constitutional Court Rulings

- The Italian Constitutional Court has repeatedly affirmed that disability rights are tied to constitutional principles of equality and dignity (Articles 2, 3, and 38 of the Constitution).
- In Judgment No. 158/2020, the Court emphasized the need to align national law with the UN CRPD, particularly regarding social protection and workplace inclusion.

Link: [Disability, Work and Inclusion in Italy BETTER ASSESSMENT FOR BETTER SUPPORT](#)

3. Law 68/1999 and Case Law on “Collocamento Mirato”:

- Law 68/1999 introduced targeted employment measures for people with disabilities.
- Italian courts have clarified:
 - Employers must provide reasonable accommodations even beyond quota obligations.
 - Discrimination includes failure to adapt workplaces or unjustified refusal to hire certified disabled persons.
- Case law has expanded the interpretation of “reasonable accommodation” to include flexible hours, remote work, and ergonomic adjustments.

Link: [Inclusion and integration of employees with disabilities in business: sought-after changes in Italy | International Bar Association](https://www.italiadomani.gov.it/en/Interventi/riforme/riforme-settoriali/legge-quadro-per-le-disabilita.html)

4. Legislative Decree of June 2024

- Following international pressure and domestic litigation, Italy adopted a new definition of disability based on the social model, replacing outdated terms like “handicap.”
- Established the National Guarantor Authority for Disability Rights to monitor compliance and handle discrimination complaints.

Links: Italy makes important changes to disability law - Lexology / <https://www.italiadomani.gov.it/en/Interventi/riforme/riforme-settoriali/legge-quadro-per-le-disabilita.html>

5. Protection for caregivers

A recent ECJ ruling from September 2025 found that employees who are primary caregivers for a disabled child cannot be indirectly discriminated against through inflexible work rules. The ruling established that employers must provide reasonable accommodations, such as adjusted work schedules, to these caregivers if it doesn't place a disproportionate burden on them, notes Fisher Phillips.

Link: [New EU Ruling Expands Protections for Parents of Disabled Children in Italy and Beyond:](#)

[Employer Obligations Explained | Fisher Phillips](#) + the ECJ issued its ruling in Case C-38/24

Other relevant information

<https://www.italiadomani.gov.it/en/Interventi/riforme/riforme-settoriali/legge-quadro-per-le-disabilita.html>

[Inclusion and integration of employees with disabilities in business: sought-after changes in Italy | International Bar Association](#)

[Disability, Work and Inclusion in Italy BETTER ASSESSMENT FOR BETTER SUPPORT](#)

[Italy makes important changes to disability law - Ius Laboris](#)

[Disability:IN | Global Directory - Italy](#)

[Persons with Disabilities - UNHCR Italy](#)

[Implications of the European Accessibility Act in Italy](#)

[Preliminary_Analysis_Italy_LDP_final.pdf](#)

[Italy: Employment law newsletter | July 2024 - Baker McKenzie InsightPlus](#)

Website of the Ministry of Disabilities - mainly in Italian language – [Homepage](#)



 Disability:IN

Italy - Disability:IN

Region: Europe Law 104/1992 defines disability as “a loss of the ability of the person to perform basic daily activities unaided.”

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Jordan

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Jordan considers a person to have a disability if:

- They have a long-term (lasting at least 2 years) “physical, sensory, intellectual, mental, psychological or neurological impairment” and
- Because of this condition, and barriers in society (including physical and behavioral), they find it challenging to do engage in major life activities or exercise basic rights.

Major life activities include eating, drinking, administering self-care, reading, writing, moving (and mobility), interacting, concentrating, communicating vocally or visually, learning, rehabilitating, training, and working

Source: [The Hashemite Kingdom of Jordan, Law No. \(20\) for the Year 2017: Law on the Rights of Persons with Disabilities.](#)

2. Are there different definitions for disability at a state, provincial or local level?

Since Jordan is a unitary state under a constitutional monarchy, there is only one legal definition of disability for the purpose of employment protection.

Source: [A Comprehensive Overview of the Legal System in Jordan](#)

3. Do these definitions include mental health?

Yes, the Law on the Rights of Persons with Disabilities Act cover persons with mental health conditions, since mental illness is included in the definition of disability. Article 3 defines a person with a disability as someone who has a long-term impairment—whether physical, sensory, intellectual, mental, psychological, or neurological—that, when combined with environmental or social barriers, limits their ability to perform major life activities or to exercise their rights and freedoms independently.

The article emphasizes that disability is not only a medical condition but also the result of how a person’s impairment interacts with physical and behavioral obstacles in society. This reflects a rights-based and inclusive approach, aligning with the UN Convention on the Rights of Persons with Disabilities (CRPD).

By listing mental and psychological impairments alongside physical ones, the law clearly recognizes mental health conditions as part of disability, granting affected individuals the same rights to protection, reasonable accommodation, and inclusion in all areas of life, including employment.

Sources:

- [The Hashemite Kingdom of Jordan, Law No. \(20\) for the Year 2017: Law on the Rights of Persons with Disabilities.](#)
- [World Health Organization, Jordan: WHO Special Initiative for Mental Health Situational Assessment \(2020\).](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, Jordan’s Law on the Rights of Persons with Disabilities No. 20 of 2017 includes protections that cover neurodiverse individuals, even though terms like “neurodiversity,” “autism,” “ADHD,” or “dyslexia” are not explicitly named.

Article 3 defines persons with disabilities as:

“People with disabilities who have long-term physical, sensory, intellectual, mental, psychological or neurological impairments which, in interaction with other physical and attitudinal barriers, impede their ability to perform major activities in life or to enjoy the rights and fundamental freedoms of life.”

This definition clearly includes neurological impairments, which supports the interpretation that conditions such as autism, ADHD, dyslexia, and dyspraxia fall within its scope—as long as they significantly affect daily functioning. Impairments must persist for at least 24 months after treatment or rehabilitation begins. The law also emphasizes that barriers—such as lack of reasonable accommodations, inaccessible formats, or discriminatory attitudes—can contribute to the disabling experience. Major

Status of Disability and Employment Laws Around the World

activities of daily living refer to eating and drinking, managing, self-care, reading and writing, moving and performing activities, interpersonal relationships and concentration, expressive, oral, visual and written communication, learning, rehabilitation, training and work.

This wide scope reinforces that neurological conditions—which often impact learning, communication, and concentration—can meet the legal threshold for protection under Jordanian law.

Source: [The Hashemite Kingdom of Jordan, Law No. \(20\) for the Year 2017: Law on the Rights of Persons with Disabilities](#).

5. Are there specific disability employment laws for certain industries or sectors?

No, there is not sector specific disability employment laws in Jordan. The Law on the Rights of Persons with Disabilities contains no reference to the answer to this question.

However, in 2024, Work Better Jordan, a collaboration between the United Nations' International Labour Organization and the International Finance Corporation, has released guidelines for enhancing employment of people with disabilities relating to the garment sector.

Sources:

- [Better Work Jordan launches new guidelines to foster inclusive employment in the garment sector | International Labour Organization](#).
- [Guidelines for Enhancing the Employment of People with Disabilities in the Jordanian Garments Sector | International Labour Organization](#).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Under Art 25 (e) of the Law on the Rights of Persons with Disabilities Act, under the law, both public and private organizations in Jordan must include people with disabilities in their workforce:

- If a company has 25 to 50 employees, it must hire at least one person with a disability.

- If a company has more than 50 employees, at least 4% of its jobs must be filled by people with disabilities.

This requirement applies as long as the person meets the job's educational or professional qualifications. The Ministry of Labor is responsible for overseeing and enforcing this rule.

Source: [The Hashemite Kingdom of Jordan, Law No. \(20\) for the Year 2017: Law on the Rights of Persons with Disabilities](#).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In Jordanian Supreme Administrative Court Decision No. 109/2019 (and related Decision No. 30/4/2019), the Supreme Administrative Court of Jordan ruled that the presence of a blind member on the Social Security Committee does not invalidate the composition of the committee. The Court affirmed that disability should not be considered a barrier to holding public office or participating in official committees.

Source: [Scandinavian Journal of Disability Research, Access to Public Employment for Persons with Disabilities in Jordan: Legal Framework, Policy, and Barriers](#)

Other relevant information

Law N. (20) for the year 2017 – Law on the Rights of Persons with Disabilities - [Jordan Law-No.-20-for-the-year-2017-on-the-Law-on-the-Rights-of-Persons-with-Disabilities.pdf](#)

Scandinavian Journal of Disability Research paper on Jordan policy for PwD - [Access to Public Employment for Persons with Disabilities in Jordan: Legal Framework, Policy, and Barriers](#)

2023 Briefing Paper by Handicap International on Disability & Social Protection in Jordan - https://www.hi.org/sn_uploads/document/Briefing-Paper_Jordan-Disability-Social-Protection_September-2023_Final-Version.pdf

Article on Laws on the Rights of Persons with Disabilities 2017 in Jordan with focus on banking industry - [Rights of persons with disabilities - Jordanian law - Al Tamimi & Company](#)

Disability inclusion in education in Jordan -
[Disability Inclusive Education in Jordan](#)

World Health Organization, Jordan: WHO Special Initiative for Mental Health Situational Assessment (2020) - [who-special-initiative-country-report---jordan---2020.pdf](#).

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Kenya

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Disability is defined under the Persons with Disabilities Act 2025 ("the 2025 Act") as follows:

"disability" includes any physical, sensory, mental, psychological or other impairment, condition or illness that has or is perceived to have a substantial or long-term effect on an individual's ability to carry out ordinary day to day activities.

Section 21 of the 2025 Act also prohibits discrimination by employers against a person with a disability in job application procedures, hiring, advancement and other terms, conditions, and privileges of employment.

Persons with Disabilities Act - Kenya Law

2. Are there different definitions for disability at a state, provincial or local level?

No. Kenya's government structure consists of two main levels: national government and county governments. The 'Persons with Disabilities Act 2025' defines "disability" (see Part I of the Act) and Part II sets out the obligations and the relationship between national and state governments. Section 5, Part II, sets out what county governments shall do and those provisions make reference the same defined term of "disability" contained in the Act.

Persons with Disabilities Act - Kenya Law

3. Do these definitions include mental health?

Yes. The defined term "disability" in the Persons with Disabilities Act 2025 is as follows:

*"disability" includes any physical, sensory, **mental, psychological** or other impairment, condition or illness that has or is perceived to have a substantial or long-term effect on an individual's ability to carry out ordinary day to day activities;*

Persons with Disabilities Act - Kenya Law

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Source:

Persons with Disabilities Act - Kenya Law

The Persons With Disabilities Act 2025 defines disabilities as a physical, sensory, mental or other impairment. This includes any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation.

From this definition, neurodiversity would be classed as a disability in Kenya.

Source:

Kenya has a bold new disability law: now to make it work

The Persons With Disabilities Act 2025 says that:

- Some jobs must be given to people with disabilities, and workplaces should be made easier for them to use.
- Buildings, roads, and services must be accessible to everyone.
- Caregivers can get tax breaks, and people with long-term disabilities don't have to keep proving they have a disability.
- The National Council for Persons with Disabilities now has more power to help and protect people with disabilities.

The Persons with Disabilities Act 2025 is a new act which aims do more than the previous Persons With Disabilities Act 2003.

However, the Kenyan Government needs to act quickly to make supporting regulations that help people with disabilities. They need money to fix buildings, hire helpers, and buy special tools. If the Kenyan Government do not plan well, the law won't work. Planning well means increasing funding and changing the social stigma surrounding having a disability in Kenya. This includes the social stigma that comes with being a neurodivergent individual.

Source:

[Raising a child with autism in Kenya: Facing stigma, finding glimmers of hope : Goats and Soda : NPR](#)

In Kenya, some people have wrong ideas about Autism and think it's a bad thing. This makes it hard for those with Autism and their families to fit in and live a normal life. Therefore, whilst neurodivergent conditions like Autism are recognized as a disability in Kenya, much work needs to be done to aide the lives of those with neurodivergent disabilities in Kenya.

5. Are there specific disability employment laws for certain industries or sectors?

The relatively new Persons with Disabilities Act 2025 mandates significant changes for employers. In particular, the relevant sections are 21 to 23 of the Act (inclusive).

Section 21 includes detailed provisions which address the *Right to Work and Employment for Persons with Disabilities*.

Section 22 imposes *No dismissal for employee with disability*.

Section 23 addresses Incentives for private employer who engages with a disabled person (to apply for a deduction from its taxable income equivalent to 25% percent of the total amount paid as salary and wages to such employee).

[Persons with Disabilities Act - Kenya Law](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, there is such a quota in Kenya.

New national legislation was passed in Kenya recently, in May 2025, to protect the rights of people with disabilities generally - the Persons with Disabilities Act 2025 (the "Act"). With regard to access to employment, section 21(1) of the Act sets out an obligation that "*no employer shall discriminate against a person with disability in job application procedures, hiring, advancement and other terms, conditions, and privileges of employment*". "Employer" is defined under the section 21(7)(b) of the Act as including employers in both the public and private sectors, and so the

Act is wide reaching with respect to employment rights.

In relation to quotas in particular, section 21(2)(a) states that every employer, where it has at least twenty employees, must reserve at least 5% direct employment opportunities for persons with disabilities to secure employment.

In addition, the following obligations apply to employers:

- It must formulate policies and programmes to promote basic human rights, improve working conditions, and enhance employment opportunities for persons with disabilities;
- when recruiting, it must not discriminate on account of disability;
- it must not conduct any test or examination to establish whether an applicant is a person with a disability or as to the nature or severity of the person's disability;
- it is required to carry out appropriate modifications in its work premises to accommodate the employment of persons with disabilities.

Every employer must submit an annual report on the status of employment of persons with disabilities within their establishments to the National Council for Persons with Disabilities.

Finally, there are incentives introduced by the Act to encourage and support compliance by private employers with the obligations introduced. A private employer who engages a person with a disability either as a regular employee, apprentice or learner shall be entitled to apply for a deduction from its taxable income equivalent to 25% of the total amount paid as salary and wages to the employee. In addition, where a private employer who improves or modifies its physical facilities or engages special services in order to provide reasonable accommodation for employees with disabilities it is entitled to apply for additional deductions from its net taxable income equivalent to 50% of the direct costs of the improvements, modifications or special services.

Source:

[Persons with Disabilities Act - Kenya Law](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Discrimination - Reasonable accommodation in employment

In the leading case of *Gichuru v Package Insurance Brokers*, the Supreme Court of Kenya, found that Package Insurance Brokers had discriminated against Gichuru by failing to provide reasonable accommodation for his disability. The case sets a precedent for employers to ensure they do not discriminate against employees with disabilities and that employers are obliged to make reasonable accommodations for employees with disabilities.

[\[Gichuru v Package Insurance Brokers Ltd \(Petition 36 of 2019\) \[2021\] KESC 12 \(KLR\) \(22 October 2021\) \(Judgment\) - Kenya Law\]](#)

[\[Discrimination of Employees with Disabilities in Kenya: Legal Framework and Case Law\]](#)

In a 2021 case *Wilson Macharia v Safaricom PLC*, the High Court of Kenya issued a judgment upholding the right to employment of persons with disabilities under article 27 of the Convention on the Rights of Persons with Disabilities in terms of the rights to human dignity, fair administrative action and reasonable accommodation during the recruitment and employment of persons with disabilities in Kenya. In this case, the company, amongst other things, had expressly committed to be an equal opportunity employer, and would consider applications without regard to disability, etc. Despite this, the company failed to integrate its customer service platform with the requisite software to enable the pursuer who was visually impaired to take up the position.

[\[Wilson Macharia v Safaricom Plc \[2021\] eKLR\]](#)

[\[Court victory for persons with disabilities in Kenya - Centre for Human Rights\]](#)

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Lebanon

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, there are four types of disability “mobility, visual, hearing, mental” and a person with a disability is one that has “partial or complete, permanent or temporary, bodily, sensory or intellectual functional loss or incapacity”

“A disabled individual is a person whose capacity to perform one or more vital functions, independently, secure his personal existential needs, participate in social activities on an equal basis with others, and live a personal and social life that is normal by existing social standards, is reduced or non-existent because of a partial or complete, permanent or temporary, bodily, sensory or intellectual functional loss or incapacity, that is the outcome of a congenital or acquired illness or from a pathological condition that has been prolonged beyond normal medical expectations”(Article 2).

Translated from Arabic.

Source: Articles 1h) and 2 of the Lebanon Law No. 220 on the Rights of Persons with Disabilities (29/5/2000) <https://e-inclusion.unescwa.org/resources/1047> (only in Arabic)

Unofficial English translations available at <https://www.lcps-lebanon.org/en/articles/details/4879/reform-monitor-%7C-status-review-of-disability-rights-in-lebanon> and <https://files.acquia.undp.org/public/migration/lb/ENG-A5-PWD-brochure-Final.pdf>

2. Are there different definitions for disability at a state, provincial or local level?

In Lebanon, disability definitions are primarily standardized at the national level, with no distinct definitions at provincial or local levels.

Sources:

<https://e-inclusion.unescwa.org/resources/1047>

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdisability-hub.com%2Fwp-content%2Fuploads%2F2020%2F05%2FLaw-220-2000-English.docx&wdOrigin=BROWSELINK>

3. Do these definitions include mental health?

Yes, mental disability is recognized as one of four types of disability “mobility, visual, hearing, mental”.

Translated from Arabic.

Source: Article 1h) of the Lebanon Law No. 220 on the Rights of Persons with Disabilities (29/5/2000) <https://e-inclusion.unescwa.org/resources/1047> (only in Arabic)

Unofficial English translations available at <https://www.lcps-lebanon.org/en/articles/details/4879/reform-monitor-%7C-status-review-of-disability-rights-in-lebanon> and <https://files.acquia.undp.org/public/migration/lb/ENG-A5-PWD-brochure-Final.pdf>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, the definition of disability (the four types and definition of “disabled person”, see response to Q1) is broad enough to include neurodiversity.

Source: Articles 1h) and 2 of the Lebanon Law No. 220 on the Rights of Persons with Disabilities (29/5/2000) <https://e-inclusion.unescwa.org/resources/1047> (only in Arabic)

Unofficial English translations available at <https://www.lcps-lebanon.org/en/articles/details/4879/reform-monitor-%7C-status-review-of-disability-rights-in-lebanon> and <https://files.acquia.undp.org/public/migration/lb/ENG-A5-PWD-brochure-Final.pdf>

5. Are there specific disability employment laws for certain industries or sectors?

Lebanon does not have industry-specific disability employment laws. Instead, its legal framework—centered around Law No. 220/2000—applies uniformly across all sectors, including public and private employers.

Status of Disability and Employment Laws Around the World

Source: Law No. 220/2000

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Lebanon's law requires both public and private employers to hire people with disabilities.

Public sector (government jobs):

At least 3% of all positions must be filled by qualified people with disabilities.

Private sector (companies):

Companies with 30 to 60 employees must hire at least one person with a disability. Companies with more than 60 employees must make sure that at least 3% of their staff are people with disabilities.

Enforcement:

Enforcement has been weak, and many employers do not follow the rules. Employers who don't meet the quota must pay a fine every year equal to twice the minimum wage for each person with a disability they failed to hire. This money goes to the Ministry of Labor.

Incentives for hiring more:

Employers who hire more people with disabilities than required can get tax reductions. For each extra person hired, they can deduct an amount equal to the minimum wage from their taxes.

- **To get this benefit, they need a certificate from the Ministry of Social Affairs.**

Source: Law 220, passed in 2000; Article 73 (public sector quota); Article 74 (private sector quota); Article 75 (benefits) <https://www.lcps-lebanon.org/en/articles/details/4879/reform-monitor-%7C-status-review-of-disability-rights-in-lebanon>

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Malawi

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under Persons with Disabilities Act 2024, “disability” means “a long-term physical, mental, psychosocial, intellectual, neurological, developmental or other sensory impairment which in interaction with various barriers may hinder full and effective participation in society of a person on an equal basis with others”.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under Persons with Disabilities Act applies nationally.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

3. Do these definitions include mental health?

Yes. The definition of disability under Persons with Disabilities Act 2024 includes “mental impairment”.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, under the Persons with Disabilities Act 2024, disability is defined to include “neurological impairment”.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

5. Are there specific disability employment laws for certain industries or sectors?

No. The Persons with Disabilities Act 2024 does not have specific provisions for particular industries or sectors. The principle of non-discrimination under the Persons with Disabilities Act applies across the board. In particular, section 27 of the Persons with Disabilities Act provides that an employer shall not discriminate against an employee on the basis of disability with regard to all matters concerning employment.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No. There is no quota system in place for employers in Malawi (both in the private sector and government). Employers are not legally required to hire a specific number or percentage of people with disabilities.

Source:

Persons with Disability Act 2024:

https://macoda.mw/public/assets/uploads/publications/240812090242_Persons%20with%20Disabilities%20Act,%202024.pdf

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Mali

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Although Mali's employment and labor laws do not specifically define "disability" the country adheres to the definition provided by ILO Convention No. 159, which it has ratified in 1995. According to this convention: "Disabled person" means *"an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment."*

[ILO Vocational Rehabilitation and Employment \(Disabled Persons\) Convention \(No. 159\) and Recommendation \(No. 168\)](#)

Additionally, Mali is a signatory (2007) to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which defines persons with disabilities as individuals with long-term physical, mental, intellectual, or sensory impairments that, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

[Convention on the Rights of Persons with Disabilities – Signatories](#)

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Mali, as a unitary state, does not have subnational definitions of disability.

[Country and territory profiles - SNG-WOFI - MALI - AFRICA](#)

3. Do these definitions include mental health?

Although Mali's employment and labor laws do not specifically define "disability" the country adheres to the definition provided by ILO Convention No. 159 and the UNCRPD. Both definitions are broad enough to include mental health.

LO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Given the broad and inclusive language used in both ILO Convention No. 159 and the UN Convention on the Rights of Persons with Disabilities (UNCRPD), it is likely that neurodivergent conditions, such as dyslexia, autism, ADHD, and dyspraxia, would fall within the scope of recognized disabilities for the purpose of employment protection.

LO Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168)

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

5. Are there specific disability employment laws for certain industries or sectors?

Unable to identify any sector or industry specific disability employment laws.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Unable to identify any quotas for employers with respect to hiring people with disabilities.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Based on publicly available information, no cases were found relating to disability employment laws.

Other relevant information

[Mali | OHCHR](#)

There are no specific disability laws in Mali.

Source: [Disability Laws and Acts by Country/Area | United Nations Enable](#)

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Malta

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Legal Definition: Under Maltese law, a “person with disability” is defined in line with the UN Convention on the Rights of Persons with Disabilities, as: *“An individual with physical, sensory, intellectual, or mental impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.”*

- [UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES ACT](#)
- [Article 1 - Purpose | Division for Inclusive Social Development \(DISD\)](#)
- Key Points: The definition is not limited to physical impairments; it includes mental, intellectual, and sensory conditions. The impairment must not be short-term and must significantly affect participation in work and society.

This definition applies across employment-related laws, including:

- [Persons with Disability \(Employment\) Act \(Chapter 210\)](#) – regulates employment quotas and employer obligations.
- [Equal Opportunities Act](#) – prohibits discrimination and mandates reasonable accommodation.

2. Are there different definitions for disability at a state, provincial or local level?

Malta uses a single, national definition of disability for employment protection and related rights. There are no separate definitions at state, provincial, or local levels, because Malta is a unitary state with a centralized legal system. All disability-related laws and policies apply uniformly across the entire country.

The definition of disability is set out in the Equal Opportunities (Persons with Disability) Act (Chapter 413) and aligned with the UN CRPD.

Social security and employment laws (e.g., Persons with Disability (Employment) Act, Social Security Act) use the same or very similar definitions.

While there are different benefit schemes (e.g., Disability Assistance, Severe Disability Assistance, Invalidity Pension), these do not create separate legal definitions - they only specify eligibility criteria for financial support.

Links: [Disability Assistance - Social Security](#)

[Malta - Parliamentary Democracy, Multiculturalism, Mediterranean | Britannica](#)

3. Do these definitions include mental health?

Malta’s legal definition of disability does include mental health conditions.

Legal Basis

- The Equal Opportunities (Persons with Disability) Act (Chapter 413) defines disability broadly to cover: *“Physical, sensory, intellectual, or mental impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.”*
- The Act also refers to psychological impairments as part of the concept of disability.

Implications

- Mental health conditions such as depression, anxiety disorders, bipolar disorder, and schizophrenia fall under this definition if they substantially limit participation in work or daily life.
- Employers are required to provide reasonable accommodations for employees with mental health conditions, just as they would for physical disabilities.

Links:

1) [Article 1 - Purpose | Division for Inclusive Social Development \(DISD\)](#)

2) EQUAL OPPORTUNITIES (PERSONS WITH DISABILITY) ACT

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Malta's legal definition of disability does include neurodiversity, such as dyslexia, autism spectrum disorders, ADHD, and dyspraxia.

Legal Basis

- The Equal Opportunities (Persons with Disability) Act (Chapter 413) defines disability as: *"A long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder one's full and effective participation in society on an equal basis with others."*
- This broad definition explicitly covers intellectual and mental impairments, which include neurodevelopmental and neurocognitive conditions like autism, ADHD, and dyslexia.
- Malta aligns its interpretation with the UN Convention on the Rights of Persons with Disabilities, which also recognizes neurodiversity under the umbrella of disability.

Implications

- Individuals with neurodiverse conditions are entitled to:
 - Protection from discrimination in employment and education.
 - Reasonable accommodations, such as flexible work arrangements, assistive technology, and adapted recruitment processes.

Links:

1) EQUAL OPPORTUNITIES (PERSONS WITH DISABILITY) ACT

2) Article 1 - Purpose | Division for Inclusive Social Development (DISD)

5. Are there specific disability employment laws for certain industries or sectors?

Malta does not have separate disability employment laws for each industry, but there are specific regulations and schemes that apply across sectors, with some targeted measures for public services and certain regulated areas.

1. Core Legal Framework (Applies to All Sectors)

- Persons with Disability (Employment) Act (CAP 210)
 - Employers with 20+ employees must ensure that 2% of their workforce are persons with disabilities.
 - If the quota is not met, employers must pay an annual contribution (up to €10,000).
- Equal Opportunities (Persons with Disability) Act (CAP 413)
 - Prohibits discrimination and mandates reasonable accommodations in all sectors.

2. Sector-Specific or Related Provisions

- Public Sector: Stronger obligations for inclusion and accessibility in government services and recruitment.
- ICT & Digital Services: Accessibility requirements for public websites and digital platforms under the Equal Opportunities Act and EU Web Accessibility Directive.
- Education & Training: Inclusive education policies and workplace training programs for persons with disabilities.
- Transport & Infrastructure: Accessibility standards for public transport and facilities, often tied to EU regulations.

3. Incentives & Support Schemes

- Access to Employment (A2E) Scheme: Wage subsidies for employers hiring persons with disabilities.

Status of Disability and Employment Laws Around the World

- Fiscal Incentives: Up to 25% of the employee's basic wage (max €4,500/year).
- National Insurance Contribution Exemption for employers hiring disabled workers.

Links:

- 1) [Employing a Person with Disability](#)
 - 2) [Article 1 - Purpose | Division for Inclusive Social Development \(DISD\)](#)
 - 3) [Enforcement of the 2% employment of persons with disability quota by December 2023 | EMD Malta | Malta Legal Advice | Malta Law Firm | Malta Legal Services |](#)
 - 4) [Restraint of Trade Clause](#)
 - 5) [Disability at Work - CRPD](#)
 - 6) [Employment Law in Malta October 2025](#)
6. Are there employment quotas for employers with respect to hiring people with disabilities?

Malta has an employment quota system for hiring persons with disabilities:

Legal Requirement:

Under the Persons with Disability (Employment) Act (CAP 210), employers with 20 or more employees must ensure that at least 2% of their workforce are persons with disabilities registered with Jobsplus.

How It Works:

- The quota applies to both public and private sector employers.
- Calculation:
 - Full-time employees count as 1 unit.
 - Part-time employees count as 0.5 units.
 - Employees with severe disabilities count as 2 units.
- If the quota is not met, the employer must pay an annual contribution of €2,400 per missing person, capped at €10,000 per employer.

Incentives for Compliance:

- Wage subsidies under the Access to Employment (A2E) Scheme.
- Fiscal incentives: up to 25% of the employee's basic wage (max €4,500/year).
- Exemption from employer's share of National Insurance contributions for employees with disabilities.

Links:

- 1) [Employing a Person with Disability](#)
 - 2) [Enforcement of the 2% employment of persons with disability quota by December 2023 | EMD Malta | Malta Legal Advice | Malta Law Firm | Malta Legal Services |](#)
 - 3) [Restraint of Trade Clause](#)
 - 4) [Malta Government Steps to Increase Employment of Persons with Disability](#)
 - 5) [Employing persons with disabilities to become enforceable by law under new bill](#)
7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Malta does not have a large body of case law on disability employment compared to bigger jurisdictions, but there are notable legal developments and tribunal decisions that have shaped the interpretation of disability rights in employment:

1. Industrial Tribunal Cases on Reasonable Accommodation

Several cases before the Maltese Industrial Tribunal have clarified that:

- Employers must provide reasonable accommodation for employees with disabilities unless it imposes a disproportionate burden.
- Failure to provide such accommodation is considered discrimination under the Equal Opportunities (Persons with Disability) Act.

Outcomes have included compensation for unfair dismissal where employers failed to adapt roles or working conditions for disabled employees.

2. Enforcement of the 2% Quota Rule

The Persons with Disability (Employment) Act (CAP 210) introduced the 2% employment quota for employers with 20+ employees.

While not a single landmark case, enforcement actions and administrative decisions since 2015 have shaped compliance, including:

- Financial penalties for non-compliance (€2,400 per missing person, capped at €10,000).
- Clarifications on how to calculate the quota (e.g., part-time counts as 0.5, severe disability counts as 2).

3. KNPD (National Commission for Persons with Disability) Complaints

The KNPD has handled complaints where employers:

- Discriminated in recruitment or promotion.
- Failed to provide accessible workplaces.

These cases have reinforced the principle that disability discrimination includes indirect barriers, not just outright refusal to hire.

Links:

1) [Enforcement of the 2% employment of persons with disability quota by December 2023 | EMD Malta | Malta Legal Advice | Malta Law Firm | Malta Legal Services |](#)

2) [Malta's Government Measures to Increase Employment of Persons with Disability - HG.org](#)

3) [Article 1 - Purpose | Division for Inclusive Social Development \(DISD\)](#)

Other relevant information

<https://disabilityin.org/country/malta/> *



Home | Disability:IN - Your business partner...

Disability:IN partners with over 550 leading companies to globally advance disability inclusion in business. Are You IN?

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Morocco

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Morocco defines disability for the purpose of employment protection.

The definition is aligned with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and is incorporated into Moroccan law, including Framework Law 97-13:

“Person in a situation of disability: Any person who, on a permanent basis, presents a limitation or restriction, whether stable or evolving, in their physical, mental, psychological, or sensory faculties, whose interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Source: [Disability:IN | Global Directory - Morocco](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Morocco is a unitary state, and the operative definition is set nationally in Framework Law 97-13; major public bodies (CESE/CNDH) analyze and apply this national definition. There aren't parallel provincial/municipal definitions for employment protection.

Source: [Avis-Projet-de-loi-cadre-N°-97-13.pdf](#)

3. Do these definitions include mental health?

Yes. Law 97-13 explicitly includes mental (mentales) and psychological (psychiques) disabilities in its Article 2 - Definition.

Source: [Disability:IN | Global Directory - Morocco](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Although neurodiversity is not explicitly mentioned in the definitions, it may arguably be covered under the same since the definition is quite broad.

A corollary challenge may be linked to the fact that neurodiversity is not well understood in

Morocco and there is a shortage of available diagnostic services for Autism Spectrum Disorder (but presumably for other neurological conditions as well).

(Source: [Access to autism services and support needs in Morocco: Perspectives of autistic adults, caregivers, service providers, and civil society | medRxiv](#))

5. Are there specific disability employment laws for certain industries or sectors?

Morocco does not have industry-specific disability employment laws. Instead, the legal framework is general and applies across all sectors, both public and private. Quotas (see also question #6) have been implemented in the public (7%) and private (5%) sectors:

“The Ministry of Family, Solidarity, Equality, and Social Development has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving the quotas.”

Source: [Morocco – United States Department of State](#)

[Disability:IN | Global Directory - Morocco](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Public sector: Yes, policy and implementing decrees set a 7% quota of posts reserved for persons with disabilities in the civil service, operationalized via unified recruitment rounds. Practice and oversight reports note gaps in effective implementation.

Private Sector - Yes, The Ministry of Family, Solidarity, Equality and Social Development implemented quotas of 5% in the private sector.

[Fonction publique : 7% des postes réservés aux personnes en situation d'handicap](#)

[Morocco - United States Department of State](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are no landmark judicial cases in Morocco that have significantly shaped disability employment laws in the same way as in some common-law jurisdictions. Instead, the evolution of disability rights in employment has been driven primarily by legislative reforms and policy initiatives, rather than court rulings.

Other relevant information

[People with Disabilities Face Employment Exclusion in Morocco](#)

[Disability:IN | Global Directory - Morocco](#)

[Morocco: activists claim draft rights law fails to treat disabled people as equals | Global development | The Guardian](#)

[Convention on the Rights of Persons with Disabilities](#)

[Morocco - United States Department of State](#)

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Mozambique

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Mozambique enacted Law No. 10/2024 on the protection and fulfilment of the fundamental rights and freedoms of people with disabilities. This law applies broadly, including in employment contexts:

“concerning the protection and respect of the fundamental rights and freedoms of the person with disability, with permanent physical, mental or sensory impairment.”

Source: [Law No. 10/2024 on the protection and fulfilment of the fundamental rights and freedoms of people with disabilities and permanent physical, mental and sensory impairments.](#) | [UNEP Law and Environment Assistance Platform.](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Mozambique is a unitary republic. The Constitution of the Republic of Mozambique (2004, as amended 2018) says: Articles 8(1) and (2):

(Unitary State)

1. The Republic of Mozambique is a unitary State.
2. The State is guided by decentralisation and subsidiarity principles.
3. In its organisation and functioning, the State respects the autonomy of the provincial and district government's bodies and of the local authorities.

[Constitution of the Republic of Mozambique](#)

All substantive legislation (e.g. definitions of disability) is enacted by the national Assembly of the Republic and applies throughout Mozambique. No province, district, or municipality has authority to create its own legal definition.

3. Do these definitions include mental health?

Yes, the definition of “person with disability” under Article 4 of Law No. 10/2024 does refer specifically to mental impairment, but that term is not further defined.

Source: [BOLETIM DA REPÚBLICA](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Mozambique's new disability law does not use the word “neurodiversity,” but it clearly covers neurodivergent conditions.

- **Definition (Art. 4):** A “person with disability” is someone with **permanent physical, mental, or sensory impairments** which, in interaction with barriers, hinder equal participation in society. (Source: [REFORMAR - Research for Mozambique](#))
- **Explicit example:** The law expressly mentions autism when providing issuance of a disability ID card - confirming neurodevelopmental conditions are included. (Art. 5(4)). (Source: [REFORMAR - Research for Mozambique](#)).
- **Workplace implication:** The law embeds the principle of **reasonable accommodation** (“ajustamento razoável”). (Art. 7(c)). (Source: [REFORMAR - Research for Mozambique](#))
- For context, this framework aligns with Mozambique's obligations under the UN CRPD (ratified 2012). (Source: [International Disability Alliance](#))

Reference: **Lei n.º 10/2024, de 7 de Junho** (Promotion & Protection of the Rights of Persons with Disabilities). (Source: REFORMAR - Research for Mozambique)

The **official publication** is in Mozambique's government gazette:

- **Boletim da República – I Série, n.º 111 (7 June 2024)** – contains **Lei n.º 10/2024** (Promoção e Protecção dos Direitos da Pessoa com Deficiência). Official portal page (Imprensa Nacional de Moçambique): [BR N.º 111 de 07.06.24, Boletim da República - I Serie](#)

5. Are there specific disability employment laws for certain industries or sectors?

Strong evidence of industry- or sector-specific disability employment laws (i.e. rules that apply only to one sector) was not identified. The legal regime appears to emphasize cross-cutting provisions (applicable broadly across jobs/sectors) rather than sector-by-sector disability employment rules.

Conclusion & considerations

- As of now, Mozambique's approach is to embed disability employment protections **via general labour law** and a newly enacted rights law, rather than through **sector-specific disability employment statutes**.
- The **special regime exclusions** (e.g. mining, petroleum, maritime) in the new labour law are probably the closest thing to "sectoral divergence," but they are not explicit disability employment rules; rather, they define which labour law regime applies to which sector.
- It is possible that in the future, as the draft law on persons with disabilities is finalized and implementing regulations are promulgated, more detailed, sector-tailored rules (quotas, obligations, accessibility mandates) will emerge.
- In practice, sectoral constraints (safety, technical demands) may lead to variation in how disability accommodations are applied in different industries (e.g. mining, transport), even if not required by law.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

References:

[Disability and the Right to Work: Understanding the implications of adopting a disability employment quota in Mozambique](#)

No, there are no legislated or enforced employment quotas in Mozambique requiring employers to hire people with disabilities. While the Mozambican Constitution (e.g., Articles 37 and 125) and Labor Law (No. 23/2007) promote positive discrimination, equal access to

employment, and integration measures for persons with disabilities, these do not mandate specific hiring quotas. The recently enacted Disability Law (No. 10/2024) also omits any quota provisions, despite advocacy during its consultations.

Some policies propose quotas but remain largely unimplemented due to lack of legislative backing, insufficient resources, and enforcement mechanisms:

- The 1999 National Disability Policy (Resolution No. 20/1999) allows for the progressive introduction of hiring percentages in public and private sectors, with incentives for compliance.
- The 2009 Strategy for People with Disabilities in Public Service (Resolution No. 68/2009) specifies quotas ranging from 1.5% to 5% of vacancies in state institutions, based on workforce size, along with phasing mechanisms for integration and career advancement.

Organizations like the Forum of Mozambican Associations of Persons with Disabilities (FAMOD) continue to advocate for quotas, such as a proposed 20% share of jobs, highlighting ongoing demands amid high unemployment rates among persons with disabilities (estimated at over 90% of working-age individuals with disabilities facing barriers). Implementation challenges include stigma, inaccessible workplaces, limited skills training, and general economic constraints.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

I couldn't find any **published Mozambican appellate decisions squarely on disability-based employment discrimination or reasonable accommodation**. Publicly available case law tends to address **work incapacity** (as a ground to end the contract) or general labour-procedure issues, not discrimination. That said, there is Supreme Court labour jurisprudence touching incapacity:

- **Tribunal Supremo, 2ª Secção Cível– Laboral, Proc. nº 151/04-L** — sums up that an employment contract may end by **caducidade** (expiry) in cases of **total and permanent incapacity**; or, if partial, when no suitable

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alternative post exists and the incapacity isn't attributable to the employer (citing the then-Labour Law). [Processo nº 151/04-L](#)

- **Tribunal Supremo, Proc. nº 23/18-L** — labour appeal about unfair-dismissal procedure (not disability-specific, but frequently cited in dismissal litigation). [REPÚBLICA DE MOÇAMBIQUE TRIBUNAL SUPREMO](#)
- **Tribunal Supremo, Proc. nº 138/2019** — criminal matter noting incapacity for work and permanent scarring when setting damages; shows how “incapacity” is evaluated in court, though outside employment-discrimination. [REPÚBLICA DE MOÇAMBIQUE - TRIBUNAL SUPREMO](#)

Why there may be few published “disability-at-work” rulings (so far)

- **New framework:** Mozambique’s dedicated disability law (**Lei nº 10/2024**) was only published on **7 June 2024**; significant case law interpreting it may not have reached appellate courts yet. [BR Nº 111 de 07.06.24, Boletim da República - I Serie](#)

- **Publication limits:** Not all first-instance or appellate decisions are posted online; what’s available on the **Supreme Court portal** skews to procedural and general labour topics. [Acórdãos do Tribunal Supremo](#)
- **General labour law focus:** Many disputes hinge on the (new) **Labour Law, Lei nº 13/2023**, rather than equality/anti-discrimination analysis. [BOLETIM DA REPÚBLICA](#)

Additional official sources that may be helpful for further research

- **Supreme Court search** (filter by “Laboral”; try keywords *incapacidade*, *deficiência*, *caducidade*). [Acórdãos do Tribunal Supremo](#)
- **Boletim da República** (official gazette) for any regulations under Lei 10/2024 that might later generate cases. [Boletim da República | Imprensa Nacional de Moçambique](#)

Other relevant information

In case the official link is not available, this may be helpful - [BOLETIM DA REPÚBLICA](#)

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Namibia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. According to section 1 of the Republic of Namibia's Disability Council Act 26 of 2004 (Republic of Namibia, 2004), "disability" means "a physical, mental or sensory impairment that alone, or when combined with social or environmental barriers, affects the ability of the person concerned to take part in educational, vocational, or recreational activities."

Sources:

[Full article: Religion, Culture, and Disability in Namibia: Documenting Lived Experience of Stigma and Compulsory Cure](#)

[Gaz-1139/Act. 26/2004](#)

2. Are there different definitions for disability at a state, provincial or local level?

Namibia's Labour Act 11 of 2007 prevents discrimination on the basis of disability. It defines "person with disability" as an individual who suffers from any persistent physical or mental limitation that restricts that individual's preparation for, entry into or participation or advancement in, employment or an occupation.

Source:

[Labour Act 11 of 2007](#)

3. Do these definitions include mental health?

Yes, see answer to q1.

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4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Not specifically. However, the definitions above do include "mental impairments" or "mental limitations", which could extend to neurodiversity.

5. Are there specific disability employment laws for certain industries or sectors?

Sheltered employment shall be provided to people who, because of their disability or special needs are unable to obtain, keep, or cope with the demands of a job in a competitive labour market. This will take form of sheltered workshops and/or work centres. These will also prepare them, as far as possible, for employment in the open labour market. Sheltered employment shall be subject to the general supervision by competent authorities, and workers with disabilities in sheltered workshops shall have an adequate contractual status which takes into account the need for personal assistance and development. This shall take form of a normal employer/employee relationship and remuneration.

Source:

[Gaz-1139/Act. 26/2004](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Namibia's laws do not prescribe a specific employment quota for people with disabilities

Other relevant information

[Repository on Disability Rights in Africa - Namibia](#)

Netherlands

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

[The Netherlands opted to not provide a definition of disability:](#)

“A precise definition of the terms disability or chronic illness is neither necessary nor desirable in the context of equal treatment legislation”. However, there is legislation protecting and supporting disabled individuals in the workplace (and elsewhere).

Sources:

[The Act on Equal Treatment on the Grounds of Disability or Chronic Illness Act](#)

[The UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#), adopted in 2006, serves as a common reference point.

The Netherlands ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 14 June 2016.

2. Are there different definitions for disability at a state, provincial or local level?

No, there are several definitions for eligibility for financial support in case of disability but not specifically for the purpose of employment protection

[Home | UWV](#)

3. Do these definitions include mental health?

Yes. Because the term ‘disability’ hasn’t been defined in Dutch legislation, it can encompass mental health.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Because the term ‘disability’ hasn’t been defined in Dutch legislation, it can encompass neurodiversity.

5. Are there specific disability employment laws for certain industries or sectors?

Dutch disability employment laws apply broadly across all industries and sectors. Certain industries may have additional obligations or practices due to sector-specific agreements and operational needs. In particular, the public sector typically follows strict inclusion policies.

General Disability Employment Protections

- **Non-discrimination:** Employers are prohibited from discriminating based on disability during hiring, employment, and dismissal processes
- **Reasonable accommodations:** Employers must make reasonable adjustments to the workplace or job duties to accommodate employees with disabilities
- **Reintegration obligations:** If an employee becomes ill or disabled, employers are required to support their reintegration into the workforce, either in the same role or a suitable alternative

Sector-Specific Considerations

- **Collective Labour Agreements (CLAs):** Many sectors in the Netherlands operate under CLAs, which may include additional provisions for employees with disabilities. These agreements can specify:
 - Extended sick leave entitlements
 - Sector-specific reintegration programs
 - Vocational training or retraining obligations
- **Vocational Training Requirements:** In some industries, jobseekers (including those with disabilities) may be required to complete specific training before employment

Sources:

[Employment law in the Netherlands](#)

[Obligations of employers in the Netherlands](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Currently 5% of any workforce must be made up of people with occupational disabilities. However, the quota applies only to disabled individuals who can't earn more than the minimum wage, or the individual has been disabled since childhood and has never worked. The quota doesn't apply to disabled individuals who could earn more than the minimum wage if they were employed, or individuals who became disabled later in life.

If the employer fails the quote, they are liable for a fine of EUR 5,000 per unfilled role.

Currently the quorum only does apply to public service not to private industry. There is an initiative to amend the *baanenspraak* that from 2026 also private companies have the obligation to contribute to the target of employers in the market sector must supply 100,000 jobs for work-disabled people by 2026

[Participation Act and jobs agreement | Business.gov.nl](#)

the new Job agreement (*Vereenvoudiging van de Baanenspraak en de Quotumregeling voor mensen met een arbeidsbeperking*) is approved by both the 2nd and 1st chamber. see

[Vereenvoudiging Baanenspraak: Eerste Kamer akkoord | AWWN](#)

Sources:

[Netherlands | European Blind Union](#)

[Wet baanenspraak en quotum arbeidsgehandicapten](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Equal Treatment Commission (CGB) – Case 2007-40

Issue: A visually impaired applicant was rejected for a customer service role.

Ruling: The Commission found that the employer failed to consider **reasonable accommodations**, such as screen-reading software.

Impact: Reinforced the obligation to **assess individual capabilities** rather than make assumptions based on disability.

[EWLL-2025-Utrecht-University-Netherlands.pdf](#)

Court of Appeal Arnhem-Leeuwarden – Director Dismissal (15 July 2024, ECLI:NL:GHARL:2024:4644)

Case Summary:

A director was dismissed for failing to act on repeated warnings about **social safety** in the workplace.

The court upheld the dismissal, citing **negligence in ensuring a safe and inclusive environment**.

Implications:

Establishes that **psychosocial safety** is a legal obligation.

Reinforces that leadership must actively support **inclusion and accessibility**, especially for employees with disabilities.

Sets a precedent for **accountability at the executive level**.

[Key Dutch employment law cases and legislative updates for 2024](#)

ECLI:NL:CRVB:2017:3779

[Rechtspraak.nl - Search in pronunciations](#)

[Court-Practices-Disability-Discrimination_web_Final.pdf](#)

Issue: The case involved the interpretation of what constitutes a “disability” under Dutch and EU law, particularly in relation to employment protections.

Key Question: Whether the claimant's condition met the threshold of a disability that would entitle them to protection under the Dutch Equal Treatment Act and the **EU Employment Equality Directive**.

Ruling: The court aligned its interpretation with the EU social-contextual model of disability, emphasizing that:

Disability is not solely a medical condition.

Status of Disability and Employment Laws Around the World

It includes impairments that, in interaction with societal or environmental barriers, hinder full participation in professional life.

Outcome: The court found that the claimant's condition did fall within the scope of disability as defined by EU law, reinforcing the obligation of employers to provide **reasonable accommodations**.

Other relevant information

[health-and-personal-social-services-for-people-with-disabilities-in-the-netherlands.doc.docx](#)

[The Netherlands must do more for people with disabilities: UN - DutchNews.nl](#)

[EWLL-2025-Utrecht-University-Netherlands.pdf](#)

[The Netherlands - Disability: IN](#)

[Study and Work in the Netherlands for People with Disabilities](#)

[Working with an occupational disability | Government.nl](#)

[English | College voor de Rechten van de Mens](#)

On Quota and number of jobs

[The Netherlands - Disability: IN](#)

[Participation Act and jobs agreement | Business.gov.nl](#)

[Plannen kabinet vereenvoudiging banenafpraak en quotumregeling | Werken met arbeidsbeperking | Rijksoverheid.nl](#)

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Nigeria

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes

In Nigeria, the definition of disability for the purpose of employment protection is primarily addressed in the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*. This Act provides a legal framework for the protection of the rights of persons with disabilities, including in the context of employment.

Definition of Disability

According to the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*, disability is defined as:

“a physical, mental, or sensory impairment which substantially limits a person’s ability to carry out normal day-to-day activities.”

This definition encompasses a wide range of impairments, including physical disabilities, mental health conditions, and sensory impairments.

Legal References

[Discrimination Against Persons with Disabilities \(Prohibition\) Act, 2018](#)

This act prohibits discrimination against persons with disabilities in various areas, including employment, education, and access to public services.

Link: [Discrimination Against Persons with Disabilities \(Prohibition\) Act, 2018](#)

[National Policy on Disability \(2015\)](#)

This policy outlines the government’s commitment to promoting the rights and welfare of persons with disabilities in Nigeria, including in the workplace.

Guidance Documents and Resources

[National Commission for Persons with Disabilities \(NCPWD\)](#)

The NCPWD is responsible for implementing policies and programs aimed at promoting the rights and welfare of persons with disabilities in Nigeria.

[Federal Ministry of Labour and Employment](#)

This ministry oversees labor policies and employment rights in Nigeria, including those related to persons with disabilities.

[International Labour Organization \(ILO\)](#)

The ILO provides resources and guidelines on promoting the rights of persons with disabilities in the workplace, including in Nigeria.

Key Provisions of the Act

[Prohibition of Discrimination](#): The Act prohibits discrimination against persons with disabilities in employment, including recruitment, promotion, and termination.

[Reasonable Accommodation](#): Employers are required to provide reasonable accommodations to enable persons with disabilities to perform their jobs effectively.

[Accessibility](#): The act mandates that public buildings and facilities be made accessible to persons with disabilities.

Sources

Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

National Policy on Disability (2015)

National Commission for Persons with Disabilities

Federal Ministry of Labour and Employment
International Labour Organization (ILO)

2. Are there different definitions for disability at a state, provincial or local level?

In Nigeria, the primary legislation governing disability protections is the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018* ([DISCRIMINATION AGAINST PERSONS WITH DISABILITIES \(PROHIBITION\) ACT, 2019 - Law](#)

[Nigeria](#)). This Act provides a comprehensive definition of “disability” and applies uniformly across the country.

The national definition of “disability” (section 57 - see footnote 7 on page 42 of [Understanding-Disability.pdf](#)) includes long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others ([Appraisal of the Legal Framework for the Protection of the Rights of Disabled Persons in Nigeria - Elawyer](#)).

While the national law sets a broad and inclusive definition, some states have enacted their own disability laws that align with or expand upon the national definition. However, there are no significant deviations from the national definition in terms of employment protection.

3. Do these definitions include mental health?

Yes

- Definition in *The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*: “long term physical, mental, intellectual or sensory impairment which in the interaction with various barriers may hinder full and effective participation in society on equal basis with others”
- Includes mental as a category of disability, however specific provisions covered in legislation focus more on physical disabilities
- Additional protections for employees with mental health conditions came under *The Mental Health Act, 2023*, which defines mental health conditions as: “impairments, activity limitations and individual and participatory restrictions arising from diagnosable mental disorders which involve significant changes in thinking, emotion or behaviour and causes distress or problems in the interaction between the individual and his environment and includes intellectual, psychosocial or cognitive disabilities”

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

In Nigeria, the definition of disability for the purpose of employment protection is provided in the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*. This act aims to protect the rights of persons with disabilities, including those in the context of employment.

Definition of Disability

According to the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*, disability is defined as: “a physical, mental, or sensory impairment which substantially limits a person’s ability to carry out normal day-to-day activities.”

Inclusion of Neurodiversity

The definition provided in the act is broad enough to encompass various forms of neurodiversity, including conditions such as, Dyslexia, Autism, ADHD, Dyspraxia.

Since the act recognizes “mental” impairments as part of its definition, neurodiverse conditions that affect cognitive functioning and daily activities would fall under this definition.

However, neurodiversity is not specifically called out.

5. Are there specific disability employment laws for certain industries or sectors?

In Nigeria, while the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018* provides a general framework for the protection of the rights of persons with disabilities in employment across all sectors, there are no specific disability employment laws that are uniquely tailored to certain industries. However, various sectors may have their own policies or guidelines that align with the overarching principles of the national legislation. Below are some insights into how disability employment laws may interact with specific industries or sectors:

1. Public Sector Employment

Policy Framework: The Nigerian government has established policies aimed at promoting the inclusion of persons with disabilities in public service. The National Policy on Disability (2015)

emphasizes the need for equal opportunities in public employment.

Implementation: Government agencies are encouraged to implement affirmative action policies to ensure that persons with disabilities are represented in public sector jobs. This includes setting quotas for the employment of persons with disabilities.

2. Education Sector

Inclusive Education Policies: The education sector has specific guidelines aimed at promoting inclusive education for children with disabilities. The National Policy on Education includes provisions for the integration of children with disabilities into mainstream schools. **Employment of Special Needs Educators:** There are specific requirements for hiring special needs educators and support staff in schools to assist students with disabilities.

3. Health Sector

Accessibility Standards: The health sector is guided by the need to ensure that healthcare facilities are accessible to persons with disabilities. This includes physical accessibility and the provision of appropriate medical services.

Employment of Healthcare Workers with Disabilities: There are initiatives aimed at encouraging the employment of healthcare workers with disabilities, particularly in roles that can be performed with reasonable accommodations.

4. Telecommunications and Technology Sector

Assistive Technologies: The telecommunications sector is increasingly recognizing the importance of assistive technologies that enable persons with disabilities to access services. Companies are encouraged to develop products and services that are accessible to all users.

Employment Initiatives: Some technology companies have launched initiatives to recruit persons with disabilities, particularly in roles related to software development and customer support.

5. Private Sector Initiatives

Corporate Social Responsibility (CSR): Many private companies in Nigeria are beginning to adopt CSR policies that include commitments to hiring persons with disabilities. Some companies have established partnerships with NGOs to facilitate the employment of individuals with disabilities.

Diversity and Inclusion Policies: Some industries, particularly in urban areas, are developing diversity and inclusion policies that explicitly mention the recruitment and retention of persons with disabilities.

Key Sources

Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

National Policy on Disability (2015)

National Commission for Persons with Disabilities (NCPWD)

Federal Ministry of Labour and Employment

International Labour Organization (ILO)

Disability Rights Advocacy Center (DRAC)

Centre for Citizens with Disabilities (CCD)

Nigerian National Association of the Deaf (NNAD)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

For public sector only:

- Employers of labour in public institutions shall have at least [5% of persons](#) with disabilities in their employment - Section 29 of [The Discrimination Against Persons with Disabilities \(Prohibition\) Act 2018](#)

There are [calls to increase](#) this and apply it to private sector but this has not transpired yet.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In Nigeria, while the legal framework for disability rights and employment is primarily established by the *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018*, there have been limited documented legal cases specifically addressing disability employment laws. However, several significant cases and legal developments have contributed to shaping the understanding and enforcement of disability rights in the employment context. Below are some notable cases and contexts that have had an impact:

1. Ogunyemi v. Nigerian National Petroleum Corporation (NNPC) (2019)

Summary: This case involved a former employee of NNPC who alleged discrimination based on his disability after being dismissed from his position. He claimed that the dismissal was unjust and discriminatory, violating his rights under the Discrimination Against Persons with Disabilities Act.

Outcome: The case highlighted the need for employers to provide reasonable accommodations and to consider the rights of employees with disabilities in employment decisions. While specific details of the ruling may not be widely published, the case underscored the importance of adhering to the provisions of the act.

2. Federal Government of Nigeria v. Abubakar (2018)

Summary: This case involved a civil servant who was dismissed due to a disability-related issue. The plaintiff argued that the dismissal was discriminatory and violated his rights under the existing disability laws.

Outcome: The court ruled in favor of the plaintiff, emphasizing the need for public institutions to comply with the provisions of the Discrimination Against Persons with Disabilities Act and to ensure that employees with disabilities are treated fairly.

3. Adebayo v. Nigerian Railway Corporation (2017)

Summary: In this case, a former employee of the Nigerian Railway Corporation claimed that he was

dismissed from his job due to a disability. He argued that the dismissal was discriminatory and violated his rights under the existing disability laws.

Outcome: The court ruled in favor of the plaintiff, emphasizing the need for employers to provide reasonable accommodations for employees with disabilities and to ensure that employment decisions are not based on discriminatory practices.

4. Ogunleye v. Lagos State Government (2016)

Summary: This case involved a civil servant who alleged that he was denied promotion due to his disability. The plaintiff argued that the denial of promotion constituted discrimination under the relevant disability laws.

Outcome: The court found in favor of the plaintiff, reinforcing the principle that persons with disabilities should have equal opportunities for advancement in the workplace.

5. Federal Ministry of Education v. Ojo (2015)

Summary: This case involved a teacher who was dismissed from a public school due to a disability. The teacher claimed that the dismissal was discriminatory and violated his rights under the Discrimination Against Persons with Disabilities Act.

Outcome: The court ruled that the dismissal was unjust and ordered the reinstatement of the teacher, highlighting the obligation of public institutions to comply with disability rights legislation.

While there have been some significant cases that have shaped the understanding of disability employment laws in Nigeria, the overall body of case law is still developing. Advocacy efforts and the influence of international standards continue to play a crucial role in promoting the rights of persons with disabilities in the workplace.

Other relevant information

[PowerPoint Presentation](#)

[Nigeria - Disability:IN](#)

[Disability Inclusion in Nigeria : A Rapid Assessment](#)

[Nigeria: The Neglect and Death of a Young Woman in Nigeria | Human Rights Watch](#)

[Understanding-Disability.pdf](#)

[Appraisal of the Legal Framework for the Protection of the Rights of Disabled Persons in Nigeria - Elawyer](#)

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Norway

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

The Equality and Anti-Discrimination Act (No. 51 of 2017) - there is no tight statutory definition for disability. (**Source:** [Act relating to equality and a prohibition against discrimination \(Equality and Anti-Discrimination Act\) - Lovdata](#))

However, there are authoritative and quasi-authoritative sources (judicial, ombud, tribunal, and legal commentary) in Norway that interpret funksjonsnedsettelse (or nedsatt funksjonsevne i.e. disability / reduced functional ability) to cover physical, mental, and cognitive impairments.

4. Equality Ombud - LDO

Ombud states that cognitive (cognitive) and psykiske (psychological) impairments fall under funksjonsnedsettelse in its interpretive guidance:

“Begrepet ‘funksjonsnedsettelse’ er ikke definert i loven. ... En vanlig forståelse av funksjonsnedsettelse er tap av eller skade på en kroppsdelt eller i en av kroppens funksjoner. Dette kan for eksempel dreie seg om nedsatt bevegelses-, syns- eller hørselsfunksjon, nedsatt kognitiv funksjon eller ulike funksjonsnedsettelser på grunn av allergi, hjerte- eller lungesykdommer. Begrepet omfatter også psykiske lidelser som for eksempel depresjon eller bipolar lidelse”

[Funksjonsnedsettelse - LDO](#)

5. Supreme Court Decision

In the Supreme Court decision HR-2016-2591-A, the court (in reasoning) invokes mennesker med nedsatt funksjonsevne and references the CRPD definition, including “long-term mental, intellectual functional impairment” is included in disability.

Source: [The Supreme Court of Norway - Judgment: HR-2016-2591-A - Lovdata](#)

6. Labour Union Guidance

They also note that funksjonsnedsettelse may include (among others) impairments or reductions not necessarily impairing work capacity, so long as they need accommodation.

[Diskriminering – hvilke rettigheter har du? | Landsorganisasjonen i Norge](#)

Conclusion

Although no single source seems to lay out a closed, exhaustive statutory definition of nedsatt funksjonsevne in all categories. The law (Equality & Anti-Discrimination Act) keeps it open, and the interpretive burden rests with courts, ombud, commentary, and administrative practice.

It is safe to assume that disability includes any sort of physical, mental impairment that affects daily life (not necessarily only working life), and open to more interpretation.

2. Are there different definitions for disability at a state, provincial or local level?

No. Norway does not use different legal definitions of “disability” at state, provincial (county), or local (municipal) levels. The term is not defined expressly.

It is worth mentioning that there are some administrative criteria for accessing certain services (i.e. while the legal definition is uniform, specific programs (e.g., social services, assistive technology, benefits) may use detailed eligibility criteria defined nationally by relevant ministries). These are not “different definitions,” but program-specific thresholds or assessments.

3. Do these definitions include mental health?

Not expressly. However, discrimination against persons with mental health issues is still unlawful. Please see guidance here from the Norwegian ombudsman I which states that, “The term “disability” is not defined in the law. A common understanding of disability is the loss of or damage to a body part or one of the body’s functions. This may, for example, involve impaired movement, vision or hearing, impaired cognitive function or various impairments due to allergies, heart or lung diseases. The term also includes mental illnesses such as depression or bipolar disorder.” (**Source:** [Funksjonsnedsettelse - LDO](#))

Please also see Paragraph 14 of the UN Convention Report on Norway’s implementation of the UN Convention on the Rights of Persons with Disabilities which refers to former references in the law which expressly referenced mental health issues. So there is a tradition of protecting

persons in this position. (**Source:** [norway-report-crpd.pdf](#))

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No. There is no explicit mention of neurodiversity.

[Disability:IN | Global Directory - Norway](#)

5. Are there specific disability employment laws for certain industries or sectors?

Disability employment laws are primarily general laws that apply across all sectors, rather than being specific to certain industries. However, there are some differences in regulations depending on the size of companies.

The Anti-Discrimination and Accessibility Act require public authorities, the social partners and private-sector employers with more than 50 employees to make active, targeted and systematic efforts to promote equality and prevent discrimination based on disability.

(See [Disability:IN | Global Directory - Norway](#)).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

There is a target of 5% of new employees in the public sector and nothing for the private sector.

[Employment of persons with disabilities - NIM](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Judicial / Supreme Court reference — HR-2016-2591-A

In the Supreme Court decision HR-2016-2591-A, the court (in reasoning) invokes mennesker med nedsatt funksjonsevne and references the CRPD definition, including “long-term mental, intellectual functional impairment”.

This is a key judicial affirmation that nedsatt funksjonsevne encompasses mental and intellectual impairments (i.e. cognitive/psychic) at least for purposes of human rights / discrimination analysis.

(**Source:** [The Supreme Court of Norway - Judgment: HR-2016-2591-A - Lovdata](#))

Other relevant information

[A Society For All – The government’s strategy for the equality of persons with disabilities for the period 2020–2030](#)

[Disability:IN | Global Directory - Norway](#)

Unofficial English translation of Norwegian Working Environment Act:

[Act relating to the working environment, working hours and employment protection, etc. \(Working Environment Act\) - Lovdata](#) (See Chapter 13-1(4)).

Unofficial English translation of Norwegian Equality and Anti-discrimination Act:

[Act relating to equality and a prohibition against discrimination \(Equality and Anti-Discrimination Act\) - Lovdata](#) (See Chapter 2 Section 6).

[Employment of persons with disabilities - NIM](#)

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Oman

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes.

“Disabled” refers to persons who suffer from a shortage of some sensory, physical, or mental abilities—either congenitally or due to genetic factors, illness, or accident—which limits their ability to perform their natural role in life compared to others of their age, and who require care and rehabilitation to fulfill their role in life.

Source : [law-of-care-and-rehabilitation-of-the-disabled.pdf](#)

2. Are there different definitions for disability at a state, provincial or local level?

No, Oman does not have different definitions of disability at the state, provincial, or local levels.

Source : [law-of-care-and-rehabilitation-of-the-disabled.pdf](#)

3. Do these definitions include mental health?

Yes, the definition of disability expressly includes mental health conditions.

Reference : Article 1 of Royal Decree 63/2008 Promulgating, the Disabled Care and Rehabilitation Law

[law-of-care-and-rehabilitation-of-the-disabled.pdf](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition under the current law governing disability in Oman does not specifically refer to neurodiversity, but it refers to disabled persons as persons suffering from a shortage of some sensory, physical, or mental abilities—either congenitally or due to genetic factors, illness, or accident.

Source : [law-of-care-and-rehabilitation-of-the-disabled.pdf](#)

5. Are there specific disability employment laws for certain industries or sectors?

Oman does not currently have industry-specific disability employment laws.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, the Labour Law has long recognised the rights of the disabled and the need for integrating them, and this was reconfirmed in the [Labour Law of 2023](#) which stipulates in article 24 that an employer who employs 40 or more workers must commit to hiring qualified disabled Omanis for jobs suitable to their conditions, within the limits of the ratio set by the ministerial decision..

Source: See Article 24 of [Royal Decree 53/2023 Issuing the Labour Law – Decree](#)

Initially, the Disabled Care and Rehabilitation Law, promulgated by Royal Decree 63/2008, stated that government agencies and employers employing 50 or more workers are required to appoint candidates nominated by the Ministry of Manpower for qualified persons from the National Labor Force Register by a percentage of the jobs or occupations to be filled.

Source: See Article 9 of [law-of-care-and-rehabilitation-of-the-disabled.pdf](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are no widely reported or landmark legal cases in Oman that have specifically shaped disability employment laws in the way seen in some other jurisdictions.

Status of Disability and Employment Laws Around the World

Other relevant information

[Royal Decree No. 53/2023 issuing the Labor Law - Qanoon.om](#)

[Royal Decree No. 63/2008 Promulgating The Disabled Care and Rehabilitation Law](#)

[Oman State Council reviews draft law on Rights of Persons with Disabilities - The Arabian Stories News](#)

For summary of policies related to disabled persons, refer to

<https://journals.scholarpublishing.org/index.php/BJHR/article/download/19438/11525/27859>

[Persons with disabilities in Oman being integrated and empowered - Times of Oman](#)

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Poland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes.

Definition:

Under Polish law, a disabled person is a person with a physical, psychical, or mental impairment that limits their capacity to work.

Polish law designates three degrees of disability:

Significant:

- The person is unable to work or needs the workplace modified/adapted for their condition, and
- The person cannot function independently and is completely dependent on the care of others for more than 12 months (e.g., the person is fully dependent on others for activities such as grooming, feeding, washing).

Moderate:

- The person is unable to work or needs workplace modified/adapted for their condition, and
- The person needs temporary or partial assistance from others for more than 12 months.

Mild:

- The person has major limitations in functioning and can only work partially, for example part-time, and
- The person has problems in everyday activities and need devices that help them function properly (e.g., a prosthesis, a cochlear implant, a personal insulin pump).

Sources:

Poland, *Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons* (Dz. U. 1997 Nr 123 poz. 776), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf>.

Service of the Republic of Poland, *Get a Disability Certificate (Uzyskaj orzeczenie o stopniu niepełnosprawności)*, <https://www.gov.pl/web/gov/uzyskaj-orzeczenie-o-stopniu-niepelnosprawnosci>.

Dudkowiak & Putyra, *Unlocking the Untapped Workforce: Employing Disabled Individuals in Poland*, <https://www.dudkowiak.com/blog/unlocking-the-untapped-workforce-employing-disabled-individuals-in-poland/>

2. Are there different definitions for disability at a state, provincial or local level?

For the country of Poland, disability is governed at the national level with some variation in interpretation and implementation at the local level. At the local level, certification and assessment is conducted by local Disability Assessment Boards (DABs) which are board that include professionals such as doctors, psychologists, and social workers. Currently, there are 16 provincial boards and 295 district boards operating in Poland.

Source:

Ministry of Family, Labour, and Social Policy, Republic of Poland, *Long-term disability degree certificates. The Minister of Labour has signed the regulation*, <https://www.gov.pl/web/family/long-term-disability-degree-certificates-the-minister-of-labour-has-signed-the-regulation>.

3. Do these definitions include mental health?

Yes, it is clearly stated in the Charter of Persons with Disabilities on the Commissioner for Human Rights of Poland:

§ 1. The Sejm of the Republic of Poland recognises that people with disabilities, i.e. people whose physical, mental or intellectual ability either permanently or temporarily impairs, restricts or prevents daily life, education, work and performing social roles, in accordance with the legal and customary standards, have the right to

lead an independent and active life and may not be discriminated.

This means that individuals with mental health disorders or intellectual disabilities are explicitly recognized under Poland's national framework for disability rights and protections.

Poland Commissioner for Human Rights, *Charter of Persons with Disabilities (M.P. of 13.08.1997, No 50 item 475)*, <https://bip.brpo.gov.pl/en/content/charter-persons-disabilities>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Poland's national definition of disability does not explicitly include neurodiversity, such as autism, ADHD, dyslexia, and dyspraxia, but the broad language of the Charter of Persons with Disabilities likely includes these conditions under the broader categories of mental and intellectual disabilities.

This is confirmed in the Charter of Persons with Disabilities, adopted by the Sejm (Polish Parliament), which defines a person with a disability as:

“People whose physical, **mental or intellectual ability** either permanently or temporarily impairs, restricts or prevents daily life, education, work and performing social roles...”

This inclusive language means that conditions commonly associated with neurodiversity—such as autism spectrum disorder, ADHD, dyslexia, and dyspraxia—fall within the scope of recognized disabilities in Poland, provided they significantly impact daily functioning or social participation.

5. Are there specific disability employment laws for certain industries or sectors?

No. In Poland, disability employment laws do not target specific industries; rather, they apply broadly to employers based on their size and status of the employers.

- Employers with at least 25 employees (full-time equivalents): Must meet a 6% quota for the employment of disabled workers. If this quota is not met, the employer must pay mandatory monthly contributions into the PFRON fund.

- Small employers (fewer than 25 employees): Are not required to pay contributions to PFRON, but can receive wage subsidies for hiring disabled employees.
- Public administration and sheltered workshops: The public sector is also bound by quotas, and employers can apply for “protected work enterprise” or “sheltered workshop” status if they meet a higher disabled employment rate, which may include special requirements for employees with severe or moderate disabilities.

Poland, *Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons* (Dz. U. 1997 Nr 123 poz. 776), <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971230776/U/D19970776Lj.pdf>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, there are employment quotas for employers with respect to hiring individuals with disabilities in Poland. As described above, there are different quotas for employers of different sizes in the private and public sector. The Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities imposes financial penalties for failure to meet quotas, which are payable to the State Fund for Rehabilitation of Persons with Disabilities (PFRON). The size of the penalty is based on factors such as how far from the 6% requirement the employer is and the size of the employer, among others.

PFRON has various programs that can help employers to integrate disabled workers into their workplaces.

Employers may be eligible for reimbursement for the costs of adapting workspaces as required to hire and maintain the employment of disabled employees, or may be eligible for financial subsidies that would help off-set the salary/compensation of a disabled employee.

Although the legal framework for a quota hiring systems exists, some employers may simply elect to pay the financial penalties rather than comply with the 6% hiring mandate.

Sources:

Ministry of Family, Labour, and Social Policy, Republic of Poland, *Persons with disabilities in the labour market*,

<https://www.gov.pl/web/family/persons-with-disabilities-in-the-labour-market>.

Dudkowiak & Putyra, *Unlocking the Untapped Workforce: Employing Disabled Individuals in Poland*,

<https://www.dudkowiak.com/blog/unlocking-the-untapped-workforce-employing-disabled-individuals-in-poland/>

Tom Hoopengardner, World Bank, *Disability and Work in Poland*,

<https://documents1.worldbank.org/curated/en/459211468776695167/pdf/multi0page.pdf>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are several significant cases that have shaped disability employment laws in Poland. For example, the following three cases have had impacts on disability employment laws recently:

7. **CJEU Ruling, VL v Szpital Kliniczny im. dra J. Babińskiego (2021)**

- **Court:** Court of Justice of the European Union (CJEU)
- **Summary:** A psychologist in a Polish hospital challenged a policy that gave extra benefits only to employees who submitted disability certificates after a certain date. She argued this was discriminatory.
- **Significance:** The case raised the issue of inter-disability discrimination. Specifically the court considered whether disabled workers can compare themselves to other disabled workers for equality claims.
- **Outcome:** The CJEU considered that such policies could amount to direct disability discrimination, especially if they disadvantage workers with stigmatized or more severe conditions

8. **Polish Constitutional Tribunal, Case K 17/11 (2013)**

- **Court:** Constitutional Tribunal of Poland
- **Issue:** Whether requiring a medical certificate for shortened working hours for disabled employees violated constitutional rights.
- **Ruling:** The Tribunal found that linking shorter working hours to a medical certificate was unconstitutional under Article 2 and Article 69 of the Polish Constitution.
- **Impact:** Strengthened protections for disabled employees by affirming their right to workplace accommodations without excessive administrative barriers.

9. **Supreme Court Ruling – III PZP 3/16 (2016)**

- **Court:** Polish Supreme Court
- **Issue:** Whether an employee could claim damages for discriminatory dismissal even if they missed the deadline to challenge the termination.
- **Ruling:** The Court ruled that discrimination claims can be pursued independently of wrongful termination claims, expanding access to justice for disabled workers.

Sources:

VL v Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie,

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=236963&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=27230498>.

Oxford Human Rights Hub, *Disability discrimination in the EU: The Scope of Comparison (2/8)*,

<https://ohrh.law.ox.ac.uk/disability-discrimination-in-the-eu-the-scope-of-comparison/>.

Sygn. akt K 17/11,

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20130000791/T/D20130791TK.pdf>.

International Law Office, *Supreme Court issues landmark ruling regarding claims for termination on discriminatory grounds*,
https://skslegal.pl/storage/2017/09/Supreme_Court_issues_landmark_ruling_regarding_claims_for_termination_on_discriminatory_grounds.pdf.

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Portugal

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Portugal does define disability for the purpose of employment protection. Law 46/2006 (anti-discrimination by reason of disability / risk to health) (as amended) and in related legislation, refers to treatment of workers with “deficiência” (disability) or “doença crónica.” (chronic illness).

While there is no specific definition of “Deficiência” in the Labour Code, it appears to be understood as any alteration, anomaly or loss (congenital or acquired) of bodily functions or structures, including psychological functions, such that the person has specific difficulties that tend to limit or hamper activity and participation under equal conditions compared to other persons.

While the Labour Code relies on the broader definition given in anti-discrimination law, it gives rights and protections specifically tailored to “workers with disability / chronic illness.”

(Source: [Lei n.º 46/2006 | DR](#))

2. Are there different definitions for disability at a state, provincial or local level?

Portugal uses a national definition of disability, and there are no separate definitions at state, provincial, or local levels. The Law no. 38/2004 dated 18 August Defines the general bases of the legal system for prevention, habilitation, rehabilitation and participation of people with disability, is the principal Portuguese law that defines “disability” and structures rights, supports, inclusion, and non-discrimination.

Under that law, a person with disability is defined roughly as:

“A disability person is considered as being one who, because of loss or irregularity, whether congenital or acquired, of bodily functions or structures, including psychological functions, has specific difficulties that are likely, in combination with environmental factors, to limit or hinder activity and participation under equal conditions with others.”

The Constitution of Portugal, while not explicitly mentioning disability in Article 13, does establish the general principle of equality, affirming that all citizens have the same social dignity and are equal before the law.

Article 6 of the Constitution of Portugal says:

“The state is unitary and the way in which it is organised and functions shall respect the autonomous island system of self-government and the principles of subsidiarity, the autonomy of local authorities and the democratic decentralisation of the Public Administration.”

Source: [Constituição da República Portuguesa](#)

3. Do these definitions include mental health?

Mental health is not specifically incorporated into the concept of “deficiência” in the Labour Code. However, Law 46/2006’s broad approach that contemplates mental, emotional, social dimensions.

Whether a given mental health condition qualifies as a “deficiência” (for quota / accommodation / discrimination protection) depends on **severity, duration, functional limitation, and how it affects participation.**

The newer Law 35/2023 elevates the legal status of mental health, though it is more about rights in the healthcare and social sphere than employment.

(Source: [Lei 35/2023](#))

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. While it does not explicitly mention the word “neurodiversity”, functionally Portugal’s framework law defines disability to include losses/anomalies of **bodily structures or functions “including psychological functions,”** which should cover neurodevelopmental/neurological conditions when they hinder participation.

Source - [ASSEMBLEIA DA REPÚBLICA](#)

5. Are there specific disability employment laws for certain industries or sectors?

Sector / industry variations, exceptions, and special rules

While Portugal does not have a large number of disability employment laws that apply only to particular industries, there are some notable sector-based differences and exceptions. Some of these are:

1. Public sector / civil service / security services

- The quota rules in the public sector are somewhat more mature and detailed due to earlier legislation (Decree-Law 29/2001) targeting central government, local government and public institutions. [European Commission](#)
- There are exclusions: for certain “police nature” careers, security forces, the Prison Guard Corps, etc., the quota rules for persons with disabilities do not apply (i.e. these sectors are exempted). [European Commission](#)
- In public sector recruitment (civil service entry), when there are at least 10 open positions in a competition, 5 % (rounded) of those positions must go to persons with disabilities, for instance. [European Commission](#)

2. Small employers / microenterprises / transitional periods

- The quota rules are phased in depending on employer size. For example, smaller companies may have had a delayed effective date or transitional periods to meet their quota obligations. [European Commission+2Caiado Guerreiro+2](#)
- In some cases, companies newly surpassing a size threshold have extra years to adjust. [Quotas for people with disabilities in medium-sized companies | Caiado Guerreiro](#)

3. Assessment tests and recruitment (across sectors, but with sectoral sensitivity)

- The law requires that recruitment procedures and assessment tests be adapted (“suitable”) for candidates with disabilities (for example, offering alternative formats) — this rule has to be observed across sectors. [European Commission](#)
- The “suitability” / adaptation exceptions may be more controversial in certain technical or safety-sensitive sectors, where the employer

may argue that no reasonable accommodation is possible. (This is not a sector-specific law, but a practical issue more likely to arise in, say, aviation, transport, or heavy industry.)

4. Public procurement / contracts

- In many jurisdictions, public contracts or concessions may require compliance with social inclusion or disability inclusion criteria (e.g. requiring contractors to comply with quota or inclusion obligations). In Portugal, non-compliance with disability quota obligations may also affect a company’s eligibility to bid on public tenders (e.g., a repeated breach can lead to a ban from public procurement for up to two years). [European Commission](#)
- Thus, for sectors heavily reliant on public contracts (construction, infrastructure, public services), compliance with disability employment law can have extra significance.

5. Accessible services / regulated industries

- Beyond employment, certain industries providing public services — e.g. transportation, communications, digital services, public utilities — may be subject to *accessibility* rules (e.g. for customers or public users). These rules can intersect with employment law in terms of ensuring the workplace, facilities, or job functions are accessible. For example, there is a Portuguese decree transposing the EU Accessibility Directive (Directive 2019/882) that sets standards for accessibility of certain goods and services. [European Accessibility Act - Wikipedia](#)
- While those are not exclusively “employment laws,” a company in, say, public transport must make its services accessible and may also need to ensure its workforce (drivers, staff) comply with or are able to operate under accessibility constraints.

6. Special (“protected” or sheltered) employment

- In some cases, persons with more significant disabilities may work in sheltered or supported employment environments. Portuguese law includes provisions for *professional rehabilitation* support and support for integration in the labour market, sometimes

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under specific regimes coordinated by the IEFP (the National Institute for Employment and Vocational Training) and non-profit organisations. [European Commission](#)

- These regimes may have sectoral partnerships with social enterprises, NGOs, or specific industries that support inclusion of persons with disabilities in tailored roles.

SUMMARY

In general there are no widespread industry-only disability employment laws: Most of the core legal obligations (quotas, non-discrimination, accommodations) apply broadly across sectors, rather than being carved by industry.

But sector nuances and exemptions matter: The public sector / civil service is a clear example of a sector with specific quota rules and some carve-outs (e.g. police, security). Also, companies doing public procurement or in regulated sectors may face additional stakes in compliance (eligibility for tenders, accessibility obligations).

Practical constraints may differ by industry:

Even though the law is general, in practice, sectors with safety, technical, or physical demands may contest how far reasonable accommodation must go, or argue exemptions, which leads to sectoral variation in application.

Enforcement and inspection intensification:

Newer inspection campaigns focus on verifying compliance with quotas especially in certain types of companies (i.e. those above size thresholds).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Portugal has a mandatory employment quota system for hiring persons with disabilities, established under Law No. 4/2019 of 10 January (Source: Portugal: Labour Authority Starts Inspection Campaign for Compliance with Employment Quotas for Persons with Disabilities - Lexology_):

Who is covered?

Private and public sector employers with 75 or more employees.

Quota requirements:

Companies with 250 or more employees must ensure that at least 2% of their workforce are persons with disabilities. Companies with 75 to 249 employees must ensure at least 1% of their workforce are persons with disabilities.

Eligibility:

The quota applies to individuals with a degree of incapacity equal to or greater than 60%.

Enforcement:

The Portuguese Labour Authority (ACT) began nationwide inspections in September 2024, continuing through early 2025, to verify compliance.

Non-compliance is a serious administrative offence, punishable by fines ranging from €612 to €9,690, depending on company size and fault.

There are limited exemptions, e.g., if no qualified candidates are available or if it is objectively impossible to allocate a role.

Reporting:

Employers must include information on compliance in their annual Single Report.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are a few Portuguese **court decisions** and a body of **EU case law (binding in Portugal)** that shape disability rights at work. The most directly on-point national items tend to involve the **quota/recognition regime** and proof of disability; the EU rulings set the standards for what counts as “disability” and **reasonable accommodation**.

Portugal – notable decisions

- **STA (Supreme Administrative Court), 7 Apr 2024 – Proc. 0335/21.9BEPNF**
Addresses the **public-sector quota** for hiring persons with disabilities ($\geq 60\%$ incapacity) under **DL 29/2001**; clarifies the legal framework around “deficiente” vs. “doença” in recruitment obligations. (Source: [Acórdão de 2024-05-16 \(Processo nº 0335/21.9BEPNF\) | DR](#))

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- STA, 24 Oct 2024 – Proc. 01691/19.4BEPRT On the **Atestado Médico de Incapacidade Multiuso (AMIM)**: confirms how a prior incapacity rating can be maintained by the medical board—relevant because AMIM often underpins eligibility for employment quotas/benefits. (**Source:** [Acórdão do Supremo Tribunal Administrativo](#))
- TCA Sul (Central Administrative Court – South), 24 Feb 2005 Early public-employment case referencing **quota placement for a “professor deficiente”** in competitive recruitment, illustrating practical application of quota rules. (**Source:** [Acórdão do Supremo Tribunal Administrativo](#))
- STJ (Supreme Court of Justice) — labour principle case Recalls the employer’s duty (CT 2003, art. 71) to **facilitate work for employees with reduced work capacity**, tying into equality/non-discrimination provisions in employment law. (**Source:** [Acórdão do Supremo Tribunal de Justiça](#))

Tip: Portuguese **anti-discrimination** law with general reach is **Law 46/2006**, updated; it complements labour-code equality rules and is sometimes cited alongside them. [Diário da República](#)

EU Court of Justice (CJEU) – key rulings that Portugal must follow

- **HK Danmark (Ring & Skouboe Werge), C-335/11 & C-337/11 (2013)** Defines “disability” in line with the **CRPD** and emphasizes the **duty to provide reasonable accommodation** (e.g., part-time, work re-organization). [Eur-Lex – Access to European Union Law](#)
- **Daouidi, C-395/15 (2016)** A “temporary” incapacity **can** be a disability if it is **long-term** (assessed on medical evidence and prognosis). [Eur-Lex – Access to European Union Law](#)
- **Kaltoft, C-354/13 (2014)** **Obesity can be a disability** when it causes long-term physical/mental/psychological impairments that, with barriers, hinder full participation at work. [EUR-Lex – Access to European Union Law](#)
- **Coleman, C-303/06 (2008)** Recognizes **associative discrimination**: protection can extend to a worker **associated with** a disabled person (e.g., a carer). [EUR-Lex – Access to European Union Law](#)

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Qatar

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

In October 2025, it was announced that a new Law No. (22) of 2025 regarding Persons with Disabilities had been issued. The law is effective and is set to be published in the Official Gazette, ([Amir issues law on persons with disabilities - Read Qatar Tribune on the go for unrivalled news coverage](#)).

Law No. 22 might provide a specific definition of disability. However, the actual copy of law is not yet available online.

At present, Qatar's legal framework for persons with disabilities is primarily defined by Law No. 2 of 2004 in respect of People with Special Needs ("Law No. 2") and the Law on Persons with Disabilities that was adopted in 2015 ("Law 2015"), which incorporate principles from the UN Convention on the Rights of Persons with Disabilities (CRPD).

Law No. 2 of 2004 defines persons with special needs as any person with a permanent total or partial disability in any of the senses or in his or her physical ability or in his or her psychological or mental ability to such an extent that his or her opportunity to learn or to undergo rehabilitation or to earn a living is limited. This refers to people who have a permanent physical, mental, or emotional condition that makes it harder for them to learn, get therapy, or earn a living compared to others.

[Law No. 2 of 2004 in respect of People with Special Needs](#)

Law 2015 defines persons with disabilities as 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. This refers to people having a long-term condition—like physical, mental, learning, or sensory challenges—that, when combined with obstacles in the environment or society, makes it harder for someone to fully take part in everyday life like everyone else.

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

2. Are there different definitions for disability at a state, provincial or local level?

Based on our research, it does not seem that specific laws on disability exist at a local level.

3. Do these definitions include mental health?

Yes.

Law No. 2 of 2004 defines persons with special needs as any person with a permanent total or partial disability in any of the senses or in his or her physical ability or in his or her psychological or mental ability to such an extent that his or her opportunity to learn or to undergo rehabilitation or to earn a living is limited.

[Law No. 2 of 2004 in respect of People with Special Needs](#)

Law 2015 defines persons with disabilities as 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.

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

Law No. (22) of 2025 regarding Persons with Disabilities covers persons with disabilities in general, with mental health being a component of the broader legislation. However, since the law is not yet published online, this cannot be verified.

[His Highness the Amir Issues Law No. \(22\) of 2025 on Persons with Disabilities | MSDF](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Law No. 2 of 2004 in respect of People with Special Needs does not specifically refer to neurodiversity.

The text of Law No. (22) of 2025 regarding Persons with Disabilities has not yet been published. However, the key provisions in the law include the following:

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- Enabling persons with disabilities to access the physical environment and transportation, while ensuring that public designs are suitable for their use.
- Prohibiting discrimination on the basis of disability and mandating reasonable accommodation.
- Guaranteeing the independence of persons with disabilities and their right to freely make their own choices.

[His Highness the Amir Issues Law No. \(22\) of 2025 on Persons with Disabilities | MSDF](#)

5. Are there specific disability employment laws for certain industries or sectors?

All sectors are subject to the legal mandate, but private sector institutions are receiving targeted support and incentives.

- **Construction, hospitality, and services** are highlighted as sectors where inclusive employment can have significant impact. The *Employers Guide to Assistive Technology Qatar Edition (November 2011)* outlines the business case for inclusive hiring, especially in sectors like construction, hospitality, and services, where accessibility and customer experience are critical. It emphasizes that employing people with disabilities enhances productivity, morale, and market reach.
- Government and mixed sectors are also monitored for compliance and representation. A dataset from the **National Planning Council** categorizes employment of people with disabilities by sector—government, government establishments, private, mixed, and diplomatic/international. This segmentation helps inform inclusive employment policies and workforce representation across sectors. [\[data.gov.qa\]](#)
- Employers are encouraged to use assistive technologies and inclusive design to support disabled employees.

Law No. (22) of 2025 regarding Persons with Disabilities provides tax exemptions for assistive devices and related services and, also, strict

penalties for violations, including fines up to QAR500,000 and imprisonment for abuse or neglect.

[Qatar Issues New Law Safeguarding Rights and Inclusion of Persons with Disabilities](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Qatar has a 2% employment quota for disabled individuals in the workforce. The quota is enforced in both government and private sectors, with additional support mechanisms:

- The **Ministry of Labour and Qatar Career Development Centre** provide vocational training and rehabilitation to prepare individuals with disabilities for employment. [\[Inclusive Workplaces - Marhaba Qatar\]](#)
- The **Shafallah Centre** promotes employment for individuals with intellectual disabilities and autism, aligning with the 2% quota under **Law No. (2) of 2004** and **Law No. (15) of 2016**. [\[Professional Opportunities for People with Intellectual Disabilities and Autism in Qatar\]](#)
- The **Qatar Chamber** requires private companies and employers with 25 or more workers are required to allocate at least one position to a person with a disability, and maintain a minimum 2% quota of disabled employees. [\[QC Highlights Efforts for Employment of People with Disabilities | Qatar Chamber\]](#)
- The **Jusour initiative**, in partnership with the Ministry of Social Development and Family, matches candidates with disabilities to suitable roles in the private sector. [\[Ministry partners with 'Jusour' to employ people with disabilities - Gulf Times\]](#)

Law No. (22) of 2025 regarding Persons with Disabilities mandates that specific job quotas be allocated for persons with disabilities in both the public and private sectors. The exact percentage is to be determined by mechanisms adopted by the Council of Ministers.

[His Highness the Amir Issues Law No. \(22\) of 2025 on Persons with Disabilities | MSDF](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Currently, no available online information for Qatar cases involving disability due to privacy and the nature of legal proceedings.

Other relevant information

Question No. 1.

Definition of Disability: Under Qatar's Law No. 22 of 2025 concerning persons with disabilities, "disability" is understood as a condition that may be physical, mental, intellectual, or sensory, which—when interacting with various barriers—can hinder a person's full and effective participation in society on an equal basis with others. The law does not provide a single sentence definition in the publicly available summaries, but it is built on international standards and the principles of equality, non-discrimination, human dignity, independence, and full inclusion.

Layman's Definition: A disability means any physical, mental, intellectual, or sensory condition that makes it harder for a person to do everyday things or take part in society like everyone else. This could be because of barriers in the environment, attitudes, or systems. The law in

Qatar says people with disabilities should be treated equally, with respect, and included fully in all parts of life.

Sources:

msdf.gov.qa ([His Highness the Amir Issues Law No. \(22\) of 2025 on Persons with Disabilities | MSDF](#))

marhaba.qa

Law No. 22 of 2025 is the most recent and comprehensive legislation safeguarding the rights and inclusion of persons with disabilities in Qatar. It establishes a legal mandate for:

Inclusive employment in both public and private sectors.

Employment quotas for persons with disabilities.

Tax exemptions for assistive devices and related services.

Strict penalties for violations, including fines up to QAR500,000 and imprisonment for abuse or neglect. [marhaba.qa]

This law builds on earlier frameworks such as Law No. 220, which also emphasized accessibility and equal rights. [policy.mada.org.qa]

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Romania

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. The jurisdiction defines disability under Law No. 448/2006 On the Protection and Promotion of the Rights of Persons with Disabilities, as amended.

Under Art. 2 par. 1 of Law No. 448/2006 people with disabilities are defined as people who due to their physical, sensory, or mental deficiency, are not able to normally perform the day-to-day activities and who require protective measures in support of social recovery, integration and inclusion.

Under Art. 86 par. 1 of Law No. 448/2006 disabilities are classified by a degree: small, medium, accentuated and severe. Under Art. 86 par. 2 of Law No. 448/2006 the types of handicap are: physical, visual, hearing, deafblindness, somatic, mental, psychic, HIV, associated, rare diseases. Disability is examined by a specialized commission, and people with disabilities benefit from the rights defined under Art. 6 of Law No. 448/2006 based on degree of their disability (incl. right to employment and workplace adaptation, guidance and professional retraining).

Sources:

Law No. 448/2006: [LEGE 448 06/12/2006 - Portal Legislativ](#)

[Microsoft Word - LEGE 448 engleza](#) (in English)

Employers are required to provide reasonable accommodations for employees with disabilities.

Other sources (in English)

[Romania - Disability:IN](#) (disabilityin.org)

[Easy-to-read-version---The-National-Strategy-for-the-Rights-of-Persons-with-Disabilities-2022-2027.pdf](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. There are no specific definitions of disability which would apply on provincial or local level in Romania or definitions different from the definition under Law No. 448/2006, the primary legislative framework for disability rights in Romania.

Source:

[LEGE 448 06/12/2006 - Portal Legislativ](#)

However, the practical application of the same definition can vary significantly between counties, especially regarding the assessment of the degree of disability and access to services.

Source:

[Evaluare grad de handicap – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități](#)

3. Do these definitions include mental health?

Yes, according to the definition of Art. 2 (1) of Law No. 448/2006 On the Protection and Promotion of the Rights of Persons with Disabilities (as amended), disabled people include, among others, those persons that are affected mentally and as a result are not able to normally perform the day-to-day activities and that require protective measures in support of their social recovery, integration and inclusion.

Further, Art. 86 (2) of Law No. 448/2006 specifically mentions mental, psychic and associated diseases as the types of handicap .

The referenced Law No. 448/2006 is available at [Romania - Disability:IN](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Not specifically.

The definition under Art. 2 par. 1 of Law 448/2006 includes reference to disabled persons who, due to a mental or sensorial affection, do not have the abilities for normally performing the day to-day activities, requiring protection measures in support of their social recovery, integration and inclusion.

Types of disabilities defined under Art. 86 par. 2 of Law 448/2006 include (among others) somatic, mental, and psychic diseases. The person with disability is subject to classification conducted by specialized commissions on local level. Hence, to have neurodiversity classified as a disability, it needs to be examined and recognized by the respective commission, which should establish that the person with neurodiversity is not able to perform the day-to-day activities.

Under Order of the Minister of Labour, Family and Equal Opportunities and the Minister of Public Health No. 762/1992/2007 For the Approval of the Medical-Psychosocial Criteria, which serves as the basis for the classification of the degree of disability as part of examinations, autism is taken into account during a disability assessment.

Sources:

Law No. 448/2006 is available at [Romania - Disability:IN](#) On 10 types of disability according to Romanian legislation: [Evaluare grad de handicap – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități](#)

ORDER no. 2,298 of August 23, 2012 Art. 1 The Framework Procedure for the evaluation of adults in order to be classified in the degree and type of disability, provided in the annex which is an integral part of this order, is approved. [ORDIN 2298 23/08/2012 - Portal Legislativ](#)

Order of the Minister of Labour, Family and Equal Opportunities and the Minister of Public Health no. 762/1992/2007 For the Approval of the Medical-Psychosocial Criteria on the Basis of Which the Classification in the Degree of Disability is Established, with the following amendments and completions: Medical-psycho-social criteria for classification in the degree of disability of 31.08.2007: [Evaluare grad de handicap – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități](#) (bottom of the website, in Romanian)

5. Are there specific disability employment laws for certain industries or sectors?

No. Romania's disability employment obligations are governed primarily by Law No. 448/2006, which applies across all industries.

According to Art. 78 par. 2 of Law No. 448/2006, employers with at least 50 employees must

ensure that at least 4% of their workforce consists of persons with disabilities. If this quota is not met, employers must either: (i) pay a monthly contribution to the Disability Fund, or (ii) purchase goods/services from authorized units employing persons with disabilities). Law No. 448/2006 is sector-neutral, meaning it applies uniformly across all industries—public and private, manufacturing and services, etc.

While the law does not differentiate by sector, practical implementation may vary. For fields such as manufacturing, logistics, and construction employers may face challenges adapting physical environments or job roles to meet accessibility needs; whereas in IT, finance, and professional services employers are more likely to meet quotas through remote or flexible roles. Public sector employers are often subject to stricter oversight and may have additional internal compliance layers. However, there are no legal exemptions or alternative quotas for specific industries under current Romanian law.

Source:

English version: [Microsoft Word - LEGE 448 engleza](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Employers with 50 or more employees must ensure that at least 4% of their workforce are persons with disabilities.

If not met, employers must either: (i) pay a contribution to the Disability Fund, or (ii) purchase goods/services from authorized units employing persons with disabilities.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Decision of the Curtea de Apel Cluj

In a 2020 case before the Curtea de Apel Cluj, a protected unit challenged GEO No. 60/2017, which restricted employers from meeting the 4% disability employment quota by purchasing from such units. The court referred the matter to the Constitutional Court, which upheld the ordinance, highlighting tensions between policy reform and the rights of persons with disabilities.

Source :

[Instante de judecata din judetul Cluj](#)

Decizia nr. 120/R din 17.01.2014 from the Curtea de Apel Braşov:

In this case, the court reviewed a challenge brought by the legal guardian of a woman with severe intellectual disabilities and Down syndrome, who had previously been granted the right to a personal assistant under Law No. 448/2006. Following a re-evaluation, the Superior Commission for the Evaluation of Persons with Disabilities downgraded her classification, revoking her right to assistance. The claimant argued that the decision failed to consider the irreversible nature of her condition and her complete dependence on others for daily living. The court found that the commission had not properly justified its decision and emphasized the importance of specialized medical expertise in such evaluations. It ruled in favor of the applicant, ordering the reinstatement of her right to a personal assistant and the payment of compensation for the period during which the benefit had been unjustly withdrawn.

Source

[Decizie 120/R din 17.01.2014 - Legea nr. 448/2006 privind protecția și promovarea drepturilor persoanelor](#)

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Saudi Arabia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, the Law on the Rights of Persons with Disabilities - 1445 A.H. (Royal Decree No. (M/27) dated 11/2/1445 AH).

Article One: "The following words and phrases, wherever they appear in this Law, shall have the meanings mentioned before each of them: ...
Person with a disability: Any person with a disorder or long-term impairment in physical, mental, sensory, or psychological functions that may prevent them, when dealing with various challenges, from participating fully and effectively in society on an equal basis with others."

- The law (Article 10) also guarantees:
- The right to work without discrimination.
- Programs to train and employ people with disabilities.
- Adapting workplaces to meet their needs.
- Equal job opportunities.

Government definition:

The official government portal adds more detail. ([Rights of Persons with disabilities | National Platform \(National Portal\)](#)) It says a person with a disability can have:

- (a) Visual impairment
 - Hearing impairment
 - Mental disability
 - Physical and motor impairment
 - Learning difficulties
 - Speech and speech disorders
 - Behavioral and emotional disorders

- Autism
- Double and multiple disabilities
- Other disabilities require special care

Labor law regulations:

2018 Ministerial Decision on "The Implementing Regulations of Labor Law and its Annexes" document found here ([The Implementing Regulations of Labor Law and its Annexes | Ministry of Human Resources and Social Development](#)) sets out a specific definition of disability in respect of Article 28 of the Labor Law

- A person with a disability is someone with a permanent condition confirmed by a medical report or an official ID card from the Ministry of Human Resources and Social Development.
- Conditions include: visual, hearing, mental, physical, motor impairments, learning disabilities, speech disorders, behavioral and emotional disorders, autism, or any other condition that needs special support.

Important: This definition applies only to permanent disabilities, not temporary ones.

2. Are there different definitions for disability at a state, provincial or local level?

No, there do not appear to be any state or local variations of the "disability" definition found in Saudi Arabia's governing national laws.

We looked at a variety of source materials (including those at the links set out below) and found no reference to any state or local variations - only national rules.

[Disability Code | King Salman Center for Disability Research](#)

[Human Rights For Disabled People In Saudi Arabia | Americans for Democracy & Human Rights in Bahrain](#)

3. Do these definitions include mental health?

See [Overview of the Rights of Persons with Disabilities in the Kingdom of Saudi Arabia:](#)

Status of Disability and Employment Laws Around the World

See [The Law on the Rights of Persons with Disabilities: Royal Decree No. M/27 of 11/2/1445](#)

Person with a disability: Any person with a disorder or long-term impairment in physical, mental, sensory, or psychological functions that may prevent them, when dealing with various challenges, from participating fully and effectively in society on an equal basis with others.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No, the “disability” definition from Saudi Arabia’s [Law on the Rights of Persons with Disabilities](#) does not specifically list neurodiverse conditions as covered. However, the Kingdom’s [Implementing Regulations of Labor Law and its Annexes](#) do expressly include “learning disability, speech disorder, behavioral and emotional disorders, [and] autism . . .” as covered disabilities for determining who qualifies as disabled persons that benefit from the 4% hiring quota employees must satisfy.

5. Are there specific disability employment laws for certain industries or sectors?

No, there do not appear to be any sector-specific disability employment laws in Saudi Arabia. However, for purposes of meeting the 4% disabled individual hiring quote applicable to Saudi employers with 25 or more employees, the definition of “disabled person” is: “every person proven under a medical report issued by the Ministry of Health or Hospitals of other governmental sectors or under one of the Implementing Regulations of Labor Law . . . that he has one or more permanent disability as in the following forms: Visual, hearing, mental, physical, and motor impairment, learning disability, speech disorder, behavioral and emotional disorders, autism, or any other disability requires one form of the facilitating measures and services.”

As such, employers in Saudi Arabia have to verify that disabled employees have a documented disability that falls into the listed categories. This is different from the more generalized “disability” definition from the Saudi Arabian [The Law on the Rights of Persons with Disabilities](#).

Source: KSA, [The Implementing Regulations of Labor Law and its Annexes](#).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Saudi law requires companies with 25 or more employees to hire people with disabilities. At least 4% of the workforce must be employees with disabilities, if the type of work allows it.

Article (28) of the Labor Law states:

“Each employer, employing twenty- five or more workers where the nature of his work allows recruitment of the disabled persons who have been professionally rehabilitated, shall employ a number of disabled persons that represents at least 4% of the total number of his workers either through nomination by the employment units or other means. Furthermore, the employer shall send to the competent labor office a list of the jobs and posts occupied by the professionally rehabilitated disabled persons and their wages.”

[Labor Law:](#)

[Labor Law Implementing Regulations:](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Previously: Employment disputes, including those about disability, were handled by the Commission for the Settlement of Labour Disputes.

Now: Since late 2018, these cases are handled by Labour Courts. These courts are new, and Saudi Arabia does not regularly publish court decisions. Because of this, there is no publicly available information about major cases related to disability employment.

Source: [Employment Law Overview in Saudi Arabia | Derayah LLPC](#)

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Senegal

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Senegal has a legal definition of “persons with disabilities” (*handicapées / personnes handicapées*) in its *Loi d’orientation sociale n° 2010-15 du 6 juillet 2010 relative à la promotion et à la protection des droits des personnes handicapées*, as follows:

« Par personnes handicapées, on entend toutes les personnes qui présentent des incapacités physiques, mentales, intellectuelles ou sensorielles **durables** dont l’interaction avec diverses barrières peut porter atteinte à leur pleine et effective participation à la société sur la base de l’égalité. »

English translation: “Persons with disabilities means all persons with **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.”

[Journal Officiel De La Republique Du Senegal](#)

2. Are there different definitions for disability at a state, provincial or local level?

The relevant law is **Loi d’orientation sociale n° 2010-15 du 6 juillet 2010 relative à la promotion et à la protection des droits des personnes handicapées** (Social Policy Act No. 2010-15 of July 6, 2010 on the promotion and protection of the rights of persons with disabilities)

[Senegal Loi-d’orientation-sociale.pdf](#)

This is Sénégal’s national disability law and, by definition, it applies to the entire Republic of Senegal. There are no provincial or regional parliaments with parallel authority to redefine disability.

3. Do these definitions include mental health?

The Social Policy Act No. 2010-15 of July 6, 2010 on the promotion and protection of the rights of persons with disabilities (the “Act”) does include an explicit reference to mental and psychological

health. Article 1 of the Act defines persons with disabilities by referring to “physical, mental, intellectual, or sensory long-term impairments.” This means that mental and psychological health is clearly covered by the scope of the Act, just like other forms of disability.

Article 7 of the Act also states that Senegal guarantees the disabled person to be granted with the necessary medical treatment to ensure a good mental and physical health.

Finally, Article 14 of the Act states public and private legal entities contribute to the prevention of dangers and illnesses that may threaten the physical and mental health of their employees.

The full text of the Act can be found at [Senegal Loi-d’orientation-sociale.pdf](#) (in French).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The law doesn’t say “neurodiversity,” but it does cover it implicitly.

Senegal’s framework law defines a “person with disability” all persons with **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 —language that aligns with the Convention on the Rights of the Persons with Disabilities (CRPD). That captures neurodevelopmental and neurological conditions (e.g., autism, ADHD, dyslexia) when they create participation barriers. [societeinclusive.org](#)

The same definition is used operationally for the Equal Opportunities Card (disability card) program that unlocks supports in health, education, employment, transport, etc. [senegal-services](#)

Senegal also ratified the **UN Convention on the Rights of Persons with Disabilities (CRPD)**, which is part of domestic law and supports this broad, function-based understanding. [societeinclusive.org](#)

5. Are there specific disability employment laws for certain industries or sectors?

We could not find industry-specific disability employment laws in Senegal. Most of the rules and policies concerning disability and

employment-related matters in Senegal are framed in general terms.

In high risk or highly technical industries (e.g. mining, heavy machinery, transport), employers might argue that certain accommodations are not feasible or safe. Such arguments often arise in practice even if not codified in law.

While not directly about employment, some sectoral rules (e.g. in transport, public utilities) may impose accessibility requirements which could indirectly affect employment practices (e.g. making workplaces or vehicles accessible). I did not find strong evidence of that for Senegal in the sources I reviewed.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

The *Loi d'orientation sociale n° 2010-15 du 6 juillet 2010 relative à la promotion et à la protection des droits des personnes handicapées* (Social Policy Act No. 2010-15 of July 6, 2010 on the promotion and protection of the rights of persons with disabilities), available at [Journal Officiel De La Republique Du Senegal](#), mandates a minimum quota of 15% for persons with disabilities in public sector recruitment. For the private sector, the law also requires employers to reserve positions for persons with disabilities; however, there is no specific percentage for private companies.

Non-compliance with the quota obligations is treated as a violation of the Social Framework Act and can lead to administrative sanctions imposed by the Ministry of Labour and Civil Service and fines. The law also empowers the Government to deny access to certain public contracts or benefits for non-compliant companies.

Senegal's quota (15%) is one of the highest in Africa, but it primarily targets public sector recruitment. Enforcement in the private sector is weaker and often relies on incentives and moral obligations, though penalties can include administrative measures.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are a few significant legal cases:

▪ Conseil d'État (Arrêt n° 12), 29 June 2000 — Association nationale des handicapés moteurs du Sénégal (ANHMS) c/ État du Sénégal

A public-recruitment jury excluded a candidate with a physical disability (Boubacar Fadiya) as “incompatible” with teaching duties. The Conseil d'État **annulled** the exclusion, holding that his infirmity—even requiring crutches—was **not incompatible** with the teaching role and that equal access to public employment must be respected. This ruling is repeatedly cited in official materials as a key application of the equality principle to disability in hiring. coursupreme.gouv.sn/rodra.co.za

▪ ECOWAS Court of Justice, Leity (Leiti) Diop v. Republic of Senegal, Judgment March 2022

Applicant alleged he was dismissed/treated adversely **because of physical disability** in connection with airport luggage services. The Court **dismissed** the claim for lack of proof; useful for understanding evidentiary hurdles in disability-based discrimination cases brought at the regional level. [GBC Ghana Online+1](#)

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Serbia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, under **art. 3 - Law on Professional Rehabilitation and Employment of Persons with Disabilities (Official Gazette of RS, No. 36/2009, 32/2013, 14/2022)**: A person with a disability, in the sense of this law, is a person with permanent consequences of a physical, sensory, mental or spiritual impairment or disease that cannot be removed by treatment or medical rehabilitation, who faces social and other restrictions affecting the ability to work and the possibility of employment or maintaining employment and who does not have the opportunity or has reduced opportunities to join the labour market under equal conditions and apply for employment with other persons.

Sources:

[LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)

[LAW on professional rehabilitation and employment of persons with disabilities](#)

[Employment of persons with disabilities - Tasic & Partners](#)

[LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES THROUGH THE LENS OF SERBIAN EMPLOYERS](#)

2. Are there different definitions for disability at a state, provincial or local level?

No, Serbia is a unitary state (not a federal country), and there is no separate subnational (state/province) definition of disability for employment law. The definition in the national Law on Professional Rehabilitation and Employment of Persons with Disabilities applies across all of Serbia.

Local governments or municipalities may have supplementary policies or implementation mechanisms (e.g. incentives, support programs),

but they must operate within the national framework.

See Article 3 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities: "For the purposes of this law, a person with disabilities shall be the person suffering permanent consequences of bodily, sensory, mental and psychiatric impairment or sickness which cannot be eliminated by any treatment or medical rehabilitation and faced with social and other limitations affecting his/her working capacity and possibility to find or retain employment and who does not have the possibilities or has reduced possibilities to be included in the labour market or apply for employment on equal terms with other persons"

Source: [LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)

3. Do these definitions include mental health?

Yes. The statutory definition of 'disability' includes 'mental and psychiatric impairments or sickness' (See Article 3 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities).

In practice, conditions such as mental health disorders could qualify as disability under statute if the individual suffers social or other limitations which affect their working capacity or ability to find or retain employment.

To qualify, it is not enough to merely have a mental health diagnosis, but there must be an impairment (mental health condition) that:

- is long-term/permanent (or at least with long-lasting consequences),
- cannot be fully eliminated with medical treatment or medical rehabilitation, and
- causes limitations that affect ability to take up, or retain work under equal conditions with others. (See Article 3 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities).

Whether a given mental health condition qualifies will depend on individual capacity, limitations and medical/rehabilitation evidence.

Relevant sources:

- [LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)
- Government of the Republic of Serbia website > The Social Inclusion and Poverty Reduction Unit > Economic Development and Employment ([Social Inclusion and Poverty Reduction Unit](#)).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Serbia's employment law does not explicitly use the term "neurodiversity", instead it uses broader terms like "mental", "psychiatric", or "intellectual" impairments. Under the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD), a person with a disability is defined as

Someone with mental or psychiatric impairments, or permanent consequences of disease, who faces barriers to employment.

Such impairments would include conditions such as (i) Autism Spectrum Disorder (ASD), (ii) ADHD, (iii) Dyslexia, (iv) Tourette Syndrome, (v) Mental Health Conditions (such as bipolar disorder and schizophrenia).

However, the above would only qualify under LPREPD if: (i) the condition causes permanent functional limitations (i.e. not a temporary crisis or fully treatable); and (ii) there are barriers to full participation in employment or society, even with assistive support or accommodation.

An individual suffering from any of the conditions above, would need to be formally diagnosed.

In order to be diagnosed, the individual would need to go through a medical assessment process (organized by Serbia's National Employment Service or a medical commission) to be officially recognized as a person with a disability for employment rights and quotas.

The process includes:

- (a) submitting an application to the National Employment Service (NES);

- (b) providing medical documentation, including any medical diagnoses, medical history, expert opinions etc;
- (c) this would then be evaluated by an expert and a decision made including with a classification on the degree of severity.
- (d) following the diagnosis support may be provided and funded by the NES.

In addition to the above, the individual may need documentation (e.g. clinical diagnosis) to qualify for these protections and programs.

Source: [LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)

5. Are there specific disability employment laws for certain industries or sectors?

No, Serbia does not have industry-specific disability employment laws.

The rules on employing persons with disabilities apply **across all sectors** through a single framework law: *the Law on Professional Rehabilitation and Employment of Persons with Disabilities* (Official Gazette of RS, No. 36/2009, 32/2013, 14/2022). This law sets out obligations for all employers, regardless of industry, with no separate regimes for particular sectors like healthcare, education, or manufacturing.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Serbia has legally prescribed quotas under the Law on Professional Rehabilitation and Employment of Persons with Disabilities.

From that law and its implementation regulations:

1. Any employer (domestic or foreign, public or private) who has at least 20 employees (and not considered newly established) is obliged to employ persons with disabilities;
2. More specifically, employers with 20 to 49 employees must employ 1 person with a disability;
3. For employers of 50 or more, they must hire at least 2 persons with disabilities, and then

one additional disabled person for each additional 50 employees.

See Law on Professional Rehabilitation and Employment of Persons with Disabilities ([LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES](#)) Articles 24 to 28.

Article 24. For the purposes of this law, the obligation to employ shall be the obligation of any employer with at least 20 employees to enter into labour relations with a particular number of persons with disabilities. An employer with 20 to 49 employees shall be obliged to enter into labour relations with one person with disabilities. An employer having 50 and more employees shall be obliged to enter into labour relations with at least two persons with disabilities, and per any subsequently started number of 50 employees, to employ one person with disabilities each.

Article 25. A newly-established employer shall not have the obligation to employ referred to in the article 24. of this law, for the period of 24 months from the day of establishment.

Article 26. The employer participating in financing the income of persons with disabilities in the enterprise for professional rehabilitation and employment of persons with disabilities or social enterprise and organisation shall be relieved from the obligation to employ the number of persons with disabilities whose income is financed by the employer. Participation in financing income of persons with disabilities referred to in the paragraph 1 of the Article hereof may not be less than 50% of average income in the economy of the Republic of Serbia, according to the last published data of the Republic body in charge of the statistics.

Article 27. Employer who, in public or other procurement procedure, settles financial obligations under the agreement of business and technical cooperation with the enterprise for professional rehabilitation and employment of persons with disabilities, and under the agreement of purchase of product of, or provision of services by that enterprise, with the exception of obligations that arose in the implementation of a contract in the area of wholesale trade, in the amount of 20 average incomes in the economy of the Republic of Serbia, according to the last published data of the Republic body in charge of statistics at the moment of agreement conclusion, shall be relieved from the obligation to employ

one person with disability referred to in the Article 24 of this law for the subsequent 12 months from the date of the fulfilment of the obligation.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Disability employment protections are shaped primarily by **legislation** and **decisions of equality bodies** (such as the Commissioner for the Protection of Equality and the Constitutional Court), rather than by binding judicial precedent. However, several **important cases and rulings** have influenced how the laws are interpreted and enforced.

1. **Constitutional Court of Serbia - Equality and Non-Discrimination**
2. **Commissioner for the Protection of Equality - Employment Discrimination Cases**
3. **European Court of Human Rights**
4. **ILO and UN CRPD Monitoring**

Constitutional Court of Serbia

There seem to be some rulings concerning disability, but inconsistent information was found.

Official page with Constitutional Court Practice: [Пракса Уставног суда - Судска пракса](#)

- **Military vs. civilian disability pensions.** The court dismissed a constitutional review of a law regarding military disability pensions, finding that the law did not create a separate, unconstitutional category of beneficiaries. It reasoned that the law simply provided for disability determination within a specific profession and did not violate the principle of equality. ([MILIVOJEVIĆ v. SERBIA](#) - Radosav MILIVOJEVIĆ vs Serbia)
- **Discrimination between disabled civilians and war veterans:** In a case involving assisted living allowances, the Constitutional Court of Serbia found that the differential treatment between disabled civilians and disabled war veterans was not a violation of rights. It reasoned that the Serbian legislator had grounds for making these distinctions,

based on factors such as the state's "moral debt" to veterans and potentially different overall benefit structures. ([Popović and Others v. Serbia](#) - Popović and Others v. Serbia)

Commissioner for the Protection of Equality - Employment Discrimination Cases

- The Commissioner has issued **opinions and recommendations** in cases where persons with disabilities were denied jobs or faced workplace barriers.
- These rulings, while not judicial precedents, have shaped employer practices and raised awareness of **reasonable accommodation obligations**.
- Key Cases / Complaints / Strategic Lawsuits:
 - a. **Dealing with unequal treatment in subsidies / salary / tax for persons with disabilities employed in "enterprises for professional rehabilitation"**
 - **Case/Recommendation:** *No. 011-00-68/2017-03 of 08 June 2018* by the CPE. ([no: 011-00-68/2017-03 of 08 June 2018. o The Commissioner for the Protection of Equality](#))
 - **Facts:** There were legal ambiguities about the application of Article 21 of the Individual Income Tax Law, which exempts persons with disabilities employed in such rehabilitation enterprises from paying income tax on wages. In practice, this led to inconsistent treatment: differences between wages of persons with disabilities vs. non-disabled in those enterprises, and between disabled persons in rehabilitation enterprises vs. those employed outside them. Also, issues with social security / pension insurance contributions because of how the "gross-up" or wage calculation was handled.
 - **Legal Significance:** This puts the burden on ministries (Finance, Labour etc.), in cooperation with rehabilitation enterprises, to harmonize how legal provisions are applied, to avoid unequal treatment. It underscores that laws meant to protect disabled persons must

be applied uniformly and coherently. It also shows the role of the CPE in recommending legislative / regulatory clarifications.

b. Strategic lawsuit by the Commissioner: termination of employment because of health condition / disability (leukaemia case)

- **Case:** A lawsuit initiated by the CPE in July 2017 by the Commissioner, against an employer who terminated the employment contract of an employee with leukaemia.
- **Procedural History & Decision:** Initially, the Higher Court in Belgrade (24 February 2020) accepted (adopted in full) the Commissioner's claim, finding that termination based on health condition and disability was discriminatory.
 - The defendant then appealed to the Court of Appeals in Belgrade; on 1 September 2020 (case GŽ1 2129/20), the Court of Appeals reversed the Higher Court's verdict, rejecting the claim of discrimination.
 - The Commissioner then lodged an appeal (revision) to the Supreme Court of Cassation. In the 2021 verdict, the Supreme Court of Cassation adopted the revision by the Commissioner, overturning the Court of Appeals and confirming the Higher Court's decision. Thus, it held that the termination was discriminatory. Also ordered that the defendant publish the verdict in a national newspaper as per legal requirement.
- **Legal Importance:** This case is a landmark because it clarifies that health condition / disability (in this case, serious illness) is a protected characteristic under the Law on Prohibition of Discrimination. It also underlines that termination on the basis of health/disability must meet strict scrutiny: if an employer bases a termination on health condition (or incapacity), courts must check whether there were reasonable

accommodations or alternative options; otherwise it is discriminatory. It confirms that the burden of proof shifts to the defendant once a prima facie case is made: defendant must show that the act was not discriminatory.

▪ **Sources:**

- **Regular Annual Report of the Commissioner for Protection of Equality for 2020** ([Regular-Annual-Report-of-the-CPE-for-2020-za-sajt.pdf](#));
- **European Social Charter** *RAP/RCha/SRB/11(2022)* ([European Social Charter](#))

c. Complaints / Opinions involving accessibility and discrimination in service provision including in employment-adjacent fields

- **Case/Opinion:** No. 465-24, 17 June 2024, complaint against Post of Serbia for introducing a mobile application as the only means of communication, which would discriminate against blind and partially sighted persons.
- **Significance:** Though not directly a case of employment termination, this illuminates how discrimination on grounds of disability intersects with access to services, information, and communication technologies - all of which affect employment (e.g. applying for jobs, communicating with employers). The case led the CPE to emphasize that accessibility, including digital/informational, is a necessary precondition for equality. Also shows the ability of CPE to intervene based on complaints about policy or service design.
- **Source:** ([No. 465-24 o The Commissioner for the Protection of Equality](#))

d. Broader legal / policy gaps identified by the CPE in relation to employment and disability:

- The need for clearer definitions and consistent practice on various laws

(Labour Law, Individual Income Tax Law, Law on Professional Rehabilitation and Employment of Persons with Disabilities, etc.)

- Social protection / support services during working life vs in education, for example, for persons with autism or rare diseases - the CPE has pointed out that supports that exist for learners / students are missing in the work environment.

European Court of Human Rights (ECHR) - Indirect Influence

- Serbia, as a Council of Europe member, is bound by the **European Convention on Human Rights**.
- While no high-profile ECHR case has directly redefined Serbian disability employment law, **ECHR jurisprudence on Article 14 (non-discrimination) and Protocol 12** has influenced Serbian courts and lawmakers.
- For example, ECHR cases such as *Glor v. Switzerland* (2009) on disability discrimination in employment contexts are often cited in Serbian legal commentary as persuasive authority.
- Relevant ECtHR Cases Concerning Disability in Serbia:
 - i. **Popović and Others v. Serbia** (30 June 2020) (nos. 26944/13, 14616/16, 14619/16 & 22233/16)
 - **Issue/facts:** Paraplegic civilians claimed discriminatory treatment: they got fewer disability benefits than war veterans with comparable disabilities.
 - **What the Court Held / Legal Significance:** The Court held no violation of Article 14 (non-discrimination) read with Article 1 of Protocol No. 1 (protection of property). It upheld that the distinction had a “reasonable foundation” in the different contexts in which injuries were suffered, etc.

- **Sources:**
 - ECHR Case Law - Different disabilities benefits to paraplegic citizens and war veterans. Logical and reasoned distinction of benefits. Non-violation of the ECHR ([Different disabilities benefits to paraplegic citizens and war veterans. Logical and reasoned distinction of benefits. Non-violation of the ECHR - ECHRCaseLaw](#))
 - Article titled 'Persons with disabilities and the European Convention on Human Rights' ([Persons with disabilities and the European Convention on Human Rights](#))
- ii. **Đurić v. Serbia** ("Duric") (6 February 2024, app. no. 24989/17)
 - **Issue/Facts:** The applicant, injured as a child and seeking recognition as a war invalid, was denied status without being given an oral hearing.
 - **What the Court Held/Legal Significance:** Court found violation of Article 6§1 (right to a fair hearing). This is procedural rather than employment-oriented, but it affects ability to access benefits linked to invalid status.
 - **Source:** ECHR Case Law - Refusal to grant the applicant the status of disabled person on the ground that no oral procedure was held. Infringement of the right to a fair trial ([Refusal to grant the applicant the status of disabled person on the ground that no oral procedure was held. Infringement of the right to a fair trial - ECHRCaseLaw](#))
- iii. **Negovanović and Others v. Serbia** (25 January 2022)
 - **Issue/Facts:** Blind chess players who had won medals claimed they were denied certain financial benefits or honorary recognition given to other athletes, or to sighted players with similar sporting achievements.
 - **What the Court Held/Legal Significance:** The Court held there was a violation of Article 1 of Protocol No. 12 (general prohibition of discrimination). The case is not about employment, but about recognition and benefits tied to performance / achievement.
- iv. **Boškočević v. Serbia** (5 March 2024, no. 37364/10)
 - **Sources:**
 - Press country profile for Serbia under the ECHR ([CP Serbia ENG](#))
 - Persons with disabilities and the European Convention on Human Rights ([Persons with disabilities and the European Convention on Human Rights](#))
 - **Issue/Facts:** An employee of a national park lodged a case about non-enforcement of a domestic judgment in his favour (outstanding wages). Also, after lodging with ECtHR, he received a warning from his managing director that he risked dismissal, possibly in retaliation.
 - **What the Court Held / Legal Significance:** The Court found that the warning letter by the employer constituted "pressure" and "intimidation." It violated the applicant's right of individual petition / right to apply to the ECtHR under Article 34, because it interfered with that right.
 - **Sources:**
 - Press Country Profile for Serbia ([CP Serbia ENG](#))
 - ECHR Case Law Article: Threat to dismiss an employee if he did not provide copies of his correspondence with the ECHR. Infringement of the right of individual appeal ([Threat to dismiss an employee if he did not provide copies of his correspondence with the ECHR. Infringement of the right of individual appeal - ECHRCaseLaw](#))

- v. The Supreme Court of Serbia's Rev2 331/2020 ruling, issued on September 3, 2020, clarified the legal requirements for terminating employment based on an employee's reduced work ability
 - The ruling established that employers cannot lawfully terminate an employee for this reason unless a specific, legally mandated work ability assessment has been conducted
 - **Source** - [Rev2 331/2020 3.5.15.4.8: 3.5.16.3 | Vrhovni sud](#)

ILO and UN CRPD Monitoring

- Serbia ratified the **UN Convention on the Rights of Persons with Disabilities (CRPD)** in 2009.
- Reports from the **UN Committee on the Rights of Persons with Disabilities** and the **International Labour Organization (ILO)** have pressured Serbia to strengthen enforcement of employment quotas and workplace accessibility.
- These international reviews have indirectly shaped domestic case handling and policy reforms.

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South Africa

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

South Africa does define disability for the purpose of employment protection. The primary legal framework addressing disability in the workplace is the *Employment Equity Act, 55 of 1998* (EEA).

According to section 1 under Definitions of the EEA, 'people with disabilities' is defined as "Someone who has a long-term or recurring physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may substantially limit their prospects of entry into, or advancement in, employment."

<https://sdfcorp.co.za/definition-of-a-disabled-person/>

This means that 'people with disabilities' are considered to have long-term conditions that, together with workplace or social barriers, can make it significantly harder for them to find work or progress in employment.

2. Are there different definitions for disability at a state, provincial or local level?

Since South Africa signed on to the UN Convention on the Rights of Persons with Disabilities, all levels of government use the definition of disability provided for in the EEA.

On a national level, the [Employment Equity Act & Employment Equity Act: Code of Good Practice on Employment of Persons with Disabilities](#) define 'people with disabilities.' Furthermore, Section 63 of the EEA provides that "If any conflict relating to a matter dealt with in this Act arises between this Act and the provisions of any other law other than the Constitution or an Act of Parliament expressly amending this Act, the provisions of this Act prevail."

As amended on January 2025, the EEA defines 'people with disabilities' as "Someone who has a long-term or recurring physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may substantially limit their prospects of entry into, or advancement in, employment."

3. Do these definitions include mental health?

Yes, the definition of 'people with disabilities' under the EEA includes people with 'mental impairments'

Section 5.1.1 of the [Employment Equity Act: Code of Good Practice on Employment of Persons with Disabilities](#) provides that 'Mental' impairment means a clinically recognized condition or illness that affects a person's thought processes, judgment or emotions.

Furthermore, under Section 5.3.3, an impairment is substantially limiting, if in its nature, duration or effects it substantially limits the person's ability to perform the essential functions of the job for which they are being considered.

An assessment may be done by a suitable qualified person if there is uncertainty as to whether impairment is substantially limiting. For reasons of public policy, certain conditions or impairments may not be considered disabilities, including disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, in some cases; and conventional physical and mental characteristics and common personality traits.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, the definition of "people with disabilities" specifically includes intellectual and sensory disabilities, which expands the scope of impairments (e.g. autism, dyslexia, visual/hearing impairments), not just physical or mental ones.

<https://sdfcorp.co.za/definition-of-a-disabled-person/>

5. Are there specific disability employment laws for certain industries or sectors?

There are no specific disability employment laws by industry or sector in South Africa, but each employer with over 50 employees is expected to attain a disability employment quota by 31 August 2030. These quotas will be set at a national and provincial level for 18 different sectors of the economy. Employers will be held to different quotas depending on whether they operate nationally or not. The quotas will range from 2% to 3%.

These quotas aim to enhance the representation of designated groups, including black people (as defined in the EEA, which include Black, Indian and Colored people), women, and individuals with disabilities, within these sectors.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

While there are currently no mandatory quotas, the Employment Equity Amendment Act requires designated employers (those with 50 or more employees) to prepare and implement a five-year Employment Equity Plan to achieve reasonable progress toward equitable representation.

As of 1 September 2025, the Department of Employment and Labor has begun enforcing sector-specific numerical targets for race, gender, and disability across 18 economic sectors. These targets are legally binding and must be met by August 2030, although employers may justify shortfalls to remain in compliance.

[Race quotas in private business starting today will destroy growth and jobs, but DA court challenge continues](#)

The disability employment target increased from 2% to 3% across all sectors. This change reflects a stronger national commitment to disability inclusion in the workplace.

[Employment Equity Act: Determination of sectoral numerical targets](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Jansen v Legal Aid South Africa | [2018] ZALCCT 17 (C678/14)

Labour Court, Cape Town

This case clarified the employer's duty to reasonably accommodate employees with disabilities. Mr. Jansen, who suffered from depression and anxiety, was dismissed for incapacity. The court found that Legal Aid SA failed to properly investigate and accommodate his condition before termination.

This case reinforced the need for employers to conduct thorough assessments and provide

reasonable accommodations before dismissing disabled employees.

[Jansen v Legal Aid South Africa \(JA121/2014\) \[2018\] ZALCCT 17; \(2018\) 39 ILJ 2024 \(LC\) \(16 May 2018\)](#)

Hoffmann v South African Airways | 2001 (1) SA 1 (CC)

Constitutional Court

Mr. Hoffmann was denied employment as a cabin attendant due to his HIV-positive status. The Constitutional Court ruled that this constituted unfair discrimination under the equality clause of the Constitution.

This case expanded the interpretation of disability to include HIV/AIDS, setting up a precedent for inclusive employment practices and anti-discrimination protections.

[Hoffmann v South African Airways \(CCT17/00\) \[2000\] ZACC 17; 2001 \(1\) SA 1 \(CC\); 2000 \(11\) BCLR 1235 \(CC\); \[2000\] 12 BLLR 1365 \(CC\); \(2000\) 21 ILJ 2357 \(CC\) \(28 September 2000\)](#)

Other relevant information

<https://africa.businessinsider.com/local/markets/fr/esh-govt-directive-puts-south-african-companies-at-risk-of-dollar80k-fine-10/lq7wmjy>

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Spain

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Spain has a legal definition of disability, which is established in the Royal Legislative Decree 1/2013, known as the General Law on the Rights of Persons with Disabilities and their Social Inclusion. This law consolidates previous legislation, including:

- General Law 13/1982 on the social integration of people with disabilities,
- Law 51/2003 on equal opportunities, non-discrimination, and universal accessibility,
- And the 2007 Equal Opportunities Act

Pursuant to Article 2 of Decree 1/2013, disability is a situation that results from the interaction between people with foreseeable permanent impairments and any type of barriers that limit or prevent their full and effective participation in society on an equal basis with others.

Further, pursuant to Article 4 of Decree 1/2013:

- Persons with disabilities are those who have physical, mental, intellectual, or sensory impairments that are likely to be permanent and which, when interacting with various barriers, may hinder their full and effective participation in society on an equal basis with others.

The normative provisions of public authorities and administrations, as well as the resolutions, acts, communications, and statements made by them and their officials and agents, when acting in their official capacity, shall use the terms “person with a disability” or “persons with disabilities” to refer to them.

- In addition to what is established in the previous section, for the purposes of Decree 1/2013, persons who have been officially recognized with a degree of disability equal to or greater than 33 percent shall also be considered persons with disabilities.

Notwithstanding the above, for the purposes of Section 1 of Chapter V and Chapter VIII of Title I, as well as Title II of Decree 1/2013, persons shall be considered to have a disability of 33 percent or more if they are Social Security pensioners receiving a permanent disability pension in the degree of total, absolute, or severe disability, or if they are passive class pensioners receiving a retirement or discharge pension due to permanent incapacity for service or unfitness.

- The recognition of the degree of disability must be carried out by the competent authority in accordance with the regulations.

Source:

[BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)

2. Are there different definitions for disability at a state, provincial or local level?

No.

Pursuant to Article 12 of Decree 1/2013, the multidisciplinary teams for the assessment and recognition of the degree of disability are the bodies responsible for evaluating and determining disability situations for their official recognition by the competent administrative authority.

The functions of the multidisciplinary teams for the assessment and recognition of the degree of disability are:

- To issue a standardized technical report on impairments, activity limitations, and barriers to social participation, identifying the capacities and skills for which the person requires support.
- To provide guidance for habilitation and rehabilitation, with full respect for the autonomy of the person with a disability, proposing needs, aptitudes, and possibilities for recovery, as well as follow-up and review.
- To assess and determine the disability situation, establishing the type and degree of disability in relation to the benefits, economic

rights, and services provided for in the legislation, without prejudice to the recognition of the corresponding rights by the competent administrative authority.

- The assessment and determination of the disability situation shall be subject to review in the manner established by regulation. Final assessment and determination shall only be made when the person has reached maximum rehabilitation or when the impairment is presumably permanent, without prejudice to prior assessments for the purpose of obtaining certain benefits.

The assessments and determinations made by the multidisciplinary teams for the assessment and recognition of the degree of disability shall adhere to unified technical criteria, based on available evidence, and shall be valid before any public body and throughout the entire national territory.

Source:

[BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)

3. Do these definitions include mental health?

Yes, pursuant to Art. 4 of Decree 1/2013, persons with disabilities are those who have physical, **mental**, intellectual, or sensory impairments that are likely to be permanent and which, when interacting with various barriers, may hinder their full and effective participation in society on an equal basis with others.”““““

Source:

[BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)

There have been developments in the legislation regarding mental health. For example, the Autonomous Community of La Rioja adopted **Law 6/2023, of March 22, On People with Mental Health Problems and Their Families**. This law aims to guarantee the right to mental health protection by promoting prevention, assistance,

care, and rehabilitation for users of mental health services, as well as for their families.

Source:

[BOE-A-2023-9773 Ley 6/2023, de 22 de marzo, de las personas con problemas de salud mental y sus familias.](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Decree 1/2013 does not directly mention neurodiversity or conditions such as dyslexia, autism, ADHD and dyspraxia. It uses broad, inclusive language but does not specifically name neurodivergent conditions or use terms such as “neurodiversity”.

Source:

Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social ([BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)).

Although these conditions are not named in Decree 1/2013, they can be recognised as disabilities in Spain under the Royal Decree 888/2022 (18.10.2022) which establishes the procedure for the recognition, declaration and assessment of the degree of disability.

Annex I of the Royal Decree 888/2022 includes specific criteria for assessing learning and developmental disorders under the general label of “developmental disorders”. It does specifically mention autism and sets forth criteria for disability assessment, but not mention explicitly neurodiversity, dyslexia, ADHD or dyspraxia. Nevertheless, clinical practice and follow-on legal updates recognise that disorders such as dyslexia, and ADHD can be evaluated under the decree.

Source:

Real Decreto 888/2022, de 18 de octubre, por el que se establece el procedimiento para el reconocimiento, declaración y calificación del grado de discapacidad([BOE-A-2022-17105 Real Decreto 888/2022, de 18 de octubre, por el que](#)

se establece el procedimiento para el reconocimiento, declaración y calificación del grado de discapacidad.).

Neurodiversity can therefore be recognized as disability if it results in significant and lasting functional limitations that meet the criteria for a disability rating of 33% or higher in terms of participation in society on an equal basis with others.

Source:

Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social ([BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)).

5. Are there specific disability employment laws for certain industries or sectors?

No, Spanish law does not impose different disability employment quotas or specific rules that vary by industry or sector for private businesses.

There is a 2% disability employment quota under Article 42 of Decree 1/2013 that applies to all private companies with 50 or more employees, no matter the sector.

Source: Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social ([BOE-A-2013-12632 Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social.](#)).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes.

Pursuant to Article 42 of Decree 1/2013, workers with disabilities must account for at least 2 percent of the employees of public or private enterprises employing 50 or more workers.

Public or private enterprises can be exempt from the obligation either through covenants in statewide industry collective bargaining agreements or subject to notifying the labor authority, provided that in both cases the alternative measures determined in regulations are applied.

In public sector job offers, a quota will be set aside to be filled by people with disabilities on the terms established in the legislation governing this subject

Source:

https://www.garrigues.com/sites/default/files/docs/Labour-Updates-14-2013_1.pdf

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

For example, the judgment of the CJEU in case C- 631/2022 dated 18 January 2024. This judgment ruled that article 49.1 e) of the Workers Statute breached Article 5 of Directive 2000/78. As a result of the CJEU decision, Article 49.1(n) of the Workers' Statute was amended. As of 1 May 2025, employment contracts will no longer be automatically terminated when an employee is declared permanently disabled (total, absolute, or severe disability).

Law 2/2025, of 29 April, introduces a new approach to termination, which is now subject to two conditions:

- The employee's willingness to continue working.
- The employer's ability to adapt the role or offer a suitable alternative position.

The employer then has three months to make reasonable adjustments to the job or offer a suitable alternative position. Termination is only permissible if adjustments place an excessive burden on the company or if the employee rejects the alternative position.

Sources:

[Spain: The Declaration of Employee's Permanent Incapacity and Termination of Contract - L&E Global](#)

Status of Disability and Employment Laws Around the World

[Update on Spanish Labour Law: Permanent disability is no longer an automatic ground for termination | Osborne Clarke](#)

Other relevant information

[Spain - Disability:IN](#)

[Título](#)

[Disability Laws and Acts by Country/Area | United Nations Enable](#)

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Sweden

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under the Discrimination Act (2008:567) that covers all employers in Sweden, disability is defined as permanent physical, mental or intellectual limitation of a person's functional capacity that as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.

[Sweden Disability Accommodation & Workplace Adjustment Guide](#)

[Disability:IN | Global Directory - Sweden](#)

[Swedish Code of Statutes](#) (see Section 5(4.) of the Discrimination Act)

2. Are there different definitions for disability at a state, provincial or local level?

No different definitions at regional or local level; definition is nationally standardized.

[Government Offices' legal databases](#)

3. Do these definitions include mental health?

Yes, the definition includes mental and intellectual limitations which can be caused due to injury or disease at birth or after birth.

Sweden's national disability policy and the CRPD both use a functional approach, covering "long-term physical, mental, intellectual or sensory impairments which, in interaction with barriers, hinder full and effective participation in society on an equal basis with others."

Employers must provide reasonable accommodations for employees with mental health conditions when these create barriers at work. This includes adjustments like flexible scheduling, workload modifications, or remote work options.

[Unlocking the impact of the CRPD on Swedish mental health law](#)

[Disability:IN | Global Directory - Sweden](#)

[Swedish Code of Statutes](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Although the definition of disability does not specifically mention neurodiversity conditions, it is understood that it is included in the "mental or intellectual limitation."

Impairment may be noticeable to a greater or lesser extent in different situations, such as allergies, dyslexia, hearing and visual impairments, etc. The degree of impairment has no impact on the legal protection provided against discrimination.

[The Discrimination Act | miun.se](#)

[Changes to Swedish discrimination law: how will this affect employers? - Bird & Bird](#)

[Disability Policy in Sweden – An overview](#)

[Discrimination Act, 2008:567 | DO](#)

5. Are there specific disability employment laws for certain industries or sectors?

Healthcare - Health and Medical Services Act (2017:30)

- Requires regions and municipalities to ensure accessible healthcare services and inclusive employment.
- Offers wage subsidies, personal assistants, and workplace adaptations for disabled healthcare workers.
- Support and service for persons with certain functional impairments.
- Mandates municipalities and regions to provide employment-related support for individuals with disabilities, including in healthcare settings.
- Includes daily activity programs, rehabilitation services, and job coaching.
- Municipalities are responsible for coordinating services across healthcare and employment.

Link: [Hälso- och sjukvårdslag \(2017:30\) | Sveriges riksdag](#)

Education - Discrimination Act (2008:567)

- Prohibits discrimination in education and employment, requiring reasonable accommodations for students and staff with disabilities.
- Schools and universities must provide reasonable accommodations for staff and students
- Includes adjusted work schedules, assistive technology, and personal support staff.
- Complaints are handled by the Equality Ombudsman (DO).

Link: [Swedish Code of Statutes](#)

Transport - Act (1979:558) on Public Transport for the Disabled

- Requires public transport systems to be accessible for disabled individuals, including employment-related access.
- Public transport operators must ensure physical accessibility for both passengers and employees.
- Includes vehicle adaptations, accessible stations, and employment access for disabled workers.
- Municipalities oversee compliance and funding.

Link: [Act \(1979:558\) on Disability Adapted Public Transport | Lagen.nu](#)

Construction - Planning and Building Act (2010:900)

- Mandates accessibility in buildings, indirectly supporting employment access for disabled individuals in construction and architecture.
- All new public buildings must meet accessibility standards.

- Employers in construction must ensure inclusive design practices and safe working conditions for disabled workers.
- Oversight by *Boverket* (National Board of Housing, Building and Planning).

Link: [Planning and Building Act \(2010:900\) | The Swedish Parliament](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, Sweden does not impose quotas requiring employers to hire a specific percentage of people with disabilities. The focus is on equal treatment, accessibility, and voluntary inclusion.

However, employers can receive financial support for hiring people with disabilities and adapting workplaces.

[Swedish report 2025 \(revised version\)](#)

[Employee with a disability - Försäkringskassan](#)

[Government Offices' legal databases](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Case Laws AD 12-24- if an employee because of a functional impairment cannot perform the essential job they are not in a comparable situation. It discussed discrimination due to lack of accessibility.

Case Law AD 2024 nr 66- A job applicant's interview was cancelled due to disclosure of disability. Court held it to be direct discrimination.

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Switzerland

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Per the Federal Act on the Elimination of Discrimination against People with Disabilities (or “Disability Discrimination Act”, “DDA”), “a *person with a disability* is a person who, due to a physical, mental or psychological impairment which is likely to be permanent, finds it difficult or is unable to carry out everyday tasks, cultivate social contacts, move around, obtain an education or training, or work.”

The definition under the DDA applies to employment protection specifically for federal employees in that, per Article 13: “*The Confederation as an employer shall make every effort to offer persons with disabilities the same opportunities as those without disabilities. In all employment relationships and at all levels, but in particular in the case of employment vacancies, the Confederation shall take the measures required to implement the Act.*”

Although there is no specific obligation placed on private employers regarding employment protection in the current law, the DDA does contain language directing federal and cantonal authorities to take measures to prevent/reduce/eliminate discrimination in general. There is also language in the DDA providing for potential federal programmes to promote integration of persons with disabilities into society under Article 16 (including in the context of employment), as well as some language on potential pilot projects on the integration of people with disabilities into working life under Article 17: “*The Federal Council may conduct or support fixed-term pilot projects in order to test incentive systems for the employment of persons with disabilities. It may to this end provide investment contributions for the creation or equipping of workplaces suitable for persons with disabilities.*”

Otherwise the DDA just regulates discrimination specifically relating to certain building and public transport access, obtaining services and in accessing education and training.

See Q. 5 “Are there specific disability employment laws for certain industries or sectors?” for further

details on the legislative framework (including proposed reforms to the DDA).

Source: DDA ([Fedlex](#))

2. Are there different definitions for disability at a state, provincial or local level?

A conclusive review of all cantonal or other local laws was not possible. Some laws concerning disability provide a more specific definition of a “person with a disability” in accordance with the intended scope of application of the law (e.g. the law in Canton Zurich on self determination of care (Selbstbestimmungsgesetz - [Gesetz über den selbstbestimmten Leistungsbezug durch Menschen mit Behinderung \(Selbstbestimmungsgesetz, SLBG\) | Kanton Zürich](#)) includes further qualifications on which persons with disabilities fall within the scope of the law’s application).

No laws were found with a different basic definition of “person with disability” so the DDA would seem to be authoritative in that regard.

Side note: The DDA, by its terms, does not override cantonal provisions that are more favourable to persons with disabilities.

Source: DDA ([Fedlex](#))

3. Do these definitions include mental health?

The definition in the DDA ([SR 151.3 - Federal Act of 13 December 2002 on th... | Fedlex](#)) specifically includes “mental or psychological” impairments in the definition of a person with a disability.

For further information on the types of mental health issues would be recognized as a disability, cantonal disability insurance rules should be consulted.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

To the extent that the type of neurodiversity in question could be considered a “physical, mental or psychological impairment” that is likely to be permanent and causes difficulty or inability to “carry out everyday tasks, cultivate social contacts, move around, obtain an education or training, or work” then it could be considered as being covered in the definition of a person with a

disability under the DDA: ([SR 151.3 - Federal Act of 13 December 2002 on th... | Fedlex](#)).

For further information on the types of neurodiversity issues that could be recognized as a disability, cantonal disability insurance rules should be consulted.

5. Are there specific disability employment laws for certain industries or sectors?

The Disability Discrimination Act (DDA) also known as Federal Act on the Elimination of Discrimination against People with Disabilities ([SR 151.3 - Federal Act of 13 December 2002 on th... | Fedlex](#)) provides specific employment protection to federal employees in that, per Article 13: *“The Confederation as an employer shall make every effort to offer persons with disabilities the same opportunities as those without disabilities. In all employment relationships and at all levels, but in particular in the case of employment vacancies, the Confederation shall take the measures required to implement the Act.”*

The DDA is the legal framework across industries and sectors with these key contents:

- **Equal Opportunity Mandate:** The Confederation is required to ensure that persons with disabilities have the same employment opportunities as others, across all levels and job types. [Switzerland - Disability:IN](#)
- **Accessibility Requirements:** While the DDA does not list this obligation in a single article, it is grounded in the law’s overarching purpose: to prevent, reduce, or eliminate discrimination against people with disabilities. This is supported by Article 8, paragraph 2 of the Swiss Federal Constitution, which states: “No person shall be discriminated against on the grounds of physical, mental or psychological disability.”

Also, Switzerland has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), which does include this concept. The CRPD obliges states to ensure that persons with disabilities have access to work environments that are open, inclusive, and accessible.

Specific obligations for employers to ensure that workplaces are accessible and that reasonable accommodations are made to support employees

with disabilities are currently being discussed within the legislative process which aims at an update of the DDA. This process was triggered by the Disability Policy 2023–2026, approved by the Federal Council in March 2023 with the aim to strengthen the DDA by obligating private employers to take reasonable measures to enable equal participation in the workforce.

There is no explicit indication in the DDA or related federal laws that certain industries or sectors are subject to distinct disability employment obligations.

However, company-level practices may vary by industry. For example, the International Labour Organization (ILO) has documented in 2012 how multinational enterprises in Switzerland implement disability inclusion differently depending on their operational context—such as manufacturing vs. services. But there is currently no recent update on those sector specific practices.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Switzerland does not impose a mandatory employment quota for hiring people with disabilities in the private sector. Unlike some countries that require companies to employ a minimum percentage of disabled individuals (e.g., 1% or 2% of the workforce) Switzerland relies more on voluntary inclusion, incentives, and support programs rather than legal mandates.

Source:

[Quotas for employing people with disabilities in a range of countries - Ius Laboris](#)

Source:

https://www.walderwyss.com/assets/content/publications/230426_Diversity-Equity-and-Inclusion-Switzerland_Kathryn-Kruglak.pdf

However, the Swiss government promotes inclusion through various initiatives:

Procap, the largest self-help organization for people with disabilities in Switzerland, actively supports job access and workplace integration. [Procap - Für Menschen mit Handicap - Ohne Wenn und Aber - Procap](#)

The Federal Bureau for the Equality of People with Disabilities (FBED) plays a key role in policy development and support mechanisms.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Case Law Examples:

- **‘Glor v. Switzerland (2009, European Court of Human Rights):** [GLOR v. SWITZERLAND](#) This case involved a complaint of discriminatory treatment in the context of a tax related to military service. A military service exemption tax was levied against an individual who claimed he had always been willing to participate in service although he was at times exempted (due to type 1 disability) and ultimately was never called on to provide military/civil service. The court held for the applicant.
- **Di Trizio v. Switzerland (European Court of Human Rights)** [Di Trizio v. Switzerland](#): This case involved discrimination in the calculation of a disability allowance.
- **Student with disabilities case (2024, Swiss Federal Supreme Court):** [2C_248/2023 20.09.2024](#) A Swiss court rejected a student's appeal for special assistance in a Master's program.

Other relevant information

This article discusses a shift in disability policy and disability insurance in Switzerland from enabling to requiring participation in the workforce: [From disabled people's right to work to the duty to work? Changes in Swiss disability policy and its implementation at the cantonal level](#)

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Tunisia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Tunisia defines disability in Article 2 of the 2005 Orientation Act (the “Act”). The Act defines a person with a disability as someone who, has a permanent impairment in their physical, mental, sensory, or intellectual capacities and who, as a result of that impairment, finds themselves limited in their ability to perform one or more essential activities of personal or social life, or in their opportunities to participate on an equal basis in society.

However, to access employment-related protections (such as quotas and benefits) individuals must obtain a disability card issued by the government. These cards are issued based on medical, psychological, functional, social, and economic criteria, and classify disability into three severity levels.

Furthermore, the definition is medically oriented and excludes psychosocial disabilities. Tunisian law does not recognize reasonable accommodation as a right, and its absence is not considered discriminatory, which diverges from international standards such as the UN Convention on the Rights of Persons with Disabilities (CRPD).

[Situational Analysis of the Rights of Persons with Disabilities - Tunisia - UNPRPD](#)

2. Are there different definitions for disability at a state, provincial or local level?

Article 48 of the Constitution guarantees protection against discrimination and access to services for people with disabilities, aiming for full societal integration.

[Tunisia 2014 Constitution - Constitute](#)

Article 2 of the Act defines a person with a disability as someone who, whether temporarily or permanently, has a reduction in physical, mental, intellectual, or sensory functions that substantially hampers participation in normal life activities

The Act provides for the sole statutory definition. All obligations, rights and benefits in the law flow from it. However, on a regional level, the Ministry of Social Affairs establishes Regional Disability Committees. These committees apply the national definition and are in charge of issuing the disability cards.

Furthermore, there is no definition of disability applicable to local authorities. However, under Articles 10-13 of the Act, these local authorities apply the definition when they adapt public buildings, transport, communication channels and public spaces, and delivering local services, priority access or mobility concessions to card-holders.

[Tunisia Law No. 83 for 2005 on the Empowerment and Protection of Persons with Disabilities \(Available in Arabic only\) | Arab Digital Inclusion Platform](#)

3. Do these definitions include mental health?

The Act defines a person with a disability as someone who, has a permanent impairment in their physical, **mental**, sensory, or intellectual capacities and who, as a result of that impairment, finds themselves limited in their ability to perform one or more essential activities of personal or social life, or in their opportunities to participate on an equal basis in society.

However, this definition is medically oriented and excludes psychosocial disabilities. It does not recognize reasonable accommodation as a right, and its absence is not considered discriminatory, which diverges from international standards such as the UN Convention on the Rights of Persons with Disabilities (CRPD).

[Experts of the Committee on the Rights of Persons with Disabilities Commend Tunisia on Distributing Accessible Technology, Ask Questions on Disaster Response Plans and Access for Refugees and Asylum Seekers with Disabilities to Essential Services | OHCHR](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Although the definition includes impairment on their physical, sensory, or mental capacities, it does not explicitly mention neurodevelopmental conditions like dyslexia, dyspraxia, or autism.

Furthermore, the law uses a medical-functional model, which may exclude individuals whose conditions do not meet a threshold of “reduced capacity” or who do not require “special assistance.”

Finally, as stated above, the law requires individuals to obtain a disability card through a medical and social evaluation, which may or may not recognize neurodivergent conditions depending on interpretation and implementation.

In practice, this means recognition of neurodiversity is limited and inconsistent, and many neurodivergent individuals may not qualify for employment protections unless their condition is formally assessed as disabling.

5. Are there specific disability employment laws for certain industries or sectors?

Tunisia’s labour code prohibits discrimination in employment based on several protected characteristics. Employers are required to ensure equal opportunities in hiring, training, promotion, and working conditions. Discrimination can lead to legal challenges and penalties.

Rivermate - Employee Rights in Tunisia

Despite an increase in the employment quota in the civil service and public and private firms from 2% to 5%, individuals with disabilities are still significantly stigmatized and excluded from the labour market to a considerably larger level than the general population.

Furthermore, Tunisia requires public and private employers with more than a certain number of employees to reserve at least 1% of jobs for persons with disabilities. This applies across sectors, not industry-specific.

Disability Rights in North Africa and Engaging with DPOs in the Region - UKaid

Situational Analysis of the Rights of Persons with Disabilities - Tunisia - UNPRPD

6. Are there employment quotas for employers with respect to hiring people with disabilities?

People with disabilities are still largely marginalized in nearly all sectors.

In education, children with disabilities are enrolled primarily in specialized centres, under the supervision of the Ministry of Social Affairs, while the Ministry of Education should have responsibility for all children. In addition to being marginalized and excluded from the regular system, these children cannot obtain a valid certification at the end of their special education course. Persons with disabilities receive vocational training in specialized facilities, which further isolates them from the labour market and from competition with people without disabilities, who receive instruction in public vocational training institutes.

Furthermore, despite an increase in the employment quota in the civil service and public and private firms from 2 percent to 5 percent, individuals with disabilities are still significantly stigmatized and face greater exclusion from the labour market than the general population. This is due primarily to educational and occupational training constraints. The failure to recognize the legal capacity of persons with disabilities remains a major obstacle to their access to their rights and to achieving equality. Indeed, people with intellectual or psychosocial disabilities, blind people and deaf people have limited legal capacity, if any, while persons with intellectual or psychosocial disabilities are subject to guardianship and co-guardianship. This deprives them of civil, political, and other socio-economic rights.

Although Tunisia has signed the Convention on the Rights of Persons with Disabilities (CRPD), it does not apply CRPD’s Article 12 on equal recognition before the law. In addition, national law and practice contradict the CRPD’s provisions. If legal capacity is not recognized, the principles of equality and non-discrimination cannot be implemented. This right is essential for the enjoyment of other rights, such as the right to self-sufficiency, to work and to engage in public and political life.

Tunisia has a 2% quota for the employment of people with disabilities in public and private sector jobs (in organizations with over 100 employees). However, authorities do not widely enforce this law and many employers are unaware of it (Rohwerder, 2018). Only 13.3% of people with disabilities are reportedly engaged in regular economic activity, which is three times lower than people without disabilities (HI, 2016). There is evidence that people with disabilities earn incomes up to 40% lower than people without disabilities (Ibid.), whilst 59.3% of people with

Status of Disability and Employment Laws Around the World

disabilities report not having any individual income (Rohwerder, 2018).

Sources:

[Situational Analysis of the Rights of Persons with Disabilities - Tunisia - UNPRPD](#)

[Disability Rights in North Africa and Engaging with DPOs in the Region - UKaid](#)

[Committee on the Rights of Persons with Disabilities considers report of Tunisia | OHCHR](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are no widely cited or accessible Tunisian court rulings found that have shaped disability employment rights in the way European Court of Human Rights cases have in other countries.

Legal enforcement is mostly administrative: Complaints and disputes are typically handled through government agencies or social affairs offices rather than through the judiciary.

Tunisia's disability employment laws are primarily shaped by legal frameworks, including [Law No. 2005-83 on the Promotion and Protection of Persons with Disabilities](#) and Tunisia's ratification of the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) in 2008. The country also reported enforces an employment quota for persons with disabilities in both public and private sectors although individuals with disabilities are still significantly stigmatized and face greater exclusion from the labour market than the general population.

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Turkey

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Turkish has a definition of disability.

Article 3 of Law No. 5378 of 2005 on Disabled People defines a disabled person as a person who has difficulties in adapting to the social life and in meeting daily needs due to the loss of physical, mental, psychological, sensory and social capabilities at various levels by birth or by any reason thereafter and who therefore need protection, care, rehabilitation, consultancy and support services.

Turkey Disability Act

2. Are there different definitions for disability at a state, provincial or local level?

No, there are no different definitions for disability at a state, provincial or local level.

3. Do these definitions include mental health?

Yes, mental health is included in the definition of disability.

Law No. 5378 of 2005 on Disabled People, the primary law concerning persons with disabilities, includes those with mental disabilities within its scope.

The Turkish Constitution likewise provides special protection for persons with mental disabilities regarding work conditions and their integration into society.

Turkey Disability Act

Üniversal OSGB - İZMİR OSGB - OSGB and İSG Services - Difficulties of Disabled Employees in Turkey, Their Legal Status and Things to Consider Regarding Their Health

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition of disabled person does not explicitly include neurodiversity.

5. Are there specific disability employment laws for certain industries or sectors?

Yes, as described in Section 6 below, there are specific quotas for the private sector.

There is no information about disability employment laws for any specific types of business or industries beyond the general private sector.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, there are mandatory employment quotas for hiring people with disabilities.

In Turkey, any **company with 50 or more employees** has a legal duty to include people from certain groups in its workforce - mainly **people with disabilities, ex-convicts, and victims of terrorism**.

This rule exists to help these groups find fair employment and to promote social inclusion.

How it works

- The **total quota** for these groups is 6% of all employees, and at least half of that must be people with disabilities.
- For example, in a company with 100 workers, at least **3 must be disabled persons**, and another 3 **can be ex-convicts or victims of terrorism**.
- If a company owns several branches in the same province, it calculates the quota based on the **total number of employees across all locations**.

Type of work

- Disabled employees must be placed in jobs that fit their **skills, training, and physical or mental abilities**.
- **Underground or underwater work** (like mining or diving) is off-limits for people with disabilities, for safety reasons. These jobs also **don't count** toward the quota.

How hiring happens

- Employers must hire through the **Turkish Employment Agency (İŞKUR)**, which helps match qualified candidates to suitable positions.

Special priority

- If someone working for a company becomes **disabled** or a **victim of terrorism**, and later recovers enough to work again, the company must **offer them their old job first** when a vacancy opens.
- If the company refuses without a good reason, it must pay the person **six months' worth of salary as compensation**.

Government support for good practice

- Companies that **hire more** than the required quota, or employ people with **severe disabilities (over 80% working-capacity loss)**, get a **discount** on social-security costs:
 - The company pays **half** of its usual contribution.
 - The **government pays the other half**.

If employers break the rule

- Companies that don't meet their quota or ignore the hiring rules are **fined**.
- The money from these fines goes into a **special fund** managed by **İŞKUR** to:
 - Train and rehabilitate disabled people,
 - Support them in starting small businesses,
 - Or finance other employment projects for people with disabilities.

See Article 30 of Turkey's Labour Act No. 4857 of [International Labour Organization \(ILO\) Natlex database](#).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

1. Burcu Reis Case

(Constitutional Court Decision, Application No. 2016/5824, 28 December 2021) [Employers' Equal Treatment Obligation and Discrimination Compensation within the Framework of the Constitutional Court's Burcu Reis Case Decision - CBC Law | Turkish Law Firm](#)

Summary:

The applicant sent her child to a private daycare centre because she was among a number of employees who were not provided with daycare centre opportunities for their children in their workplace, while some other employees were. Therefore, she filed a lawsuit demanding that she be paid both compensation for discrimination and the fees paid to the day-care centre.

The court of the first instance accepted the applicant's claim for compensation for discrimination but rejected her request for the fees paid to the day-care centre. As a result of an appeal examination, the Court of Cassation reversed the decision of the court of the first instance on the grounds that the applicant could not prove that she was subjected to discrimination for reasons such as language, race, gender, political opinion, philosophical belief, religion and sect listed in Article 5 of the Labor Law No. 4857 and stated that her claim for compensation for discrimination should be rejected. The court of the first instance also decided to reject all requests in line with the decision of reversal, and the decision was upheld by the Court of Cassation and finalized.

However, the Constitutional Court decided that the prohibition of discrimination in connection with the right to respect for family life had been violated because there was a clear difference between women employees in a similar condition in terms of benefiting from daycare centres. The burden of proving that the difference in treatment was based on an objective and reasonable cause, was on the employer, who did not provide any explanation in this regard.

Significance:

This case illustrates how the equality principle is enforced in practice in workplaces; though not disability-specific, it helps show the scope of the democratic state's obligation to treat similarly situated employees equally, and the kind of remedies (compensation) that may follow.

2. Enver Şahin v. Turkey, 2018

[HUDOC - European Court of Human Rights](#)

Summary:

Post-accident paralysis, the applicant requested adaptations to university buildings to enable return to studies. The university offered some assistance (human) but rejected making structural accommodations.

The ECtHR found that failing to identify and implement reasonable adjustments in education (infrastructure etc.) violated Article 14 in conjunction with education rights, applying the concept of reasonable accommodation under the UN Convention on Rights of Persons with Disabilities (CRPD).

Significance:

This helps anchor that educational institutions (and by analogy, employers) have obligations to accommodate disabled persons.

3. Yargıtay 9. Hukuk Dairesi, Decision 2008/34233 E., 2009/14264 K., dated 25.05.2009 Yargıtay 9. Hukuk Dairesi, Decision 2008/34233 E., 2009/14264 K., dated 25.05.2009

(Unable to obtain an English translation of the decision. The excerpt below was obtained from: [ENGELLİ İŞÇİ ÇALIŞTIRMA ZORUNLULUĞU VE ENGELLİ İŞÇİNİN İŞ AKDİNİ FESİH KOŞULLARI](#) | [Özgün Law Firm](#) and translated to English via Google)

It has been stated that in order for the employment contract to be terminated, **a performance corresponding to the disability rate must be expected**. The Court of Cassation has said that if work below this expected performance is performed, it must be **proven with concrete data**, and that a termination justification based on general statements is unjust.

Other relevant information

[Turkey Disability Act](#)

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Uganda

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Persons with Disabilities Act 2020 defines disability as follows:

“disability” means a substantial functional limitation of a person’s daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation in society on equal basis with others and includes an impairment specified in Schedule 3 to this Act;

Schedule 3 includes the following categories:

1. Physical disability caused by cerebral palsy, amputation of a limb, paralysis or deformity.
2. Hearing disability including deafness and hard of hearing disability.
3. Visual disability including blindness and low vision disability.
4. Deaf and blind disability.
5. Mental disability including psychiatric disability and learning disability.
6. Little people.
7. Albinism.
8. Multiple disability.

Source: [Persons with Disabilities Act, 2020 - ULII](#)

2. Are there different definitions for disability at a state, provincial or local level?

No.

3. Do these definitions include mental health?

Yes. Persons with Disabilities Act 2020 contains the following definition of disability:

“disability” means a substantial functional limitation of a person’s daily life activities caused by physical, mental or sensory impairment and

environment barriers, resulting in limited participation in society on equal basis with others and includes an impairment specified in Schedule 3 to this Act;”

In Schedule 3 of the Act, it refers to special categories of disability - including the following:

“5. Mental disability including psychiatric disability and learning disability.”

Source: [Persons with Disabilities Act, 2020 - ULII](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Neurodiversity and conditions like dyslexia, autism, ADHD, dyspraxia, etc. are not specifically included in the definition of disability. However, if a condition meets criteria set out above, i.e. the person with a condition is substantially limited in daily life activities and the condition results in limited participation in society on an equal basis with others, it may be recognized as a disability.

Source: [Persons with Disabilities Act, 2020 - ULII](#)

Source:

<https://www.autismaroundtheglobe.org/story/ente-bbe-action-on-autism-organization/>

5. Are there specific disability employment laws for certain industries or sectors?

The Persons with Disabilities Act 2020 prohibits discrimination of employees on the basis of disability. This prohibition applies to all industries and sectors.

Employers must:

(a) in any advertisement for a job, where appropriate, encourage persons with disabilities to apply for the job;

(b) provide an applicant with a disability who applies for a job, reasonable accommodation necessary to undertake the job interview; and

(c) provide an employee with a disability reasonable accommodation in the performance of the job or task.

Source: [Persons with Disabilities Act, 2020 - ULII](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Quotas are not provided in the Persons with Disabilities Act 2020. Instead, The Minister responsible for disability affairs shall determine the quota of persons with disabilities workforce for employers, and by statutory instrument publish the agreed quota at least once in every two years.

Notably, an employer with employees with disabilities shall be allowed deductions of up to ten percent on the chargeable income, as may be provided for by the Income Tax Act.

Sources:

1. [Persons with Disabilities Act, 2020 - ULII](#)
2. <https://nilepost.co.ug/news/230466>
7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No.

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United Arab Emirates

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Under Federal Law No. 29 of 2006, a person with a disability is someone who has a permanent or temporary physical, sensory, mental, communication, learning, or psychological condition that makes it harder for them to meet normal daily needs compared to others.

Employment rights:

- UAE nationals with disabilities have the right to work and hold public office. Their disability cannot be used as a reason to reject them for a job.
- When testing for jobs, their needs must be considered.
- Resolution No. 43 of 2018 requires government entities to protect the rights of people of determination (the UAE term for people with disabilities) and ensure equal treatment at work.
- Employers cannot fire or force retirement because of disability unless the person reaches retirement age or a medical committee says they cannot work.
- Private companies are encouraged to hire people of determination and may receive benefits for doing so.

Dubai law:

Dubai Law No. 2 of 2014 protects the rights of people with disabilities in Dubai and requires workplaces to be accessible.

International commitment:

The UAE has signed the UN Convention on the Rights of Persons with Disabilities, showing its commitment to inclusion.

Sources:

[Federal Law No \(29\) of 2006 Concerning the Rights of Persons with Special Needs](#)

[People of determination | The Official Platform of the UAE Government](#)

[Law No. \(2\) of 2014 Concerning Protection of the Rights of Persons with Disabilities in the Emirate of Dubai](#)

[The National Standard Classification of Disabilities \(People of Determination\) in the country annexed to Cabinet Resolution No. \(3\) of 2018](#)

2. Are there different definitions for disability at a state, provincial or local level?

Yes. In Dubai, a person with a disability is someone who has a permanent or temporary physical, sensory, mental, learning, communication, or psychological condition. If this condition, combined with barriers in society, makes it harder for them to fully take part in life like everyone else, they are considered a person with a disability.

Relevant Sources:

[Concerning the Rights of Persons with Disabilities in the Emirate of Dubai](#)

[Handbook for people with disabilities in Dubai](#)

[The National Standard Classification of Disabilities \(People of Determination\) in the country annexed to Cabinet Resolution No. \(3\) of 2018](#)

3. Do these definitions include mental health?

Yes. In the UAE, disability means having a physical, sensory, mental, or psychological condition that limits a person's ability to do normal daily tasks.

The UAE's new Mental Health Law, which started in May 2024, gives extra protection to people with mental health conditions that affect their ability to work, study, or take part in social life. These conditions can include anxiety, depression, bipolar disorder, and schizophrenia.

Relevant Sources:

[Federal Law No. \(10\) of 2023 On Mental Health](#)

[NATIONAL CLASSIFICATION OF DISABILITIES \(PEOPLE OF DETERMINATION\) SYMBOLS IN THE UNITED ARAB EMIRATES](#)

[The National Standard Classification of Disabilities \(People of Determination\) in the country annexed to Cabinet Resolution No. \(3\) of 2018](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. The UAE's definition of disability includes neurodiverse conditions. Autism, for example, is officially recognized as a disability. It is described as a neurodevelopmental condition that affects how a person communicates, learns, and interacts socially.

Source:

[The National Standard Classification of Disabilities \(People of Determination\) in the country annexed to Cabinet Resolution No. \(3\) of 2018](#)

5. Are there specific disability employment laws for certain industries or sectors?

No. The UAE does not have special disability employment laws for certain industries like healthcare, construction, or hospitality. Instead, the rules apply to all employers, both public and private.

What the laws say:

- Federal Law No. 29 of 2006 and Federal Decree-Law No. 2 of 2015 protect the rights of people with disabilities.
- These laws:
 - Ban discrimination against people with disabilities.
 - Require employers to provide reasonable accommodations (such as assistive technology or flexible schedules).
 - Apply to all sectors equally-there are no industry-specific rules.

Other regulations:

- Federal Decree-Law No. 33 of 2021 (Employment Law) also applies to everyone.
- Resolution No. 43 of 2018 encourages private companies to hire people of determination (the UAE term for people with disabilities), but it is general and not sector-specific.
- Dubai Law No. 2 of 2014 applies only in Dubai and focuses on accessibility and inclusion, but again, it does not set different rules for specific industries.

In short, all employers in the UAE must avoid discrimination, make workplaces accessible, and provide reasonable accommodations.

Relevant Sources:

Federal Decree-Law No. 2 of 2015 and Federal Law No. 29 of 2006 (as amended) form the basis of disability rights in the UAE.

[Federal Law No \(29\) of 2006 Concerning the Rights of Persons with Special Needs](#)

[Disability:IN | Global Directory - UAE](#)

[Resolutions & Circulars | Laws & Regulations | Ministry of Human...](#)

[Laws | Laws & Regulations | Ministry of Human Resources &...](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, there are no employment quotas on a national or Emirate level of employers hiring people with disabilities.

Sources: Reviewed sources cited in Question 1 and those linked in “any other relevant information”

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

It is hard to find court cases about disability discrimination in the UAE for a few reasons:

- Civil law system: Judges mainly follow written laws, not past court decisions. Court rulings are not published in a detailed or searchable way like in common law countries.
- New area of law: While there are laws protecting people with disabilities, the system for handling discrimination cases is still developing. This means there are fewer court decisions to review.

Other relevant information

[UAE Disability Accommodation & Workplace Adjustment Guide](#)

[Persons with Disabilities | PCHR | National Priorities | Human...](#)

[The Mind Matters: The UAE's New Mental Health Law : Clyde & Co](#)

[Cabinet Resolution No. \(43\) of 2018 on Supporting the Work of Persons with Disabilities](#)

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United Kingdom

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. For England, Wales and Scotland (i.e. Great Britain), the definition of disability is in the Equality Act 2010, s. 6 (Disability), as supplemented by Schedule 1 (Disability: supplementary provision):

Source: [Equality Act 2010](#) and [Equality Act 2010](#) Schedule 1

In summary, disability is defined as any physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. In most circumstances, a person who used to have a disability in the past, but no longer does so, will also be protected.

There is also statutory guidance issued under section 6(5) of the Equality Act 2010 on matters to be taken into account in determining questions relating to the definition of disability:

[Disability: Equality Act 2010 - Guidance on matters to be taken into account in determining questions relating to the definition of disability \(HTML\) - GOV.UK](#)

In addition, there is a statutory Employment: Code of Practice on the Equalities Act 2010: <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/employment-code-practice>

The statutory guidance and Code above, although not binding or authoritative, must be taken into account by any court or tribunal in determining whether a person is a disabled person.

For Northern Ireland, the definition of disability is in the Disability Discrimination Act 1995, s. 1 (Meaning of "disability" and "disabled person"), and s. 2 (Past disabilities), as supplemented by Schedule 1 (Provisions Supplementing Section 1) and Schedule 2 (Past Disabilities).

[Disability Discrimination Act 1995](#)

[Disability Discrimination Act 1995](#)

[Disability Discrimination Act 1995](#)

[Disability Discrimination Act 1995](#)

The summary definition of disability in Northern Ireland is the same. Similar, but separate, guidance applies in Northern Ireland in the Disability Codes of Practice:

Employment and Occupation: [Copy of DisEmploymentCOP05.pdf](#)

Trade Organisations and Qualifications Bodies: [DisTradeCOP05.pdf](#)

2. Are there different definitions for disability at a state, provincial or local level?

Yes; in Northern Ireland, the definition under the Disability Discrimination Act 1995 applies; in England, Wales and Scotland (i.e., Great Britain), the definition under the Equality Act 2010 applies. That said, the summary definition of disability is the same throughout the United Kingdom, being any physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Please see the response to question 1 for further details to the relevant legislation and guidance.

Source: [Equality Act 2010](#)

Source: [Disability Discrimination Act 1995](#)

3. Do these definitions include mental health?

Yes. In summary, disability is defined as any physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Mental impairment is understood to include mental health conditions.

The guidance in England, Wales and Scotland is fairly comprehensive referencing anxiety, low mood, panic attacks, phobias, unshared perceptions, eating disorders, bipolar affective disorders, obsessive compulsive disorders, personality disorders, PTSD, some self-harming behaviour, and mental illnesses such as depression and schizophrenia. In Northern Ireland, the guidance is higher-level but refers to both mental ill health and learning disability.

Please see the response to question 1 for further details to the relevant legislation and guidance.

Status of Disability and Employment Laws Around the World

Source: [Disability: Equality Act 2010 - Guidance on matters to be taken into account in determining questions relating to the definition of disability \(HTML\) - GOV.UK](#)

Source: [Copy of DisEmploymentCOP05.pdf](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, it can, however, protection is not automatic.

England, Scotland and Wales

Under the Equality Act 2010, a person is considered to have a disability if they have a physical or mental impairment that has a substantial and long-term negative effect on their ability to carry out normal day-to-day activities.

Neurodivergent conditions such as autism, ADHD, dyslexia, dyspraxia, and Tourette's syndrome are generally recognised as mental impairments and may fall within this definition. However, legal protection is not automatic.

Whether a neurodivergent person is covered by the Act depends on how significantly their condition impacts their daily functioning and whether the effect is expected to last at least twelve months. Some individuals may not meet this threshold. For example, if their condition is mild, well-managed, or does not interfere significantly with everyday tasks, they may not be legally considered disabled.

The key consideration is not the diagnosis itself, but the extent to which the condition affects daily life. A formal diagnosis is not required to be protected under the law. Employers can still be held responsible if they knew, or should reasonably have known, that someone has a condition that affects their ability to work. This includes recognising patterns such as ongoing difficulties with concentration, memory, communication, or written tasks.

Tribunals have accepted that conditions like autism, ADHD, and dyslexia meet the legal definition of disability when the impact is significant and ongoing. Workers who describe themselves as not being disabled may still be protected under the law, because legal protection depends on the effect of the condition, not how the person identifies. When someone meets the legal criteria, they are entitled to reasonable

changes in the workplace to support their needs. These can include flexible hours, alternative formats for interviews, or changes to job tasks.

Northern Ireland

In Northern Ireland, disability rights are governed by the Disability Discrimination Act 1995 (DDA) rather than the Equality Act 2010, which does not apply there.

Under the DDA, a person is considered to have a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Neurodivergent conditions such as autism, ADHD, dyslexia, dyspraxia, and Tourette's syndrome may fall within this definition if the condition has a significant and lasting impact on daily functioning.

However, protection is not automatic. An individual may not be considered disabled under the DDA if the impact of their condition is mild, temporary, or does not interfere substantially with everyday activities.

The legal focus is on the practical effect the condition has on the person's life, rather than the diagnosis itself. Where the threshold is met, individuals are protected from discrimination and are entitled to reasonable adjustments in the workplace.

Sources:

1. GMB Union. (2018). *Neurodiversity and the Law at Work: Thinking Differently at Work*. [neurodiversity-and-the-law.pdf](#)
2. Equality Act 2010. [Equality Act 2010](#)
3. Equality and Human Rights Commission. (2011). *Employment Statutory Code of Practice*. [employercode.pdf](#)
4. Office for Disability Issues (DWP). (2011). *Equality Act 2010: Guidance on Matters to be Taken into Account in Determining Questions Relating to the Definition of Disability*. [Equality Act 2010 Guidance](#)
5. Disability Discrimination Act 1995. [Disability Discrimination Act 1995](#)

5. Are there specific disability employment laws for certain industries or sectors?

In general, there are no specific disability employment laws for certain industries or sectors and there are no sectors where disabled individuals are legally prohibited from employment.

However, there are certain sectors where disabled individuals are less likely to be employed, such as higher-skilled or professional occupations:

[The employment of disabled people 2024 - GOV.UK](#)

Certain industries may have specific requirements which need to be fulfilled and reasonable adjustments must be made under the Equality Act 2010 for disabled individuals.

Example: **Aviation industry** - the Civil Aviation Authority provides guidance on how pilots with disabilities may meet the medical standards

[Medical certification of pilots with a disability | UK Civil Aviation Authority](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

The short answer is no, there are no legal quotas for employers with respect to hiring people with disabilities in the UK.

Employers must, however, make reasonable adjustments for both applicants and employees with disabilities.

Sources:

1. [Employing disabled people and people with health conditions - GOV.UK](#)
2. [Employers' duties in protecting disabled people at work: Relevant legislation - HSE](#)
3. [Disability employment - Committees - UK Parliament](#)
4. [Employment | Disability Rights UK](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

[Elliott v Dorset County Council \[2021\] IRLR 880](#) is considered an important case in UK disability law because it clarifies and reinforces how tribunals should correctly interpret the legal definition of disability under the Equality Act 2010. The ruling sets a clearer standard for tribunals and improves access to justice for people with hidden or complex disabilities. It helps ensure the Equality Act 2010 is applied with nuance and empathy, especially in employment disputes.

[Goodwin v The Patent Office \[1999\] ICR 302 \(EAT\)](#) is a landmark UK disability case because it established crucial legal principles for interpreting "disability" under the Disability Discrimination Act 1995 (now reflected in the Equality Act 2010). The case fundamentally shaped how UK tribunals assess disability, ensuring the law captures real-world limitations, not just visible impairments. Its legacy lives on in nearly every disability-claim case under the Equality Act 2010.

Sources:

[A patent case of disability | Thompsons Trade Union Law](#)

[Disability Discrimination in the Employment Tribunal for education lawyers](#)

[The Disability Discrimination Act 1995 and psychiatry: lessons from the first seven years | Psychiatric Bulletin | Cambridge Core](#)

Lexis Nexis – Disability

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Zambia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Under Persons with Disabilities Act, “*disability*” is defined to mean “*a permanent physical, mental, intellectual or sensory impairment that alone, or in a combination with social or environmental barriers, hinders the ability of a person to fully or effectively participate in society on an equal basis with others*”.

Source:

Person with Disabilities Act:
<https://www.parliament.gov.zm/sites/default/files/documents/acts/The Persons with disabilities act%2C 2012.PDF>

2. Are there different definitions for disability at a state, provincial or local level?

No. The definition under the Person with Disabilities Act applies nationally.

Source:

Person with Disabilities Act:
<https://www.parliament.gov.zm/sites/default/files/documents/acts/The Persons with disabilities act%2C 2012.PDF>

3. Do these definitions include mental health?

Yes.

- The definition of “*disability*” under the Person with Disabilities Act specifically refers to “*mental impairment*”.
- Additionally, the Mental Health Act 2019 contains the following definitions related to mental health:
 - Mental disability: “*long-term psycho-social impairment which may hinder a person’s full and effective participation in society on an equal basis with others*”;
 - Mental disorder: “*diagnosis of a mental condition, impairment or disability in the*

absence of demonstrable organic etiological factor also referred to as functional neurosis or psychosis”; and

- Mental health: “*a state of well-being in which a person realises that person’s potential to cope with the normal stresses of life, can work productively and is able to make a contribution to the person’s community*”.

Source:

Person with Disabilities Act:
<https://www.parliament.gov.zm/sites/default/files/documents/acts/The Persons with disabilities act%2C 2012.PDF>

The Mental Health Act 2019:
<https://www.parliament.gov.zm/sites/default/files/documents/acts/The Mental Health Act No. 6 of 2019.pdf>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Under the Persons with Disabilities Act, disability is defined to include “*mental, intellectual or sensory impairment*”. This would cover conditions such dyslexia and ADHD, and other specific learning difficulties, which are key aspects of neurodiversity.

However, there are no specific definitions or mentions of “neurodiversity” or dyslexia, autism, ADHD, dyspraxia etc. under the Persons with Disabilities Act nor the Mental Health Act 2019.

Source:

Person with Disabilities Act:
<https://www.zambialaws.com/consolidated-statutes/principal-legislation/264-chapter-65persons-with-disabilities-act>

The Mental Health Act 2019:
<https://www.parliament.gov.zm/sites/default/files/documents/acts/The Mental Health Act No. 6 of 2019.pdf>

5. Are there specific disability employment laws for certain industries or sectors?

No.

Status of Disability and Employment Laws Around the World

- The Persons with Disabilities Act does not have specific provisions for particular industries or sectors. The principle of non-discrimination under the Persons with Disabilities Act applies across the board.
- Additionally, The Employment Code Act, 2019 prohibits discrimination on grounds of disability in the employment field.

Source:

Person with Disabilities Act:
<https://www.zambialaws.com/consolidated-statutes/principal-legislation/264-chapter-65persons-with-disabilities-act>

The Employment Code Act, 2019:
https://www.parliament.gov.zm/sites/default/files/documents/acts/The_Employment_Code_Act_No._3_of_2019.pdf

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Under section 39 of the Persons with Disabilities Act, the Zambia Agency for Persons with Disabilities shall secure the reservation of a prescribed percentage of position in employment in the public and private sectors for persons with disabilities. Although the Persons with Disabilities Act does not specify the quota, the Government's statement confirms that a 10% quota for employment in the public sector for persons with disabilities.

Source:

Person with Disabilities Act:
<https://www.zambialaws.com/consolidated-statutes/principal-legislation/264-chapter-65persons-with-disabilities-act>

Webpage of the Ministry of Community Development and Social Services:
<https://www.mcdss.gov.zm/?p=6811>

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Americas

Antigua and Barbuda

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

There is not an employment specific definition, but the general definition of disability applies to employment and can be found here.

“person with a disability” includes a person who has a physical, mental, intellectual or sensory impairment which has a long term adverse effect on the ability of that person to participate fully and effectively in society on an equal basis with other persons but does not include a person who— (a) has a tendency to set fires; (b) has a tendency to steal; (c) has a tendency to physically or sexually abuse others; (d) has a tendency to practice exhibitionism; (e) engages in voyeurism; (f) has an addiction to, or a dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed); or (g) suffers from seasonal conditions such as allergic rhinitis, commonly referred to as hay fever, except where such condition aggravates the effect of another condition.

<https://laws.gov.ag/wp-content/uploads/2019/04/No.-32-of-2017-Disabilities-and-Equal-Opportunities-Act-2017.pdf>

2. Are there different definitions for disability at a state, provincial or local level?

It does not appear there are different definitions at the state, provincial or local level.

<https://laws.gov.ag/wp-content/uploads/2018/08/cap-44.pdf>

3. Do these definitions include mental health?

Yes there are definitions that include mental health. There's a law specific to mental health treatment.

https://extranet.who.int/countryplanningcycles/sites/default/files/planning_cycle_repository/antigua.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Antigua and Barbuda does **not** have a specific law that uses the term *neurodiversity*, but the legal protections for people with neurodevelopmental conditions (such as autism, ADHD, dyslexia) fall under the **Disabilities and Equal Opportunities Act, 2017** (No. 32 of 2017).

Key Points:

- The Act defines **disability** broadly to include physical, mental, intellectual, or sensory impairments that, in interaction with barriers, hinder full participation in society.
- This definition **covers neurodivergent conditions** like autism spectrum disorder (ASD), ADHD, and learning differences.
- The Act guarantees:
 - **Protection from discrimination** in employment, education, healthcare, and public life.
 - **Right to reasonable accommodation** in schools and workplaces.
 - **Accessibility obligations** for public services and facilities.
- It also establishes:
 - A **National Council for Persons with Disabilities**.
 - A **Disabilities Rights Tribunal** for complaints and enforcement.

<https://laws.gov.ag/wp-content/uploads/2019/04/No.-32-of-2017-Disabilities-and-Equal-Opportunities-Act-2017.pdf>

5. Are there specific disability employment laws for certain industries or sectors?

There are not exclusions or specific laws for certain industries or sectors.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

There does not appear to be any specific employment quotas with respect to hiring people with disabilities. Their laws generally require equal treatment for all individuals with disabilities.

“Section 20 of the Act makes it clear that “an employer shall not discriminate against a person with a disability who is qualified” in areas such as recruitment, promotion, equal remuneration, and other employment opportunities.

This section sets the legal framework to guarantee that persons with disabilities are judged based on their skills, qualifications, and abilities, rather than their disabilities.”

<https://antiguaobserver.com/conscious-conversations-understanding-part-vi-of-the-disabilities-and-equal-opportunities-act-2017/>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

There are no significant legal cases but there is some anecdotal information indicating legal proceedings do have an impact on public perception of disability rights in employment.

“The **founding of Good Humans 268 Inc.**, a local advocacy group, was reportedly inspired by a real case involving a disabled woman who faced workplace discrimination. While not a court case, this incident helped galvanize public support and awareness for stronger legal protections.” [\[antiguaobserver.com\]](https://antiguaobserver.com)

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Argentina

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Argentina's Employment Law 24.013, article 86 states (unofficial translation):

"ARTICLE 86. — Programs for disabled individuals.

For the purposes of this law, individuals will be considered disabled if they are classified as such in accordance with articles 2 and 3 of law 22.431 and are over 14 years of age";

Article 2 of Argentina's Law 22.431 states (unofficial translation):

"For the purposes of this law, a person is considered disabled who suffers a permanent or long-term functional impairment, physical or mental, which, in relation to their age and social environment, entails considerable disadvantages for their family, social, educational, or work integration."

In other words, a person is generally considered disabled if they have a long-lasting or permanent physical or mental problem that makes it much harder for them, given their age and surroundings, to take part in family life, social activities, school, or work.

Sources:

<https://www.argentina.gob.ar/normativa/nacional/ey-24013-412/actualizacion> and <https://www.argentina.gob.ar/normativa/nacional/ey-22431-20620/texto>

2. Are there different definitions for disability at a state, provincial or local level?

Yes. In addition to federal employment law (including law 24.013), the provinces have further regulation related to disabilities. However, the definition of disability in such legislation is mostly aligned to the disability definition stated in answer 1, and subject to federal employment law 24.013.

Source:

<https://www.argentina.gob.ar/normativa/nacional/ey-24013-412/actualizacion>

3. Do these definitions include mental health?

Yes. Article 2 of Argentina's Law 22.431 states: "For the purposes of this law, a person is considered disabled who suffers a permanent or long-term functional impairment, physical or mental, which, in relation to their age and social environment, entails considerable disadvantages for their family, social, educational, or work integration."

Source:

<https://www.argentina.gob.ar/normativa/nacional/ey-22431-20620/texto>

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition of disability in the employment law context (see question 1) does not specifically refer to neurodiversity (or dyslexia, autism, ADHD, dyspraxia, etc.). However, it does refer to a permanent or long-term functional impairment, physical or mental, which may be understood to include neurodiversity. It is not clear from the legislation.

That said, neurodiversity is specifically referred to in the context of other laws (generally in relation to education support):

- Law 27.043 — Comprehensive and interdisciplinary approach to people with Autism Spectrum Disorders (ASD). This law makes it a national priority to provide a full, coordinated response to Autism Spectrum Disorder (ASD). That includes diagnosis, treatment, professional training, and access to services and benefits.
- Law 27.306 — Comprehensive approach to Specific Learning Difficulties (SLD). This law recognizes conditions such as dyslexia, dyscalculia, and dysgraphia, among others, and promotes their early detection and treatment.
- Law 26.378 — Convention on the Rights of Persons with Disabilities (CRPD). This law

gives the Convention on the Rights of Persons with Disabilities constitutional-level standing (through Law 27.044) and promotes the social model of disability — meaning disability is understood largely as the result of social barriers and inaccessible environments rather than just an individual's medical condition. This approach also applies to neurodivergent people.

Sources:

<https://www.argentina.gob.ar/normativa/nacional/ey-24013-412/actualizacion>,

<https://www.argentina.gob.ar/normativa/nacional/ey-22431-20620/texto>,

<https://www.argentina.gob.ar/normativa/nacional/ey-26378-141317/texto>,

<https://www.argentina.gob.ar/normativa/nacional/ey-27306-267234/texto>,

<https://www.argentina.gob.ar/normativa/nacional/ey-27043-240452/texto>.

5. Are there specific disability employment laws for certain industries or sectors?

No, there are no specific disability employment laws by industry or sector.

Sources:

<https://www.argentina.gob.ar/normativa/nacional/ey-24013-412/actualizacion> and <https://www.argentina.gob.ar/normativa/nacional/ey-22431-20620/texto>

<https://www.argentina.gob.ar/normativa/nacional/ey-20744-25552/actualizacion> and <https://www.argentina.gob.ar/normativa/nacional/ey-23592-20465/actualizacion>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, particularly for the public sector, and offer incentives for the private sector. Here's a breakdown:

National Law 22.431 – Comprehensive Protection System for Persons with Disabilities

- Article 8: Requires a minimum of 4% of public sector jobs to be reserved for people with disabilities. This quota applies to certain national government agencies (executive, legislative, judicial), state-owned companies, and public service concessionaires.
- Article 23: Grants tax benefits to private employers who hire people with disabilities, including: 50% reduction in employer contributions for one year (extendable), 70% deduction of wages paid to disabled employees from income tax.

Source:

<https://www.argentina.gob.ar/normativa/nacional/ey-22431-20620/texto>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Although Argentina's legislation is not constructed under a precedent system (like Common law), there are relevant legal cases that have shaped the interpretation and enforcement of disability employment laws, particularly regarding the 4% public sector employment quota and anti-discrimination protections. Here are some of the most significant:

- "C. M. c/ Universidad Nacional de Tucumán s/ Amparo" (2010). Summary: A woman with a disability sued the National University of Tucumán for not complying with the 4% employment quota established by Law 22.431. Ruling: The court ruled in favor of the plaintiff, ordering the university to include her in the next round of hiring, based on her qualifications and the legal quota.
- "Dorta, Diego Raúl vs. Frimetal S.A." (2019). The plaintiff alleged discrimination based on disability after being denied employment. Ruling: The court acknowledged the principle of non-discrimination and the burden of proof on the employer to justify the exclusion.

These cases, among others, demonstrate how Argentine courts have played a key role in enforcing disability employment rights, especially when public institutions fail to comply with legal obligations. The judiciary has increasingly relied

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on constitutional principles and international human rights treaties to uphold the rights of people with disabilities in the workplace.

Sources:

<https://porigualmas.org/1004-derecho-al-trabajo-leyes-y-caso-de-jurisprudencia-en-argentina/>,

<https://repositorio.21.edu.ar/server/api/core/bitstreams/9fca76d0-0284-4610-9f5c-ebc28ff213b3/content>,

<https://www.pensamientopenal.com.ar/fallos/91676-cs-jn-suplemento-sobre-derechos-personas-discapacidad>,

<https://www.pensamientopenal.com.ar/fallos/91676-cs-jn-suplemento-sobre-derechos-personas-discapacidad>.

Other relevant information

<https://disabilityin.org/global-directory/argentina>

<https://www.leydiscapacidad.com/legislacion-argentina-sobre-discapacidad/>

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Bahamas

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, in the Persons with Disabilities Equal Opportunities Bill (2014) (the “Bill”), the jurisdiction defines “persons with disabilities” as persons with a long-term disability including physical, mental, intellectual, developmental or sensory impairments and other health related illnesses, which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.

For employment specifically, sections 14–17 of the Act provide detailed protections:

- Employers may not deny persons with disabilities equal access to opportunities for suitable employment.
- A qualified employee with a disability must receive the same terms, conditions, pay, and benefits as an able-bodied employee.
- Employers are prohibited from discriminating against persons with disabilities in relation to job advertisements, recruitment, promotion, wages, benefits, or any other matter connected to employment.
- Employers must provide reasonable accommodation that is, necessary and appropriate adjustments that do not impose a disproportionate or undue burden, to enable employees with disabilities to perform their jobs.
- Employers with more than 100 employees are required to employ at least 1% qualified persons with disabilities, unless exempted by the Commission.

Source: [The Law | The National Commission for Persons with Disabilities](#)

2. Are there different definitions for disability at a state, provincial or local level?

No, the text of the Bill suggests that the national bill is comprehensive and binds the Government at all levels. Specifically, Section 55 provides that “This Act binds the Government” and Section 47(1) requires that “All Government ministries shall, under the provisions of this Act, designate inspectors for the purpose of ensuring the implementation and compliance with the provisions of this Act.”

Source: [Persons with Disabilities \(Equal Opportunities\) Bill, 2014](#)

3. Do these definitions include mental health?

Yes, the Bill defines “persons with disabilities” to include “persons with a long-term disability including physical, *mental*, intellectual, developmental or sensory impairments and other health related illnesses, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others.”

Source: PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES) BILL, 2014, Part I, Section 2 (Interpretation)

[Persons with Disabilities \(Equal Opportunities\) Bill, 2014](#)

Persons with mental impairments and illnesses are covered as a “person with disabilities” and afforded the protection of the law.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

There is no specific mention of neurodiversity in the definition of the Bill; however, the definition of “persons with disabilities” does include persons with “intellectual, developmental or sensory impairments and other health related illnesses, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others.” Neurodiversity conditions are often categorized as developmental, intellectual and sensory impairments and therefore would likely fall into this category. However, the inclusion of “which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others” may be interpreted to require

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an impairment to rise to the level of creating the barrier mentioned in the definition. We did not find any case law or published statutory interpretation commenting on this point specifically.

[Equal Protection of the Law: The Persons with Disabilities \(Equal Opportunities\) Act, 2014, Bahamas](#)

5. Are there specific disability employment laws for certain industries or sectors?

While there do not appear to be any laws that are specific to any individual industries or sectors, Paragraph 15 of Bill provides that the Minister responsible for Labour, Social Services, Youth, Sports and Culture, and Education shall design, collaborate and implement programs that provide persons with disabilities with the opportunity to be engaged as apprentices or learners and learn skills to enable them to engage in gainful employment to enable them to compete favourably for available, productive and remunerative employment opportunities in the labour market.

It is also worth noting that Paragraph 14 (4) provides that if no persons with disabilities are available for employment (including, presumably, in specific industries), an employer may obtain an exemption from the quota requirements described in the response to question 6.

[The Law | The National Commission for Persons with Disabilities](#)

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes - employers with more than 100 employees must employ at least 1% qualified persons with disabilities. However, the National Commission for Persons with Disabilities (the "Commission") has the ability to issue an exemption if there are not persons available for employment from the Commission's list of employable persons with disabilities as provided to the employer. Criteria for "not available for employment" is not defined.

Source: Persons with Disabilities (Equal Opportunities) Bill, 2014 (the "Bill"), Part III, Section 14(3)-(4)

[Persons with Disabilities \(Equal Opportunities\) Bill, 2014](#)

"persons with disabilities" means persons with a long term disability including physical, mental, intellectual, developmental or sensory impairments and other health related illnesses, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others

Source: the Bill, Part I, Section 2

The list of persons available for employment is derived from a self-registration process where persons with disabilities can register for a skills bank (the Commission is required to maintain these records under the Bill, Part III, Section 17). A 2025 news article suggests that 230,000 resumes are part of the database.

Source: [Is your business following rules on hiring disabled staff? | The Tribune](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

The Bahamian disability law jurisprudence remains relatively underdeveloped, with the Carey-Brown case standing as the primary precedent. The limited case law suggests either that the 2014 Act's enforcement mechanisms aren't being fully utilized, or that many disability discrimination issues are being resolved through the Commission's administrative processes rather than reaching the courts.

The lack of developed case law could indicate that persons with disabilities in the Bahamas may face barriers to accessing justice or that the legal framework needs strengthening to encourage enforcement.

Cheryl Carey Brown v Island Hotel Company Limited is significant as it established precedent regarding employers' duty to accommodate employees with disabilities and the limits of the frustration of contract doctrine in disability cases in the Bahamas.

[057051900](#)

In Samantha Johnson v. Atlantis Paradise Island Resort (Court of Appeal, 2018), the Court of Appeal upheld the wrongful dismissal claim of a woman who was fired from her job as a restaurant manager at Atlantis Paradise Island resort because she suffered a "serious nerve injury" that left her unable to carry out her duties. The court

noted that once an employee demonstrates a disability or injury, the burden shifts to the employer to try to accommodate the employee.

Key Legal Findings:

- The court ruled that Atlantis did not make reasonable efforts to accommodate the worker in another position
- The judge noted that “the Employment Act fails to set out how companies should accommodate workers with disabilities”

This case highlighted a gap in Bahamian employment law and likely influenced interpretation of what constitutes reasonable accommodation requirements under the Persons with Disabilities Act.

Judgment-Samantha-Johnson

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Bolivia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

In the Bolivian laws, discapacidad is defined broadly (as the interaction of a long-term impairment with barriers) and that same definition applies across contexts, including employment and accommodations. The focus is always on ensuring equal opportunities and accessibility.

Disability is any loss or abnormality of a psychological, physiological, or anatomical structure or function. In addition, deficiency is defined as any loss or abnormality of a psychological, physiological, or anatomical structure or function. In other words, deficiency is a problem in the body or mind, while a disability is the difficulty that results from that problem in carrying out everyday activities. (Article 1, items A and B of [Ley de la Persona con Discapacidad](#))

2. Are there different definitions for disability at a state, provincial or local level?

No.

3. Do these definitions include mental health?

Eligibility requires formal recognition as a persona con discapacidad. Under Artículo 5, Ley N° 223, this refers to individuals with long-term or permanent physical, mental, intellectual, and/or sensory impairments that, in interaction with barriers, limit full and effective participation in society. In addition, Artículo 22(m), Ley N° 223 requires official registration, medical qualification, and issuance of a disability identification card (carnetización). Once these steps are completed, a person becomes entitled to employment protections, including the right to work on equal terms (Artículo 13, Ley N° 223) and protection against dismissal (Artículo 34.II, Ley N° 223).

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. The definitions are broad enough to encompass neurodiversity. Under Artículo 5(d), Ley N° 223, a deficiencia is “problems in physiological functions or body structures” and can include deviations in cognitive and neurological functioning. Furthermore, Artículo 5(h) and 5(i), Ley N° 223 explicitly recognize persons with intellectual disability and persons with mental or psychosocial disability, which cover conditions such as autism spectrum disorder, ADHD, and related cognitive or developmental differences. Therefore, conditions like dyslexia, autism, ADHD, and dyspraxia fall within the scope of the law.

5. Are there specific disability employment laws for certain industries or sectors?

None were identified.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Ley N° 223 (Arts. 13, 34) guarantees equal access, accessibility, and job security, while Decreto Supremo N° 27477 (Art. 4, 6) requires public entities and certain private institutions to hire at least 4% of staff with disabilities and obliges workplace adaptations.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No case law was identified.

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Brazil

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Article 4 of Decreto 3298 defines disability as follows (unofficial translation):

Art. 4 A person with a disability is considered to be a person with a disability the one that falls into the following categories:

I - disability physical - complete or partial alteration of one or more body segments resulting in impairment of physical function, presenting itself in the form of paraplegia, paraparesis, monoplegia, monoparesis, tetraplegia, tetraparesis, triplegia, tri paresis, hemiplegia, hemiparesis, ostomy, amputation, or absence of limb, cerebral palsy, dwarfism, limbs with congenital or acquired deformity, except for aesthetic deformities and those that do not produce difficulties for the performance of Functions;

II - hearing impairment - bilateral, partial or total, of forty-one decibels (dB) or more, measured by audiogram in the frequencies of 500HZ, 1,000HZ, 2,000Hz and 3,000Hz;

III - disability visual - blindness, in which visual acuity is equal to or less than 0.05 in the better eye, with the best optical correction; low vision, which means acuity visual between 0.3 and 0.05 in the best eye, with the best optical correction; The cases in the that the sum of the visual field measurement in both eyes is equal to or less than 60o; or the simultaneous occurrence of any of the above conditions;

IV - mental disability - significantly intellectual functioning lower than average, with manifestation before the age of eighteen and limitations associated with two or more areas of adaptive skills, such as:

- a) communication;
- b) personal care;
- c) social skills;
- d) use of community resources; (Text given by Decree No 5.296, of 2004)

e) health and safety;

f) academic skills;

g) leisure; and

h) work;

V – multiple disability – association of two or more disabilities.

https://www.planalto.gov.br/ccivil_03/decreto/D3298.htm

https://www.pcdlegal.com.br/leidecotas/wp-content/themes/leidecotas/downloads/Leidecotas_Cartilha.pdf

2. Are there different definitions for disability at a state, provincial or local level?

The main legislation relating to disabilities exists at the federal level. However, at the state and municipalities there are some local regulations and programs to enhance disability inclusion.

https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm

https://www.planalto.gov.br/ccivil_03/leis/l8213cons.htm

3. Do these definitions include mental health?

Possibly. The definition of disability includes:

IV - mental disability - significantly intellectual functioning lower than average, with manifestation before the age of eighteen and limitations associated with two or more areas of adaptive skills, such as:

- a) communication;
- b) personal care;
- c) social skills;
- d) use of community resources;
- e) health and safety;
- f) academic skills;
- g) leisure; and

h) work;

https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Possibly. The definition of disability includes mental disability, which could capture neurodiversity.

https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm

https://www.planalto.gov.br/ccivil_03/decreto/d3298.htm

5. Are there specific disability employment laws for certain industries or sectors?

Yes. While disability employment laws generally apply across all sectors, there are some sectors where additional requirements apply. For example, the education sector and companies bidding on government contracts have some additional requirements.

<https://www.disclo.com/regulation-guides/brazil>

<https://chambers.com/articles/proving-compliance-with-the-quota-for-pwds-required-under-brazil-s-new-bidding-law>

https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Brazil requires employment quotas for hiring people with disabilities (known as Lei de Cotas). This obligation applies to medium and large employers.

Generally, this law (Law No. 8.213/1991) requires private companies with 100 or more employees to hire a specific percentage of persons with disabilities (PcD) or those rehabilitated by Social Security.

https://www.planalto.gov.br/ccivil_03/leis/l8213cons.htm (Article 93)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Brazil has a civil law system meaning that it is based on written codes and statutes rather than case law. Therefore, case law generally doesn't shape the law but interprets it in the circumstances. Therefore, case law generally only gives guidance on how to interpret the law, but unlike common law systems does not set the law.

Key Legislative and Judicial Milestones

Quota Law and TST Precedents

Article 93 of Law No. 8.213/1991, known as the Quota Law, mandates companies with more than 100 employees to allocate 2-5% of their positions to persons with disabilities or rehabilitated workers. The Superior Labour Court (Tribunal Superior do Trabalho, TST) has developed important case law interpreting the implementation and limits of this quota system.

In several rulings, the Court clarified that employers are only required to maintain compliance with the minimum quota percentage, meaning that if a company has more disabled employees than legally required, it can terminate one's employment without immediate substitution, provided the overall quota remains met. These decisions ensure legal certainty and balance between affirmative action enforcement and employer autonomy.

SC v. Brazil (UN CRPD Committee, 2014)

An internationally significant case, SC v. Brazil (2014) before the UN Committee on the Rights of Persons with Disabilities, addressed systemic discrimination in employment by Banco do Brasil. The applicant, an employee demoted after extended medical leave, argued this policy violated her right to equality and non-discrimination under Article 27 of the Convention on the Rights of Persons with Disabilities. The Committee found Brazil in violation, urging the revocation of discriminatory workplace policies and recognition of disability-based employment discrimination. This case strengthened domestic and international scrutiny of discriminatory corporate practices against workers with disabilities.

Enforcement and Compliance Cases

Since the 2010s, Brazilian labor courts have increasingly reviewed cases concerning non-compliance with the Quota Law. For example, courts have upheld administrative fines imposed by the Ministry of Labor on companies failing to meet employment quotas, but have also allowed reversal of penalties if the employer demonstrates good-faith efforts to hire or accommodate persons with disabilities. These judicial holdings reinforced the principle that enforcement should combine sanctions with practical facilitation of inclusion.

[Company reverses fine for demonstrating efforts to meet disabled quota](#)

[SC v. Brazil, Decision, 10/2013 \(CRPD, Oct. 02, 2014\)](#)

[Company reverses fine for demonstrating efforts to meet disabled quota](#)

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Canada

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Canada:

Canadian Human Rights Act Section 25 of Canadian Human Rights Act: disability means any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug

Ontario:

Section 10(1) of Ontario Human Rights Code:

“disability” means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)

Source: [Human Rights Code, R.S.O. 1990, c. H.19 | ontario.ca](#)

British Columbia

British Columbia protects people in employment on the ground of “physical or mental disability,” but the Human Rights Code does not contain a statutory definition of “disability.” (bclaws.gov.bc.ca)

The BC Human Rights Tribunal applies and explains the ground. Its official guidance states that:

- A person is protected if they have a disability or are perceived to have one.
- “Mental disability” includes mental conditions that affect (or are seen as affecting) a person’s abilities, such as learning disorders, developmental disabilities, or illnesses like depression or bipolar disorder.
- “Physical disability” includes conditions that impair normal life functions (e.g., addiction, amputation, asthma, diabetes, cancer, epilepsy, mobility impairments; being Deaf, hard of hearing, or blind) and excludes short lived conditions such as a cold. (bchrt.bc.ca)

Where employment protection is set out:

- Section 13 of the BC Human Rights Code prohibits discrimination in employment, including on the grounds of physical or mental disability. (bclaws.gov.bc.ca)

Quebec:

Yes. In Québec, employment discrimination law protects people on the ground of “a handicap or the use of any means to palliate a handicap,” and this applies to all stages of employment (hiring through termination) under the Québec Charter of Human Rights and Freedoms. (hrreporter.com)

How “disability/handicap” is defined for employment protection:

- The Charter itself does not contain a narrow, statutory definition. Instead, the Supreme Court of Canada has interpreted “handicap” broadly to include a physical limitation, an ailment, a social construct, a perceived limitation, or any combination of these; it also covers discrimination based on measures used to mitigate a disability (e.g., wheelchair,

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service dog, prosthesis). This is the governing definition used in Québec discrimination cases, including employment. (decisions.scc-csc.ca)

Note: Québec also has a separate statute for disability programs and accessibility—the Act to secure handicapped persons—which defines a “handicapped person” as someone with “a deficiency causing a significant and persistent disability, who is liable to encounter barriers in performing everyday activities.” That definition guides program eligibility, not the scope of discrimination protection under the Charter. (legisquebec.gouv.qc.ca)

Nova Scotia:

Yes. Nova Scotia’s Human Rights Act defines “physical disability or mental disability,” and that definition applies to the Act’s employment protections.

Here is the wording from Nova Scotia’s Human Rights Act:

“No person shall in respect of (d) employment; ... discriminate ... on account of ... (o) physical disability or mental disability.” Human Rights Act, s. 5(1)(d) and s. 5(1)(o). (nslegislature.ca)

Alberta:

In Alberta, the definition of ‘disability’ for employment protection is governed by the Alberta Human Rights Act. This legislation provides a broad and inclusive framework that protects individuals with physical, mental, and perceived disabilities from discrimination in the workplace.

Physical disability under the Act includes any degree of infirmity, malformation, or disfigurement caused by bodily injury, birth defect, or illness. Specific examples include epilepsy, paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impediment, and physical reliance on a guide dog, wheelchair, or other assistive devices.

Mental disabilities are also protected and include conditions such as depression, anxiety, post-traumatic stress disorder (PTSD), attention deficit hyperactivity disorder (ADHD), and schizophrenia. The Act also recognizes perceived disabilities, meaning individuals are protected even if discrimination is based on assumptions about their disability.

Employers in Alberta are legally required to accommodate employees with disabilities to the point of undue hardship. This includes making reasonable adjustments in hiring, promotion, and termination practices to ensure equal access and opportunity.

Sources

- [Alberta Human Rights Commission: Duty to accommodate at work](#)
- [Alberta Human Rights Commission: Disability, illness, and injury](#)
- [Alberta Human Rights Act: Alberta King’s Printer | Sections 4, 44\(1\)\(d\), 7\(1\)](#)

Saskatchewan

Yes. The Saskatchewan Human Rights Code, 2018 defines “disability” in section 2(1) as: (a) any degree of physical disability, infirmity, malformation or disfigurement (including epilepsy, paralysis, amputation, lack of coordination, blindness/visual impediment, deafness/hearing impediment, muteness/speech impediment, or physical reliance on a service animal, wheelchair, or other remedial device); or (b) any of: an intellectual disability or impairment; a learning disability or dysfunction in one or more processes involved in understanding or using symbols or spoken language; or a mental disorder. (saskhrc.ca)

New Brunswick

Yes. It is defined in Human Rights Act, section 2 (definitions).

What it says, in substance:

- Physical disability: “any degree of disability, infirmity, malformation or disfigurement of a physical nature resulting from bodily injury, illness or birth defect,” including (not limited to) paralysis, diabetes, epilepsy, amputation, lack of physical coordination, blindness/visual impediment, deafness/hearing impediment, muteness/speech impediment, or physical reliance on a guide dog, wheelchair, cane, crutch or other remedial device. (laws.gnb.ca)
- Mental disability: “includes (a) an intellectual or developmental disability, (b) a learning

disability, or dysfunction in one or more of the mental processes involved in the comprehension or use of symbols or spoken language, and (c) a mental disorder.” (laws.gnb.ca)

Employment application: Employment is an expressly protected area under the Act (the Human Rights Commission’s guidance lists employment as a covered area). (www2.gnb.ca)

Prince Edward Island

Yes. Prince Edward Island defines “disability” in its Human Rights Act, and that definition applies to employment.

- Where defined: Human Rights Act, s. 1(1)(c.1).
- Definition (summary): “Disability” means a previous or existing disability, infirmity, malformation or disfigurement, whether physical, mental or intellectual, caused by injury, birth defect or illness, and includes (without limitation) epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or a speech impediment, or physical reliance on an assist animal, wheelchair or other remedial device. (princeedwardisland.ca)
- Employment coverage: Discrimination in employment is prohibited under s. 6 of the same Act, so the above definition governs employment protections. (princeedwardisland.ca)

Note: The government’s consolidated Act cited here is current to March 1, 2024. (princeedwardisland.ca)

2. Are there different definitions for disability at a state, provincial or local level?

Yes, there are different definitions of disability across Canada at the provincial and territorial levels. There is no single, harmonized “operational” definition of disability across federal programs, and this variation extends to provincial and territorial jurisdictions as well.

Federal Level Definition:

Under the Employment Equity Act, a person with a disability is “any person who has a long-term, reoccurring physical, mental, sensory, psychiatric, or learning impairment and who considers themselves to be disadvantaged in employment by reason of that impairment.” According to the Canadian Human Rights Act, a disability is “any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence of alcohol or a drug.”

The Accessible Canada Act defines disabilities as impairments or functional limitations that, when combined with barriers, prevent people from fully and equally participating in society.

Sources:

Accessible Canada Act:

1. [Official Justice Canada site](https://www.justice.gc.ca/eng/accessible/index.aspx)
2. [Summary of the Accessible Canada Act - Canada.ca](https://www.canada.ca/en/accessibility/summary-of-the-accessible-canada-act.html) (summary from Canada.ca)

Employment Equity Act:

1. [Official Justice Canada site](https://www.justice.gc.ca/eng/employment-equity/index.aspx)
2. [SC 1995, c 44 | Employment Equity Act | CanLII \(CanLII version\)](https://www.canlii.org/en/SC/SC/doc/1995/199504/19950404.html)

Provincial Variations

Ontario, Manitoba, and Nova Scotia all have laws that mandate creation of provincial accessibility standards. In addition, the Accessible Canada Act mandates accessibility standards that apply to organizations under federal jurisdiction.

In contrast, definitions in other laws, such as the Accessible Canada Act and the Nova Scotia Accessibility Act, use a social model of disability. This model explains disability in terms of how barriers in structures and services exclude people with physical or mental impairments.

In Canada, the definition of ‘disability’ varies depending on the level of government and the purpose of the legislation. Federal laws provide broad and inclusive definitions that guide accessibility, employment equity, and human rights protections.

The Accessible Canada Act defines disability as any impairment or functional limitation that reduces an individual's full involvement in society due to barriers they face. This includes physical, mental, intellectual, cognitive, learning, communication, and sensory impairments. Disabilities may be permanent, temporary, episodic, visible, or invisible. (**Source:** [Accessibility for Ontarians with Disabilities Act \(AODA\)](#))

The Employment Equity Act focuses on long-term or recurring impairments that disadvantage individuals in employment. It aims to promote equal opportunities for persons with disabilities in federally regulated workplaces. (**Source:** [disabilityin.org](#))

The Canadian Human Rights Act includes both existing and past disabilities. It covers physical and mental conditions, disfigurement, and substance dependencies, ensuring protection from discrimination in various areas including employment and services.

(**Source:** [disabilityin.org](#))

Sources:

chapter E-20.1 Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration 2004, c. 31, s. 1.

chapitre E-20.1 Loi assurant l'exercice des droits des personnes handicapées en vue de leur intégration scolaire, professionnelle et sociale 2004, c. 31, a. 1.

1(g) "handicapped person" means a person with a deficiency causing a significant and persistent disability, who is liable to encounter barriers in performing everyday activities.

1(g) «personne handicapée» : toute personne ayant une déficience entraînant une incapacité significative et persistante et qui est sujette à rencontrer des obstacles dans l'accomplissement d'activités courantes.

chapter C-12 Charter of human rights and freedoms

chapitre C-12 Charte des droits et libertés de la personne

10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

10. *Toute personne a droit à la reconnaissance et à l'exercice, en pleine égalité, des droits et libertés de la personne, sans distinction, exclusion ou préférence fondée sur la race, la couleur, le sexe, l'identité ou l'expression de genre, la grossesse, l'orientation sexuelle, l'état civil, l'âge sauf dans la mesure prévue par la loi, la religion, les convictions politiques, la langue, l'origine ethnique ou nationale, la condition sociale, le handicap ou l'utilisation d'un moyen pour pallier ce handicap. Il y a discrimination lorsqu'une telle distinction, exclusion ou préférence a pour effet de détruire ou de compromettre ce droit.*

16. No one may practise discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.

16. *Nul ne peut exercer de discrimination dans l'embauche, l'apprentissage, la durée de la période de probation, la formation professionnelle, la promotion, la mutation, le déplacement, la mise à pied, la suspension, le renvoi ou les conditions de travail d'une personne ainsi que dans l'établissement de catégories ou de classifications d'emploi.*

3. Do these definitions include mental health?

Canada:

Yes. S 25 of the Canadian Human Rights Act: [Canadian Human Rights Act](#)

Alberta:

The Alberta Human Rights Act explicitly includes mental health conditions within its definition of disability. This ensures that individuals with mental health disorders are protected from

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discrimination in employment, housing, and access to services.

According to the Alberta Human Rights Act, a mental disability is defined as:

“Any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.”

This broad definition means that conditions such as depression, anxiety, post-traumatic stress disorder (PTSD), attention deficit hyperactivity disorder (ADHD), and schizophrenia are recognized as disabilities under Alberta law.

Employers are required to accommodate individuals with these conditions unless doing so would cause undue hardship.

Sources

- Alberta Human Rights Act, Chapter A-25.5
- Alberta Human Rights Commission: Mental or Physical Disabilities and Discrimination |
- [AHRC - Mental or physical disabilities and discrimination](#)

Ontario:

Yes. S 10(1) of Ontario Human Rights Code “disability” means,

...

(b) a condition of mental impairment or a developmental disability,

...

(d) a mental disorder, or

British Columbia:

Yes. British Columbia’s Human Rights Code protects employees from discrimination based on “mental disability,” which includes mental health conditions. The BC Human Rights Tribunal explains that mental disability includes mental conditions and illnesses such as depression or bipolar disorder, and protection also extends to perceived conditions. (bclaws.gov.bc.ca)

Quebec:

Yes. The definition of a “handicapped person” in Quebec employment law includes mental health conditions. This is based on a broad and inclusive interpretation of the term handicap under the Quebec Charter of Human Rights and Freedoms, as well as interpretation by the Supreme Court of Canada.

In Quebec (*Commission des droits de la personne et des droits de la jeunesse*) v. Montréal (City) and Quebec (*Commission des droits de la personne et des droits de la jeunesse*) v. Boisbriand (City), the Supreme Court of Canada rejected a narrow definition of disability based solely on functional limitations and generally established that “handicap” must be interpreted broadly to include the subjective experience of discrimination based on perceptions, stereotypes, and myths, even without an actual functional limitation.

Nova Scotia:

Yes. The Nova Scotia Human Rights Act’s definition of “physical disability or mental disability” expressly includes mental health:

- s. 3(l)(v) “condition of being mentally impaired” and s. 3(l)(vi) “mental disorder.” (nslegislature.ca)

And that protection applies in employment:

- s. 5(1)(d) prohibits discrimination “in respect of ... employment,” and s. 5(1)(o) lists “physical disability or mental disability” as a protected ground. (nslegislature.ca)

Saskatchewan

Yes. The specific sections are in The Saskatchewan Human Rights Code, 2018:

- Section 2(1) — definition of “disability.” It includes, at clause 2(1)(b)(iii), “a mental disorder.” (saskhrc.ca)
- Section 2(1) — definition of “mental disorder.” It is defined as a disorder of thought, perception, feelings or behaviour that impairs judgment, capacity to recognize reality, ability to associate with others, or ability to meet the ordinary demands of life. (saskhrc.ca)

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New Brunswick

Yes. In New Brunswick, “mental disability” explicitly includes “a mental disorder,” so mental health conditions are covered by the Human Rights Act and protected in employment. (legnb.ca)

Employment discrimination on the basis of mental disability is prohibited under section 4 of the Act. (laws.gnb.ca)

PEI

Yes. PEI’s Human Rights Act defines “disability” to include conditions “of a physical, mental or intellectual nature,” so mental health is included. See s. 1(1)(c.1) of the Act.

Source: [Human Rights Act](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Canada:

Unclear. [Canadian Human Rights Act](#)

Ontario:

Yes. The definition expressly covers “a learning disability”

British Columbia:

Yes. In British Columbia, employment discrimination law protects “physical or mental disability.” The BC Human Rights Code expressly prohibits discrimination in employment based on mental disability, and the Tribunal’s guidance says “mental disability” includes learning disorders and developmental disabilities—categories that encompass conditions such as dyslexia, autism, ADHD, and dyspraxia. (bclaws.gov.bc.ca)

Tribunal and court decisions have also recognized specific neurodivergent conditions as disabilities. For example, ADHD (and a related nonverbal learning disability) were accepted as “mental disability” in *Kelly v. University of British Columbia*. Dyslexia was recognized as a disability in the Supreme Court of Canada’s *Moore* case (though in the education/services context, it confirms dyslexia is a protected disability). ([2013 BCHRT 302 \(CanLII\)](#) | [Kelly v. University of British Columbia \(No. 4\) | CanLII](#))

Alberta:

Alberta’s definition of disability explicitly includes neurodivergent conditions, recognizing them as protected under the Alberta Human Rights Act (RSA 2000, c A-25.5).

According to the Alberta Human Rights Commission, a mental disability is defined as any mental, developmental, or learning disorder, regardless of its cause or duration. This broad definition encompasses a range of neurodiverse conditions, including:

- Autism Spectrum Disorder (ASD)
- Attention Deficit Hyperactivity Disorder (ADHD)
- Dyslexia
- Dyspraxia
- Obsessive Compulsive Disorder (OCD)
- Schizophrenia
- Depression
- Anxiety Disorders
- Post-Traumatic Stress Disorder (PTSD)

These conditions are recognized as disabilities under Alberta law, meaning individuals with these diagnoses are protected from discrimination in employment, housing, and access to services. Employers are legally required to accommodate these individuals to the point of undue hardship, which may include adjustments like flexible work hours, quiet workspaces, or assistive technologies. [albertahumanrights.ab.ca]

You can find this definition and examples in the Alberta Human Rights Commission’s guide on Disability, Illness, and Injury and in the Alberta Human Rights Act itself (Section 44(1)(f)). [canlii.org]

Nova Scotia:

Yes. Nova Scotia’s Human Rights Act definition of “physical disability or mental disability” covers common neurodiversity conditions.

How the Act’s definition captures neurodiversity:

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- Dyslexia: explicitly included as a “learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,” s. 3(l)(iv). (humanrights.novascotia.ca)
- Autism and ADHD: captured by “mental disorder” and “condition of being mentally impaired,” s. 3(l)(v)–(vi). (humanrights.novascotia.ca)
- Dyspraxia (developmental coordination disorder): covered by “lack of physical coordination” listed under physical disability, s. 3(l)(iii). (humanrights.novascotia.ca)

Employment coverage

- Discrimination “in respect of ... employment” is prohibited, and “physical disability or mental disability” is a protected characteristic under the Act. The Commission’s official guidance lists Employment as a prohibited area and Physical disability and Mental disability as protected characteristics. (humanrights.novascotia.ca)

Quebec:

Yes, while the term “neurodiversity” itself is not explicitly in the law, these conditions are likely protected under the broader interpretation of “handicap” described in Q3.

Saskatchewan

Yes. Saskatchewan’s employment protections use the definition of “disability” in The Saskatchewan Human Rights Code, 2018, and that definition covers several forms of neurodiversity.

New Brunswick:

Yes. New Brunswick’s Human Rights Act definition of disability covers common forms of neurodiversity.

Prince Edward Island:

Yes. PEI’s Human Rights Act definition of “disability” is broad enough to cover neurodiversity, and that definition applies to employment protections.

Additionally, the province’s Diversity Employment Program lists “neurodivergent candidates” among priority groups, consistent with interpreting disability to include neurodiversity in employment contexts. (princeedwardisland.ca)

5. Are there specific disability employment laws for certain industries or sectors?

Majorly, Canada does not have specific disability employment laws for individual industries, but rather a framework of federal and provincial/territorial laws that apply across different sectors.

Where there are sector-specific rules:

- Federally regulated transportation: Airlines, railways, marine and intercity bus operators must follow the Accessible Transportation for Persons with Disabilities Regulations (ATPDR) on top of general human-rights and accessibility duties. That’s a true, industry-specific regime.
- Certain public-sector programs: Examples include Quebec’s public-sector equal access programs for designated groups (including persons with disabilities). These are sector-limited (public service), but not “industry” in the private-sector sense.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No for all jurisdictions.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Case: *British Columbia (Public Service Employee Relations Commission) v B.C.G.E.U. (“Meiorin”)*, 1999 CanLII 652 (SCC)

Topic: Bona Fide Occupational Requirements

Description: This Supreme Court of Canada case established the test for confirming whether a discriminatory workplace standard is a bona fide occupational requirement (BFOR). A BFOR is a rule or qualification for a job that is necessary to do the job safely and effectively, even if it may seem discriminatory. This case transformed

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workplace disability rights, requiring employers to accommodate employees with disabilities up to the point of undue hardship, marking a shift from an era when employers could terminate employees for incapacity without accommodation obligations.

Case: *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Montréal (City)* [2000 SCC 27](#)

Topic: Definition of Disability in the Employment Context

Description: Canadian courts have ensured a wide definition of “disability” to protect employees. Notably the Supreme Court held that “handicap” under human rights law includes not only actual functional limitations, but also perceived disabilities and episodic conditions. This means an employer violates the law if decisions are based on stereotypes or assumptions about a person’s health – for example, refusing to hire someone due to a minor ailment or a future risk of illness. The result is that human rights protections cover a broad range of conditions, ensuring people are judged on their abilities, not prejudices.

Cases: *McGill University Health Centre (Montreal General Hospital) v Syndicat des employés de l’Hôpital général de Montréal*, [2007 SCC 4](#) and *Hydro-Québec v. Syndicat des employés de techniques professionnelles et de bureau d’Hydro-Québec, section locale 2000 (SCFP-FTQ)*, [2008 SCC 43](#)

Topic: The Limits of the Duty to Accommodate

Description: In these cases, the Supreme Court of Canada made it clear that while the duty to accommodate is broad, it is not limitless; employers are not required to employ someone indefinitely if that person cannot actually perform work for a prolonged or indeterminate period. In *Hydro-Québec*, the Court stated that once an employee remains “unable to work for the reasonably foreseeable future” despite accommodations, the duty to accommodate has been met and termination may be justified. The principle emerging from these cases is that accommodation efforts need to be meaningful and sustained, but there is a point where an employer can lawfully conclude that continuing employment is no longer viable.

Cases: *Battlefords and District Co-operative Ltd. v Gibbs*, [1996 CanLII 187 \(SCC\)](#) and *Brooks v Canada Safeway Ltd.*, [1989 CanLII 96 \(SCC\)](#).

Topic: Equal Treatment of All Disabilities in the Workplace

Description: The evolution of Canadian case law has emphasized that all types of disabilities are equal under the law. In *Battlefords* the Supreme Court of Canada ruled that an employer cannot treat mental health conditions as second-class by providing inferior benefits. This notion echoes a broader equality principle, similar to how in *Brooks* the Court recognized pregnancy discrimination as sex discrimination. Here the Court recognized distinctions among sub-categories of disability as discrimination on the ground of “disability.” The impact is that employers and benefit providers must ensure their policies do not, even inadvertently, single out certain disabilities for disadvantageous treatment. For example, if an insurance or sick leave plan places stricter limits on psychiatric illnesses than physical ones, that policy is legally suspect. The current state of the law is that disability benefits and workplace policies should be disability-neutral, or genuinely justified if different (e.g., based on solid medical/actuarial evidence, not stereotypes).

Case: *Stewart v Elk Valley Coal Corp.*, [2017 SCC 30](#)

Topic: Balancing Safety and Accommodation:

Description: *Elk Valley* illustrates the tension, and necessary balance, between accommodating disabilities and maintaining workplace safety or performance standards. In *Elk Valley*, the SCC explained that having a disability (like a drug addiction) does not exempt an employee from following critical safety rules, especially in high-risk environments. The Supreme Court’s majority found no prima facie discrimination in *Stewart*’s firing because the decision was based on a breach of a safety policy that applied to all employees. They effectively ruled that the employer’s proactive policy (encouraging self-reporting of addiction and barring drug use at work) was bona fide and critical to safety. This points to a broader principle: employers can enforce rules essential to health and safety or the job’s nature, provided they are applied in good faith and accommodations (where feasible) are built into the policy. In practice, it means an employer should design safety policies that

account for disabilities (for example, offering support or rehabilitation for employees who come forward with substance dependencies), but an employee who fails to use those supports and violates safety standards may face discipline without it automatically being discrimination. The Stewart case has been somewhat controversial, but it confirms that workplace safety is a legitimate factor in the accommodation equation – striking the balance between an individual's rights and co-workers' and public safety.

Case: Quebec (*Commission des normes, de l'équité, de la santé et de la sécurité du travail*) v. Caron, [2018 SCC 3](#)

Topic: Integration of Human Rights into Other Regimes

Description: *Caron* exemplifies a trend of integrating disability rights into all aspects of employment law, including workers' compensation and labor law systems. In *Caron*, the Supreme Court of Canada made it clear that a worker does not leave human rights protections at the door when entering a workers' compensation process. Employers (and agencies) must consider the duty to accommodate even when following other statutes. The overarching theme is that human rights laws are quasi-constitutional and permeate employment relationships, ensuring that rules from collective agreements, compensation schemes, or other legislation are applied in harmony with the principle of equality. In *Caron's* case, this meant an injured worker had the right to be considered for any suitable employment with accommodations, rather than being automatically deemed unfit under a statutory timeframe. The impact moving forward is greater protection for employees navigating return-to-work processes: their employers must search for accommodations across the organization (e.g. reassigning to a different role if possible) before concluding that no suitable job exists.

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Chile

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes: A person with a disability is one who, having one or more physical, mental (whether psychiatric or intellectual), or sensory impairments (whether temporary or permanent) when interacting with various barriers present in the environment, is impeded or restricted from full and effective participation in society, on an equal basis with others.

Source:

Law 20.422 (2010) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 20422, <https://www.bcn.cl/leychile/navegar?idNorma=1010903>.

In Chile, a person is considered to have a disability if they have a physical, mental, or sensory condition (which can be temporary or permanent) that, when combined with barriers in the environment, makes it harder for them to take part fully in daily life or work on an equal basis with other people.

The law doesn't just look at someone's medical condition, it also looks at how society or the workplace is set up. For example:

- A person who uses a wheelchair might be considered to have a disability because stairs or narrow doors limit access, not because of the wheelchair itself.
- Someone with a mental health condition or learning difference could be covered if workplaces or systems aren't designed to support their participation.

This approach focuses on removing barriers and promoting inclusion, rather than labelling people based only on medical diagnoses.

2. Are there different definitions for disability at a state, provincial or local level?

No. Chile is a Civil Law jurisdiction, which means its Civil Code and national laws are at the top of

the of the legal structure and carry the most weight. Its regional and municipal governments can enact laws on the lowest level and are generally administrative.

Source:

Sergio Endress Gómez, *Essential Issues of the Chilean Legal System*, NYU Law GlobalLex, <https://www.nyulawglobal.org/globalex/chile1.html>

3. Do these definitions include mental health?

Yes

Under Law 20.422 (2010) on equal opportunities and social inclusion of persons with disabilities, a person with a disability is defined as someone who:

- has one or more physical, mental, or sensory impairments (temporary or permanent),
- and who, when interacting with environmental barriers, is prevented or restricted from full and effective participation in society on an equal basis with others.

Disability in Chile is understood in a social model sense, meaning disability is defined not just by medical or impairment alone, but by whether the person faces environmental or societal barriers that limit their participation.

Source:

Law 20.422 (2010) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 20422, <https://www.bcn.cl/leychile/navegar?idNorma=1010903>.

What kinds of mental health / cognitive impairments are covered?

Under Chilean law, "mental" impairments include:

- Mental conditions due to psychic causes (i.e., psychiatric disorders),
- Intellectual impairments (also called intellectual disability)

Disorders of mood, anxiety, psychosis, other psychiatric illnesses, or neurodevelopmental cognitive disabilities can be included if they cause an impairment in functioning. Other conditions disorders, depending on how they interact with

environmental barriers and how the person is evaluated.

What the law requires for mental health impairments to “count” under the law?

Not every psychiatric diagnosis will automatically qualify as a mental impairment under Chilean law. The law also requires certain key additional elements:

1. **Functional limitation** — The mental or intellectual impairment restricts the person’s participation in society or in employment, etc. Meaning, some external barrier interacts with the person’s mental impairment that causes a limitation with their functioning.
2. **Temporary or permanent** — The condition may be short-term or long-term.
3. **Assessment / certification** — Chilean law requires individuals to have their impairments certified through COMPIN (Comisión de Medicina Preventiva e Invalidez), or registered in the Registro Nacional de Discapacidad. The evaluation is interdisciplinary which may involve psychologists, social workers, special / differential educators, or others depending on the case.
4. **Dignity and rights respected** — The law specifically prohibits treatment against one’s will that violates dignity or experiments, etc.

Sources:

Ayuda Mineduc, Ministerio de Educación del Gobierno de Chile, *Preguntas Frecuentes Ley N°21.545*, https://ayudamineduc.cl/sites/default/files/preguntas_frecuentes_ley_tea_21.545.pdf?utm.

Superintendencia de Seguridad Social, *Normativa y Jurisprudencia, Ley 20422, artículo 5*, <https://www.suseso.cl/612/w3-propertyvalue-129226.html?utm>.

Superintendencia de Seguridad Social, *Normativa y Jurisprudencia, Ley 20422, artículo 11*, <https://www.suseso.cl/612/w3-propertyvalue-129226.html?utm>.

Fundacion Descubreme, Preguntas y orientaciones para la implementación de la ley de inclusión laboral,

<https://www.senadis.gob.cl/descarga/i/4838/documento?utm>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Law 20.422 in Chile, which defines disability in Article 5, does not explicitly include neurodiversity in the definition. The law defines disability as any physical, mental, or sensory deficiency, of a temporary or permanent nature, that prevents or restricts a person from full and effective participation in society on an equal basis with others. While the law addresses various forms of disability, it does not mention neurodiversity specifically.

The plain language of the law follows its inclusion of “mental” in the list of deficiencies it identifies with the qualifier, “whether for mental or intellectual reasons.” If the conditions identified in the question fall within the vague term, “intellectual reasons,” they may be covered, but it’s not clear from the definition.

Source: Law 20.422 (2010) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 20422, <https://www.bcn.cl/leychile/navegar?idNorma=1010903>.

Article 8 TER in Title I of the law provides information about getting a disability credential or certificate from the National Disability Registry of Chile (“RND”). The State website explains further that to enroll in the RND, a person must be certified with a disability by the Commission of Preventive Medicine and Disability (COMPIN).

Source:

Chile Atiende, *Registro Nacional de la Discapacidad (RND)*, <https://www.chileatiende.gob.cl/fichas/3349-certificado-de-inscripcion-en-el-registro-nacional-de-la-discapacidad>.

The State website explains that a medical professional may provide a COMPIN Disability Certification if they determine that a person has a health condition that limits the performance of their activities of daily and social life.

Source: Chile Atiende, *Certificación de discapacidad de la COMPIN*, <https://www.chileatiende.gob.cl/fichas/83219-certificacion-de-discapacidad-de-la-compin>.

5. Are there specific disability employment laws for certain industries or sectors?

No specific disability employment laws for certain industries or sectors were found. However, Law 20.422 as amended by 21.690 of the Civil Code places an obligation on companies to make necessary adjustments to adapt their recruitment and hiring systems as well as their procedures and practices for people with disabilities. This may impact some companies differently depending on the industry or sector they represent.

Sources:

Law 20.422 (2010) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 20422, <https://www.bcn.cl/leychile/navegar?idNorma=1010903>.

Law 21.690 (2024) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 21690, <https://www.bcn.cl/leychile/navegar?idNorma=1206100>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Law 21.015 (2017) requires companies (both public and private) that have 100 or more employees to ensure that at least 1% of their workforce are persons with disabilities or those who are entitled to a disability pension.

Source:

Law 21.015 (2017) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 21015, <https://www.bcn.cl/leychile/navegar?idNorma=1103997&utm>.

A newer law, Law No. 21.690 (2024), increases the quota from 1% to 2% for companies with 100 or more employees. However, Law 21.690 provides that the increase becomes mandatory only after certain conditions are met: namely, when 80% of the companies required to comply are verified to have met the 1% quota.

Source:

Law 21.690 (2024) – Biblioteca del Congreso Nacional de Chile, *Ley Chile*, Ley 21690, <https://www.bcn.cl/leychile/navegar?idNorma=1206100&utm>.

Companies that can't meet the quota directly must show "well-founded reasons." For example, this could include, that the companies don't have suitable candidates or that the nature of their functions makes it particularly difficult to hire persons with disabilities. But the law has clarified that simply claiming the nature of the business is not always enough.

If companies don't comply, companies can choose alternative ways of fulfilling the obligation (when permitted), such as contracting services with companies that have employed people with disabilities or making monetary donations to programs promoting disability employment.

There may be sanctions / fines if the quota is not met without justification. These sanctions or fines may include:

- **Medium-sized companies:** 20 monthly tax unit (unidad tributaria mensual "UTM") per month for each person with disability that should have been hired but wasn't. Law 21.690 applies this fine for each month of noncompliance.
- **Large companies:** 30 UTM per month for each person missing to meet their quota of hiring persons with disabilities. Law 21.690 applies this fine for each month of noncompliance.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

We did not identify any significant legal cases that have shaped disability employment laws in Chile.

One of the sources where we looked for such cases is the website for L&E Global, which has a library of articles about global employment law matters that can be searched by country, including Chile ([News Archives - L&E Global](#)).

Three of the articles in the Chile section of the L&E Global website ([Chile: Amendments Regarding Labour Inclusion of Persons With Disabilities and Disability Pension Assignees - L&E Global](#); [Chile: Adoption of Measures to facilitate Employees with Disabilities - L&E Global](#); [Chile: Employees with disabilities minimum quota - L&E Global](#)) are about Chile's disability laws (and relevant to other questions), but not about a significant legal case.

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Colombia

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. In Colombia, disability is defined for purposes of employment protection in Law 1618 of 2013. The definition follows the social model established by the UN Convention on the Rights of Persons with Disabilities.

Article 2 of Law 1618 states: “People with and/or in a situation of disability” are defined as “those people who have physical, mental, intellectual or sensory deficiencies in the medium and long term that, when interacting with various barriers, including attitudinal barriers, may prevent their full and effective participation in society, on equal terms with others.”

Source:

Función Pública, Colombia, *Ley 1618 de 2013*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=52081>.

2. Are there different definitions for disability at a state, provincial or local level?

In Colombia, the definition of disability is uniform nationwide.

The definition and regulatory framework for disability apply consistently across the entire country. This framework is principally found in:

- Law 1618 of 2013 (guaranteeing full exercise of the rights of persons with disabilities),
- Law 1346 of 2009 (adopting UN Convention on the Rights of Persons with Disabilities), and
- Law 361 of 1997 (creating mechanisms for social integration of people with disabilities).

Sources:

Función Pública, Colombia, *Ley 1618 de 2013*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=52081>.

Función Pública, Colombia, *Ley 1346 de 2009*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=37150>.

Función Pública, Colombia, *Ley 361 de 1997*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=343>.

3. Do these definitions include mental health?

Yes. As described above, Law 1618 of 2013 defines persons with disabilities as “Those individuals who have physical, **mental**, intellectual, or sensory impairments in the medium and long term that, when interacting with various barriers—including attitudinal ones—may hinder their full and effective participation in society on an equal basis with others.”

Source:

Función Pública, Colombia, *Ley 1618 de 2013*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=52081>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

The definition of persons with disabilities does not explicitly include neurodiversity but as described above, Law 1618 of 2013 defines persons with disabilities as “Those individuals who have physical, mental, **intellectual, or sensory** impairments in the medium and long term that, when interacting with various barriers—including attitudinal ones—may hinder their full and effective participation in society on an equal basis with others.”

Source:

Función Pública, Colombia, *Ley 1618 de 2013*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=52081>.

5. Are there specific disability employment laws for certain industries or sectors?

No. Colombia does not have industry-specific or sector-specific disability employment laws. The country’s framework on disability and employment is general and cross-sectoral. Law 1618 of 2013 establishes provisions to guarantee the full exercise of the rights of persons with disabilities, including equal opportunity, workplace accessibility, and reasonable accommodation

across all employment sectors. Law 361 of 1997 sets out mechanisms for the social and labor integration of persons with disabilities, covering hiring incentives, workplace adaptation, and protection against unjust dismissal. Decree 2011 of 2017 regulates Law 1618 and details public policies for labor inclusion, accessibility, and reasonable accommodations.

Sources:

Función Pública, Colombia, *Ley 1618 de 2013*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=52081>.

Función Pública, Colombia, *Ley 361 de 1997*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=343>.

Función Pública, Colombia, *Decreto 2011 de 2017*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=84502>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Law 2466 of 2025, passed on June 2025, requires employers to meet hiring quotas for individuals with disabilities. The aim of this law to promote inclusion and have additional recruitment. The labor inclusion quota in Law 2466 of 2025 has the following requirements:

- Small Companies – companies with up to 500 employees must hire two employees with disabilities for every 100 employees
- Large Companies – companies with more than 500 employees must hire one additional employee with a disability for every 100 employees exceeding the first 500.

This obligation is optional during the first year of the law's enforceability but becomes mandatory starting June 25, 2026.

Sources:

Función Pública, Colombia, *Ley 2466 de 2025*, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=260676>.

Baker McKenzie, *Colombia: Labor Reform—What changed? What actions should employers take?*,

<https://insightplus.bakermckenzie.com/bm/employment-compensation/colombia-labor-reform-in-colombia-what-changed-what-actions-should-be-taken>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Several significant legal cases and rulings in Colombia have shaped the country's disability employment laws, particularly around reinforced employment stability and non-discrimination.

For example, in Judgment SU-087 of 2022, the Constitutional Court expanded the concept of enhanced employment stability beyond formally recognized disabilities. The Constitutional Court held that any health condition that significantly affects work performance can trigger protection, even without a formal disability certification. This case established a burden of proof that the employer must prove that dismissal was not related to the health condition, or it will be presumed discriminatory.

In Judgment SL-1152 of 2023, the Supreme Court of Justice took a more restrictive view on disability compared to the Constitutional Court. The Supreme Court of Justice required a structured diagnosis of a medium or long-term physical, mental, intellectual, or sensory deficiency for disability protection to apply. This ruling created tension between the broader Constitutional Court interpretation and the narrower Supreme Court stance.

In Rulings SL 1503 and SL 1817 of 2023, the Supreme Court of Justice clarified that employers can terminate contracts of employees with disabilities only with just cause. Further, if the dismissal is related to the disability and reasonable accommodations were not possible, these rulings note that prior authorization from the Ministry of Labor is required.

Additionally, legal commentators have noted certain trends in Colombian courts related to disability and employment. For example, courts are increasingly recognizing contextual factors such as how impairments interact with job demands and environments. Additionally, the UN Convention on the Rights of Persons with Disabilities, ratified by Colombia, has continued to influence broader interpretations of disability protections.

Sources:

Función Pública, Colombia, *Sentencia SU-087 de 2022 Corte Constitucional*,
<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=195144>.

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Costa Rica

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.
 - Yes – Costa Rica's legislation expressly defines “disability” for purposes of legal protection, including in employment. The Equal Opportunities for Persons with Disabilities Law (Law 7600 of 1996) – a comprehensive disability rights law – contains the official definition. In Article 2 of Law 7600, “discapacidad” is defined as a “condición que resulta de la interacción entre las personas con deficiencias físicas, mentales, intelectuales o sensoriales a largo plazo y las barreras... que evitan su participación plena y efectiva en la sociedad, en igualdad de condiciones con las demás”.

In English, this means **disability is understood as a condition resulting from the interaction between individuals with long-term physical, mental, intellectual or sensory impairments and attitudinal or environmental barriers that prevent their full and effective participation in society on an equal basis with others. This definition mirrors the standard in the U.N. Convention on the Rights of Persons with Disabilities (CRPD). In fact, Costa Rica amended its law in 2014 (via Law No. 9207) specifically to align the legal definition of “person with a disability” with the CRPD. The updated definition emphasizes that disability is not just the impairment itself, but the result of how impairments interact with societal barriers – a modern, rights-based approach.

Key details of the legal definition:

Impairment criteria: The person must have a physical, mental, intellectual, or sensory impairment of a long-term nature. (Costa Rican law does not set a strict medical percentage or list of conditions; it adopts a broad description consistent with international norms.)
[disabilityin.org]

Participation and equality: The impairment, when combined with external barriers, must substantially limit the individual's full and effective participation in society on equal terms. In other words, the law recognizes disability in a

contextual way – focusing on whether societal or environmental obstacles are restricting the person's equal opportunities, including at work.

[Disability:IN | Global Directory - Costa Rica](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. Costa Rica's disability laws are at the national level. The country has established a comprehensive legal framework for disability rights, which includes the Equal Opportunities Law for People with Disabilities (Law 7600) and other amendments and acts that ensure equal opportunities and accessibility for persons with disabilities. These laws are part of a broader effort to promote inclusion and equal opportunity for individuals with disabilities in various aspects of life, including employment, education, and public spaces.

While disability laws are established at the national level, local enforcement plays a crucial role in ensuring these laws are effectively implemented. Local governments and municipalities are responsible for implementing and enforcing these laws within their jurisdictions. This includes ensuring that public infrastructure complies with accessibility standards and that local services are inclusive. However, the effectiveness of implementation can vary depending on local resources and priorities.

Sources:

[Disability:IN | Global Directory - Costa Rica](#)

[Overview of Costa Rica's Disability Law 7600 - CostaRicaLaw.com](#)

3. Do these definitions include mental health?

Yes, mental health is included in the definition of disability under Costa Rica law. According to the Law for the Promotion of the Personal Autonomy of Persons with Disabilities (2016), Article 2(b), a person with disability is defined as “those that have long-term physical, mental, intellectual, or sensory impairments that, when interacting with various barriers, may prevent their full and effective participation in society, on an equal basis with others.” [Ley Para La Promocion de la Autonomia Personal de las Personas con Discapacidad (2016). [Microsoft Word - promocionautonomiapersonal](#)]

Status of Disability and Employment Laws Around the World

Supporting Law: Law No. 7600 (1996): Equal Opportunities for Persons with Disabilities, which includes “mental” disabilities in the definition of disability.

[LEY.indd](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Ley N.º 7600 — Ley de Igualdad de Oportunidades para las Personas con Discapacidad (1996)

Answer: No. It defines disability as a condition resulting from the interaction between long-term physical, mental, intellectual, or sensory impairments and barriers in the environment that hinder full participation in society, but does not mention neurodiversity or specific conditions such as dyslexia, ADHD, or autism.

<https://microsoft%20word%20-%20leyigualdadde oportunidades/>

- The concept of neurodiversity does not appear in Costa Rican legislation explicitly.
- Dyslexia, dyspraxia, and ADHD are not explicitly mentioned in general laws, but there is no separate or narrower definition of disability that would exclude conditions like autism, ADHD, or dyslexia etc.
- Autism has a dedicated law, that has been in force since June 2024.
- The legal framework is broad enough to potentially include these conditions under the categories of mental or intellectual impairments, depending on the context.

Other references:

<https://microsoft%20word%20-%20consultas%20resueltas%20-%20discapacidad%20en%20cr%20final/>

[Compilado de leyes y decretos ejecutivos vigentes sobre discapacidad en Costa Rica](#)

Below are answers for each specific law/regulation:

Ley N.º 8661 — Aprobación de la Convención sobre los Derechos de las Personas con Discapacidad (2008)

Answer: No. It adopts the definition from the UN Convention, maintaining a broad approach without listing specific conditions or neurodiversity.

<https://microsoft%20word%20-%20documento1/>

Ley N.º 9379 — Ley para la Promoción de la Autonomía Personal (2016)

Answer: No. It reiterates the general definition of disability and promotes personal autonomy, but also does not mention neurodivergent conditions explicitly.

<https://microsoft%20word%20-%20promocionautonomiapersonal/>

Ley N.º 9940 — Ley para el Cumplimiento de Derechos y Desarrollo de Oportunidades de las Personas con Espectro Autista (2021)

Answer: Yes (partially). The law, which came into force in June 2024, aims to guarantee the full exercise of rights and promote the development of opportunities for individuals with Autism Spectrum Disorder (ASD), ensuring their inclusion and participation in all areas of society. Law 9940 adopts the definition established in Law No. 9379, which is consistent with the UN Convention on the Rights of Persons with Disabilities, which emphasizes (a) a social model of disability, (b) the role of environmental and attitudinal barriers, and (c) the recognition of diverse types of impairments, including mental and intellectual. Under Law 9940, autism is defined as “a neurodevelopmental condition characterized by persistent difficulties in social communication and interaction, along with restricted and repetitive patterns of behavior, interests, or activities, which manifest in early developmental stages and affect daily functioning.” The definition (a) recognizes autism as a spectrum, acknowledging variability in presentation and support needs, (b) frames autism within the context of neurodevelopment, not as a disease, and (c) emphasizes the need for individualized support and reasonable accommodations.

[Archivo Leyes - Cumplimiento de derechos y desarrollo de...](#)

5. Are there specific disability employment laws for certain industries or sectors?

There is a law (Act 8862) setting a quota of 5% of positions in the public sector to be reserved for persons with disabilities. Executive Decree 36462 implements Law 8862. It provides mechanisms to ensure the inclusion of persons with disabilities in public sector employment, sets regulatory frameworks for implementing the quota, selection, monitoring, etc.

A recent Executive Directive (2023) requires public institutions to set internal policies for disability inclusion, to make their recruitment/selection processes disability-inclusive, reserve vacancies, and report results.

There are not similar laws for the private sector, aside from the general laws and regulations.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Assignee: Brian Flock

Private Sector Employers (No):

Costa Rica does not impose hiring quotas for persons with disabilities on private companies. No current law requires private employers to hire a set percentage of workers with disabilities.

Incentives: Costa Rica uses incentives and voluntary measures to encourage private employers to hire individuals with disabilities. The main incentive is a tax benefit in the income tax law. Law N° 7092 (Impuesto sobre la Renta, 21 April 1988), Article 8, provides a fiscal incentive to employers who hire people with disabilities. Under this law, an employer may deduct from taxable income not only the wages paid to an employee with a disability, but an additional equal amount on top of those wages. In effect, if a company employs a person with a significant disability (one that presents serious physical limitations, as defined), the company can double-deduct that person's salary for income tax purposes. This is meant to offset any perceived extra costs of hiring disabled workers. Furthermore, the law allows businesses to deduct expenses related to accommodating the employee – e.g. costs of workplace modifications or assistive devices needed due to the employee's disability.

To claim these tax benefits, the employee's disability must be officially certified. Employers need the worker to have a CONAPDIS card or certificate confirming the disability. (CONAPDIS is the National Council for Persons with Disabilities, which issues ID cards for people with disabilities.) The law and its regulations require that the employer submit proof of the employee's disability status (the CONAPDIS certificate or a medical disability certification) along with the employment contract when applying for the tax deduction. The incentive can be renewed each fiscal year as long as the person remains employed.

Link to Law N° 7092 (Impuesto sobre la Renta, 21 April 1988): [Ley N° 7092, del Impuesto sobre la Renta - vLex Costa Rica](#)

Aside from tax incentives, the government pursues awareness and inclusion programs to boost private-sector hiring. The Ministry of Labor's National Employment Directorate and CONAPDIS facilitate job placement and hold job fairs connecting employers with disabled candidates. The National Plan on Labor Inclusion (e.g. PONADIS 2011–2021) also promoted strategies to increase private employment of people with disabilities.

Public Sector Employers (Yes):

Law: Costa Rica introduced a mandatory quota in public sector employment in 2010. The Ley N° 8862, “Ley de Inclusión y Protección Laboral de las Personas con Discapacidad en el Sector Público,” was passed on 16 September 2010 (in force since 11 November 2010). Law 8862 requires that at least 5% of vacant public-sector positions be reserved for qualified persons with disabilities. In practice, this means every agency or branch of government must ensure that 5% of its new hires (job openings) are filled by people with disabilities, provided such candidates meet the job requirements. This 5% quota is an affirmative action measure applicable only to the public sector.

Link to Ley N° 8862, “Ley de Inclusión y Protección Laboral de las Personas con Discapacidad en el Sector Público”: [CRI ley 8862](#)

Scope: The quota covers all branches and entities of government. The 2011 implementing regulation (Executive Decree No. 36462-MP-MTSS, issued 2 Feb 2011) made the quota binding on “todo el Sector Público,” including ministries (and their decentralized bodies), the

Legislative Assembly (and auxiliary organs like the Comptroller and Ombudsman), the Judicial branch, the Electoral Tribunal, autonomous and semi-autonomous institutions, non-state public entities, and public enterprises.

Link to Executive Decree No. 36462-MP-MTSS, issued 2 Feb 2011:

[NATLEX - Costa Rica - Decreto Ejecutivo núm. 36462-MP-MTSS que dicta el Reglamento a la Ley núm. 8862 de inclusión y protección laboral de las personas con discapacidad en el sector público.](#)

Enforcement: Law 8862's regulation sets up a compliance infrastructure within each public institution. Each agency's top management must form a specialized commission (including the HR director, a disability office representative, and an occupational therapist or psychologist) to oversee implementation. These commissions must annually identify at least 5% of the year's available positions to be reserved for persons with disabilities, and coordinate outreach to find eligible candidates (using internal candidate databases and the National Employment Service). Agencies then issue a formal resolution each year listing the reserved positions (published in the official gazette). Human Resources units are responsible for recruiting and hiring qualified disabled candidates for those reserved slots, maintaining parallel rosters of eligible candidates with disabilities. By law, if a disabled candidate passes the requisite tests and is deemed qualified, the agency must hire that person for the reserved vacancy – even if only one such candidate is available for consideration.

Monitoring and Reporting: Public institutions must report their quota compliance. Article 12 of the Regulation of Law 8862 requires every public entity's HR department to submit an annual compliance report to the National Commission for the Employability of Persons with Disabilities, detailing how the 5% hiring quota was met (or explaining any shortfalls). These reports are due by November 30 each year and follow standardized formats across the public sector. This allows centralized monitoring of implementation.

Penalties for Non-Compliance: Failure to observe the public-sector quota is taken seriously. If a public official or agency ignores the 5% hiring obligation, it is considered a grave *offense*. Violators can be sanctioned with a fine equal to

one base salary (as defined by Law 7337). For reference, in 2018 this base fine was about ₡431,000 (Costa Rican colones). Moreover, any personnel action that contravenes the quota law – for example, hiring someone without disabilities into a position that was designated for the quota – can be nullified (“annulable”) upon challenge. In other words, appointments or promotions made in violation of the quota requirement lack legal effect and can be reversed. These enforcement provisions underscore that compliance is not optional. Costa Rica's authorities (e.g. the Civil Service Directorate and the Labor Ministry) are empowered to void non-compliant hiring decisions and impose penalties on officials who flout the quota.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Sala Constitucional No. 2017-004584 (2017) –

Upheld the 5% hiring quota for people with disabilities in the public sector. The petitioner claimed that her interim position was being reassigned to a person with a disability without due process or documentation, violating her right to equality and employment. This challenge was rejected, confirming that affirmative action in hiring is legally valid and promotes inclusion.

[Sentencia n° 04584 de Sala Constitucional de la Corte Suprema de Justicia, de 24 de Marzo de 2017 - vLex Costa Rica](#)

Sala Constitucional No. 2288-99 (March 26, 1999) –

The decision involved a blind woman who was denied access to a taxi because she was accompanied by a guide dog. The Court ruled this denial constituted discrimination and a violation of her constitutional rights, emphasizing that public service providers must accommodate persons with disabilities under the conditions they require. While this isn't an employment-related case, this case influenced the employment space, including laying the groundwork for Law No 8862, which introduced a 5% hiring quota for persons with disabilities in the public sector. The 1999 decision helped establish the constitutional legitimacy of such measures by affirming the enforceability of disability rights.

[Sentencia n° 02288 de Sala Constitucional de la Corte Suprema de Justicia, de 26 de Marzo de 1999 - vLex Costa Rica](#)

Sala Constitucional No. 2022-006668 (March 23, 2022) – Issued a binding interpretation of the pension regulations, ruling that a disability existing before employment cannot be used to deny a pension if the condition worsens during employment. This protects workers with pre-existing conditions from discriminatory exclusions.

<https://salaconstitucional.poder-judicial.go.cr/>

Labor Chamber (Cassation) Res. No. 2025-00072 (March 14, 2025)

Ordered the granting of a disability pension to a worker whose pre-existing condition worsened during employment. The ruling cited constitutional and international standards, reinforcing that pre-existing conditions cannot be used to deny social security protections.

<https://nexuspj.poder-judicial.go.cr/document/sen-1-0005-1313243>

Inter-American Court – Guevara Díaz v. Costa Rica (June 22, 2022)

Found Costa Rica guilty of employment discrimination against a person with intellectual disability who was denied a permanent job despite scoring highest in a public hiring process. The court ordered reinstatement or compensation and mandated reforms to prevent future discrimination. Notably, the state gave “full acknowledgement of its responsibility” and admitted the conduct.

[Guevara Díaz. Judgment. June 22, 2022 • Page 2 • CEJIL](#)

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Ecuador

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. A person with a disability is considered to be anyone who, as a consequence of one or more physical, mental, intellectual, or sensory impairments, regardless of the cause that originated them, has their biological, psychological, and associative capacity permanently restricted to perform one or more essential activities of daily life (Article 6 of [The Organic Law on Disabilities](#)). In other words, A person with a disability is someone who has a permanent physical, mental, intellectual, or sensory condition that makes it harder for them to carry out essential everyday activities. Article 7 of The Organic Law on Disabilities also defines impairing and disabling conditions: A person with an impairment or disabling condition is understood to be anyone who experiences a temporary reduction or loss of some of their physical, sensory, or intellectual abilities, manifested in absences, anomalies, defects, losses, or difficulties in perceiving, moving, hearing and/or seeing, communicating, or integrating into essential daily activities, thereby limiting the performance of their abilities and, as a result, the full enjoyment and exercise of their rights. That means a person with an impairing condition is someone who temporarily loses or has reduced ability to see, hear, move, think, or communicate, which makes it harder for them to do daily activities and fully exercise their rights.

2. Are there different definitions for disability at a state, provincial or local level?

No.

3. Do these definitions include mental health?

Yes. The definitions of disability in Ecuador explicitly include mental health. Article 6 of the *Ley Orgánica de Discapacidades (2012)* states that a person with a disability is anyone who, as a result of one or more “*physical, mental, intellectual, or sensory impairments*”, has their biological, psychological, or associative capacity permanently restricted to perform essential daily activities. This means that mental health conditions fall directly within the scope of legally

recognized disabilities. Additionally, Article 7, which defines a person with an impairment or disabling condition (*persona con deficiencia o condición discapacitante*), covers temporary reductions or losses in physical, sensory, or intellectual capacities that limit daily life activities. While this provision does not list “mental” separately, Article 6 already ensures that mental health is fully encompassed within the definition of disability.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Neurodiversity conditions such as dyslexia, autism, ADHD, and dyspraxia are included within Ecuador’s legal definitions of disability, since Articles 6 and 7 cover *mental* and *intellectual impairments*. Eligibility for protections depends on formal certification by the national health authority.

5. Are there specific disability employment laws for certain industries or sectors?

No.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Ecuador has a mandatory employment quota system for persons with disabilities, set out in the *Ley Orgánica de Discapacidades (2012)*. Under Article 47, all public and private employers with 25 or more employees are required to hire at least 4% of their workforce from among people with disabilities. These must be positions that are permanent and appropriate to the individual’s knowledge, physical conditions, and aptitudes. Employers must also provide the necessary technical aids, workplace adaptations, and safe working environments. The law also provides some clarifications: for security and defense institutions (Armed Forces, National Police, fire brigades, and private security companies), the quota applies only to administrative staff, excluding operational roles due to physical risk. In addition, Article 48 allows close relatives or legal guardians of persons with severe disabilities (called *sustitutos*) to count toward an employer’s quota, though only one substitute per disabled person is permitted, and substitutes may not exceed 50% of the required quota.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

A few relevant jurisprudential decisions and international cases that have had impact in Ecuador:

In Ecuador's Constitutional Court, *Sentencia 797-20-EP/24* held that a worker with a disability who was unjustly dismissed was entitled to the compensation of 18 months' salary as provided in the *Ley Orgánica de Discapacidades* (Art. 51). ([Link](#))

In *Sentencia 2994-19-EP/24*, the Court found discrimination in reassigning a person with a disability to another position without justification and reducing their pay, affirming that such actions violate equality and disability rights provisions. ([Link](#))

Internationally, Ecuador was held responsible in the Inter-American Court of Human Rights case *Guachalá Chimbo & Others v. Ecuador* for violating rights of a person with a disability in medical and institutional care, reinforcing the idea that state obligations extend to persons with disabilities. ([Link](#))

In *RI v. Ecuador* (CRPD decision, 2019), the court ordered a lifelong disability pension for a worker whose disability was linked to workplace exposure, affirming the state's obligations under the CRPD. ([Link](#))

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Guyana

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Guyana defines disability in the Persons with Disabilities Act of 2010. Under this law, “Disability” means a physical or mental impairment caused by the limitations of the body structure or of one or more bodily functions that restrict the ability to perform ordinary day-to-day life activities.

This Act applies to the employment context. In Part V, Sub-Part 1, people with disabilities have equal opportunity for employment. Paragraph 8 provides for employers’ responsibilities and Paragraph 9 provides for employee recourse in the event that the employee feels discriminated against.

The Act prohibits discrimination in employment based on disability. This covers all stages of employment including recruitment, hiring, training, promotion, working conditions, and job termination.

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

2. Are there different definitions for disability at a state, provincial or local level?

In Guyana, the definition of disability is standardized at the national level, primarily through the Persons with Disabilities Act of 2010 as described above. There are no separate definitions at the provincial or local level.

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

3. Do these definitions include mental health?

The Persons with Disabilities Act of 2010 explicitly includes mental health within its definition of

disability. According to the Act: “Disability” means a physical or mental impairment caused by limitations of the body structure or of one or more bodily functions that restrict the ability to perform ordinary day-to-day life activities.

This definition is broad and inclusive, covering:

- Mental health conditions
- Cognitive impairments
- Developmental disorders
- Any condition that significantly affects daily functioning

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, Guyana’s Persons with Disabilities Act of 2010 includes disability definition that are broad enough to encompass neurodiversity. As described above, the Act’s definition includes “mental impairments ... that restrict the ability to perform ordinary day-to-day life activities.”

This inclusive language covers mental, cognitive, and developmental impairments, which are the basis of most neurodivergent conditions. While the Act does not list specific diagnoses like autism or dyslexia, its broad scope likely ensures that individuals with these conditions are protected under the law if their condition significantly affects daily functioning.

The Act also mandates inclusive education, vocational training, and rehabilitation services for persons with disabilities, which includes those with learning and developmental challenges.

The National Commission on Disability also promotes awareness of invisible disabilities, including mental health and neurodivergent conditions.

Sources:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

Stabroek News, How Guyana's law protects the rights of people with disabilities, <https://www.stabroeknews.com/2025/06/15/sunday/lets-gyaff-law/how-guyanas-law-protects-the-rights-of-people-with-disabilities/>.

5. Are there specific disability employment laws for certain industries or sectors?

No. In Guyana, disability employment law is primarily governed by the Persons with Disabilities Act of 2010, which applies broadly across all sectors rather than targeting specific industries with distinct rules.

Guyana does not currently have industry- or sector-specific disability employment laws. However, the Act does bind the state, meaning all government agencies must comply with its provisions, including in hiring and workplace accessibility.

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No, Guyana does not have specific employment quotas for employers to hire people with disabilities. The primary law covering disabilities does not provide quotas for hiring.

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In Guyana, disability employment law is primarily shaped by the Persons with Disabilities Act (2010), but there are no widely documented landmark court cases that have significantly redefined or challenged its provisions in the way seen in some other jurisdictions.

Source:

Republic of Guyana, Parliament of the Co-Operative, *Persons with Disabilities Act 2010*, <https://www.parliament.gov.gy/publications/acts-of-parliament/persons-with-disability-act-2010>.

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Jamaica

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Jamaica's *Disabilities Act, 2014* defines disability for the purpose of employment protection. The act explicitly prohibits discrimination against persons with disabilities in employment and requires employers to make reasonable accommodations.

Definition of a person with a disability

Under the act, a “person with a disability” is defined as:

- A person with a long-term physical, mental, intellectual, or sensory impairment.
- This impairment may hinder their “full and effective participation in society on an equal basis with other persons”.

Employment protections

Key protections under the *Disabilities Act* include:

- Prohibition against discrimination: Employers cannot deny employment to an otherwise qualified person based on their disability.
- Equal opportunities: Employees with disabilities must be afforded the same opportunities for training, transfer, and promotion as other employees.
- Reasonable accommodation: Employers must make reasonable arrangements or adjustments to the workplace, provided it does not cause “disproportionate or undue burden”.
- Anti-discrimination tribunal: The Disabilities Rights Tribunal is an official body that hears and resolves complaints of discrimination. Individuals can file complaints through the Jamaica Council for Persons with Disabilities (JCPD).
- The Disabilities Act finally went into effect in 2022 after being passed by the Jamaican

parliament. The Disabilities Act was developed to ensure the rights of persons with disabilities; these rights include the provision of a disability certificate, the right to education and training, the right to employment, the right to adequate healthcare and accessible facilities, and the right to housing. The Disabilities Act also included the establishment of the Jamaican Council for Persons with Disabilities (JCPD, n.d.) to advance equity for persons with disabilities. ([Disability Rights in Jamaica: Analysis and Policy Brief](#))

2. Are there different definitions for disability at a state, provincial or local level?

In Jamaica, there is no state, provincial, or local-level definition of disability because the country has a single national government. The official definition is set at the national level by the Disabilities Act of 2014, which applies across all parishes.

However, different definitions have been used for various national purposes, like census data collection, and Jamaica is in the process of standardizing its approach.

Jamaica's national definition of disability

The primary legal definition is provided by the Disabilities Act of 2014, which was implemented in 2022. It defines a person with a disability as someone with a “long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons”. This definition is aligned with the United Nations Convention on the Rights of Persons with Disabilities.

The act is enforced by the Jamaica Council for Persons with Disabilities (JCPD) and provides protection against discrimination in key areas such as:

- Education and training
- Employment
- Housing
- Healthcare
- Access to public services

Other national definitions

Prior to the full implementation of the Disabilities Act, and for other national purposes, different definitions were used. For example:

- National Policy for Persons with Disabilities and the Population Census: These sources previously defined a disability as “any restriction or lack of ability to perform an activity in the manner or the range considered normal for a human being”.
- The Jamaica Survey of Living Conditions (JSLC): This survey classified disabilities into four categories: visual impairment, hearing impairment, physical disability, and intellectual impairment.

3. Do these definitions include mental health?

Yes the definitions include mental health.

The Disabilities Act of 2014

Jamaica Disability Laws Include Mental Illness

The Disabilities Act of 2014 in Jamaica explicitly includes mental illness as a form of impairment that can lead to a disability. This act defines a person with a disability as someone who has a long-term physical, mental, intellectual, or sensory impairment that may hinder their full and effective participation in society. Mental illness is recognized as a condition that can affect an individual’s ability to function effectively in their environment, thus qualifying them as a person with a disability. The act aims to ensure that individuals with mental illness have the same rights and protections as other persons with disabilities, promoting their inclusion and rights within society.

Disabilities Act 2014

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

No the definition of disability in Jamaica’s Disabilities Act of 2014 does not explicitly discuss neurodiversity - but it is implicitly covered.

The Act defines “persons with disabilities” as:

“a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons”.
[DISABILITIESACT2014]

The Act’s broad definition of disability includes intellectual and mental impairments, and its inclusive language mean that protections and rights apply to individuals with these conditions.

It also references “mental disorder” in relation to the Mental Health Act, but does not specify ADHD or autism by name. [DISABILITIESACT2014]

Disabilities Act 2014

5. Are there specific disability employment laws for certain industries or sectors?

The Disabilities Act of Jamaica (2014) does not carve out bespoke rules for individual “industries” as such, but it does spell out sector-specific obligations in a handful of core service areas. Beyond its universal non-discrimination mandate (which applies to every employer, service-provider or public body), the Act contains targeted requirements for:

- Education
 - No school, college or other educational institution may refuse admission or otherwise discriminate against a learner on the basis of disability; they must also ensure physical-and-instructional
- Employment
 - Employers may not refuse to hire or must not dismiss a qualified person solely because of a disability, and they must make “reasonable accommodations” in the workplace
- Healthcare
 - All public and private health-care providers must offer services without discrimination and ensure access to disability-related treatments
- Public Passenger Transport

- Bus and taxi operators must ensure accessible boarding, seating and related facilities for persons with disabilities
- Housing & Public Premises
 - New and renovated buildings (public or private) must incorporate accessible design features—ramps, wide doorways, etc.—and floor-level access
- Participation in Public & Political Life
 - Guarantees the right to register to vote, cast a ballot, and stand for election, with accommodations as needed

In other words:

Outside of these core service sectors, the Act does not lay down separate rules/laws for particular “industries.” Its anti-discrimination and accessibility duties may overlay every sector, however each employer, service-provider or public agency is responsible for compliance.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Based on the IDA’s (International Disability Alliance) Compilation of CRPD Committee’s Concluding Observations article, there is a provision in the National Policy for Persons with Disabilities that a minimum of 5 percent of jobs in the public sector should be reserved for persons with disabilities, only 15.3 per cent of persons with disabilities are in gainful employment. There is no current law that imposes a *mandatory quota* on private employers for hiring people with disabilities.

[International Disability Alliance - IDA's Compilation of CRPD's Committee's Concluding Observations - Article 27 CRPD](#)

[Policies and Programmes Being Advanced to Empower Persons with Disabilities – Jamaica Information Service](#)

[Labour Ministry Aims To Gather Data To Improve Help For People With Disabilities | RJR News - Jamaican News Online](#)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Summary

This Miro Card details the most significant legislative actions and legal precedents related to disability employment law in Jamaica. Jamaica had no legislative focus on disability employment law until their enactment of The Disabilities Act, 2014. This act followed Jamaica’s ratification of the UN Convention on the Rights of Persons with Disabilities, which spurred domestic action. There was no judicial system in place to enforce this act until 2023, when the Disability Rights Tribunal was organized to handle employment-related complaints related to the Disability Act of 2014. There was a gap of close to 10 years between the enactment of The Disability Act, 2014 and the Disability Rights Tribunal. Considering the fact that the Tribunal had just started hearing cases in 2023, there is limited judicial precedence relating to disability employment law as of 2025. However, it is important to note that as a result of the cases heard in the first year, Jamaica developed the Employment Code of Practice for Jamaica. This code provides practical guidelines for employers on the recruitment, retention, and retirement of persons with disabilities to ensure compliance with The Disabilities Act of 2014 in Jamaica.

Please see extensive details and sources for the cases summarize below:

The Disabilities Act 2014

Description

The Disability Act of 2014 is Jamaica’s comprehensive legislation designed to promote, protect, and ensure the full and equal enjoyment of rights, privileges, and benefits by persons with disabilities on an equal basis with others. It prohibits discrimination in areas such as employment, education, healthcare, housing, and public life, and requires reasonable accommodations to facilitate inclusion. The Act establishes the Jamaica Council for Persons with Disabilities to oversee implementation and advocacy and creates the Disabilities Rights Tribunal to address complaints and enforce rights. It also sets standards for accessibility in buildings, transportation, and services, and provides mechanisms for legal redress and support, reflecting Jamaica’s commitment to recognizing

persons with disabilities as equal members of society.

Key Sections of The Disability Act, 2014

- Section 29: Prohibits discrimination against persons with disabilities in employment, including hiring, promotion, training, and dismissal.
- Section 30: Requires employers to make reasonable adjustments in the workplace to accommodate employees with disabilities.
- Section 31: Mandates redeployment of employees who become disabled, ensuring they are placed in positions suited to their abilities without loss of pay or benefits.
- Section 16 & 19: Establishes a formal complaint process and the Disabilities Rights Tribunal, allowing employees to seek redress for discrimination.

Impact

Benefits of The Disability Act, 2014

- Legal Protection: Persons with disabilities are now protected from discrimination in employment, education, healthcare, housing, and public life.
- Access to Redress: The Act establishes a formal process (Disabilities Rights Tribunal) for individuals to file complaints and seek remedies for rights violations.
- Institutional Advocacy: Creation of the Jamaica Council for Persons with Disabilities provides ongoing support, monitoring, and advocacy for disability rights.
- Improved Accessibility: New buildings, public spaces, and transportation must meet accessibility standards, gradually improving physical access for persons with disabilities.
- Social Inclusion: The Act promotes dignity, autonomy, and equal participation, helping to shift public attitudes and reduce stigma.
- Education and Employment: Schools and employers are required to provide reasonable

accommodations, increasing opportunities for education and work.

Limitations of The Disability Act, 2014

- Slow Implementation: Many requirements (especially for accessibility) are subject to “progressive realization,” meaning change is gradual and dependent on available resources.
- Enforcement Challenges: Enforcement can be slow, with many cases resolved informally rather than through formal tribunal decisions.
- Limited Immediate Change: Existing infrastructure and entrenched social attitudes mean that the Act’s benefits may take years to be fully realized.
- Exemptions for Undue Burden: Some obligations can be waived if compliance is deemed a “disproportionate or undue burden,” which can weaken protections.
- Awareness and Training Gaps: Lack of widespread public education and employer training can limit the effectiveness of the Act.

Additional Notes

Why was this only enacted in 2014?

- Limited Scope of Previous Labor Acts: The Labour Relations and Industrial Disputes Act did not specifically address disability discrimination or require reasonable accommodation for disabled workers.
- Low Historical Priority: Disability rights were not previously prioritized in Jamaica’s legislative agenda.
- International Influence: The Act followed Jamaica’s ratification of the UN Convention on the Rights of Persons with Disabilities, which spurred domestic action.
- Complexity and Consultation: Drafting comprehensive legislation required extensive consultation and coordination across sectors.
- Resource Concerns: Implementation costs and feasibility delayed legislative action.

- **Advocacy Momentum:** It took time for disability rights organizations to build enough support for reform.

Source: [Disabilities Act 2014](#)

Disability Rights Tribunal Cases

Description

Disability Rights Tribunal Cases are formal complaints brought before the Disabilities Rights Tribunal, established under the Disabilities Act, 2014. The Tribunal hears cases where individuals allege discrimination or denial of rights due to disability, including in employment, education, access to services, and more. The Tribunal can order compensation, corrective action, or other remedies, and its decisions set legal precedents for how the Act is interpreted and enforced. These are the collection of cases being brought to the legal system for the purpose of enforcing guidelines and directive of The Disability Act, 2014 in Jamaica.

Impact

- **Tribunal Case Results**
 - Since 2023, 55 complaints have been lodged, with 8 referred to the Tribunal for formal adjudication. Most cases involve employment discrimination, denial of reasonable accommodation, and accessibility issues.
- **Tribunal Process**
 - Complaints are submitted to the Jamaica Council for Persons with Disabilities (JCPD), investigated, and then referred to the Tribunal if not resolved through alternative dispute resolution.

Benefits to Disability Rights Tribunal Cases

- **Access to Justice:** Provides persons with disabilities a dedicated, accessible forum to resolve disputes and seek redress for discrimination.
- **Legal Precedent:** Tribunal decisions clarify what constitutes discrimination and reasonable accommodation, guiding employers and institutions.

- **Empowerment:** Encourages individuals to assert their rights, increasing awareness and accountability in workplaces.
- **Systemic Change:** Successful cases often lead to broader policy changes or improved practices in organizations.

Limitations to Disability Rights Tribunal Cases

- **Slow Resolution:** Cases can take time to resolve, and many are settled informally rather than through published decisions, limiting transparency.
- **Resource Constraints:** The Tribunal's capacity is limited, and enforcement of its orders can be challenging.
- **Limited Awareness:** Not all persons with disabilities or employers are aware of the Tribunal or how to access it.
- **Progressive Realization:** Remedies may be constrained by the "undue burden" clause, allowing employers to avoid compliance if it's deemed too costly or impractical.

Future Implications

- **Greater Clarity:** Tribunal cases have clarified the meaning of "reasonable accommodation" and "discrimination," making the law more actionable for both employees and employers.
- **Increased Accountability:** Employers are more aware of their legal obligations and the consequences of non-compliance.
- **Empowerment of Workers:** Persons with disabilities are more likely to assert their rights, knowing there is a formal process for redress.
- **Policy Improvements:** Organizations have begun updating policies and practices to comply with Tribunal rulings, leading to more inclusive workplaces.
- **Ongoing Challenges:** Despite progress, enforcement and awareness remain issues, and the pace of change is gradual due to resource and infrastructure constraints.

Source: [Disabilities Rights Tribunal Settles Complaints – Jamaica Information Service](#)

Employment Code of Practice for Jamaica

Description

The Employment Code of Practice, drafted by the Jamaica Council for Persons with Disabilities (JCPD) in 2024 as mandated by the Disabilities Act, provides practical guidelines for employers on the recruitment, retention, and retirement of persons with disabilities to ensure compliance with the Act. Covering the entire employment lifecycle, the Code outlines how employers should treat and relate to persons with disabilities from hiring through retirement, with the aim of fostering workplace inclusion and preventing discrimination. While it is not legally binding, the Code serves as a set of standards and best practices that employers are strongly encouraged to follow to create more equitable and accessible work environments.

Development Stems from Tribunal Hearings

- The Code emerged from real cases and advocacy, reflecting issues brought before the Disabilities Rights Tribunal.
 - Example 1: A tribunal case involving denial of reasonable accommodation referenced the Code to determine what adjustments were expected of the employer.
 - Example 2: In a recruitment discrimination case, the Code helped clarify fair hiring practices and informed the tribunal’s decision.
- The Code is used by the Tribunal as a benchmark for employer conduct, shaping how employment law is interpreted and enforced in practice.

Impact

Benefits of Employment Code of Practice

- **Guidance for Employers:** Offers clear, actionable steps for employers to create inclusive workplaces and avoid discriminatory practices.

- **Consistency:** Promotes uniform standards across organizations, reducing ambiguity in how the Disabilities Act is applied.
- **Empowerment:** Helps persons with disabilities understand their rights and what to expect from employers.
- **Tribunal Support:** Provides a reference for the Disabilities Rights Tribunal when adjudicating employment discrimination cases, helping to clarify what is “reasonable” in workplace accommodations.

Limitations of Employment Code of Practice

- **Not Legally Binding:** The Code itself is not enforceable in court; it serves as guidance rather than law.
- **Variable Adoption:** Some employers may not fully implement the Code, especially if awareness or resources are lacking.
- **Resource Constraints:** Smaller businesses may struggle to meet all recommended standards, especially around physical accessibility or specialized accommodations.
- **Ongoing Review Needed:** The Code is subject to periodic review and may lag behind evolving best practices or new legal interpretations.

Future Implications

- **Clarifies Employer Obligations:** The Code translates the Disabilities Act’s broad requirements into specific, practical steps for employers.
- **Improves Workplace Inclusion:** By setting standards for recruitment, retention, and retirement, it encourages more inclusive employment practices.
- **Supports Legal Redress:** Tribunal decisions increasingly reference the Code, making it a key tool in resolving disputes and shaping legal precedent.

- Raises Awareness: The Code's publication and promotion have increased awareness among employers and employees about disability rights in the workplace.

Source: [Disabilities Rights Tribunal Settles Complaints – Jamaica Information Service](#)

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Mexico

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. Mexico's *Ley General para la Inclusión de las Personas con Discapacidad* (LGIPD) defines a person with a disability as anyone with congenital or acquired physical, mental, intellectual, or sensory impairments (permanent or temporary) that, in interaction with societal barriers, hinder their full and effective participation on an equal basis with others. The Federal Labor Law (LFT), Article 3 Bis, expressly prohibits discrimination based on disability and mandates substantive equality in employment relationships. This means employers must ensure equal opportunities in hiring, promotion, training, and termination processes.

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPD.pdf>

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LFT.pdf>

2. Are there different definitions for disability at a state, provincial or local level?

No significant differences exist for employment purposes. The federal definition under the LGIPD applies nationwide. While some states have enacted local inclusion or anti-discrimination laws, these generally replicate the federal definition or add provisions on accessibility and social programs. They do not alter the legal obligations of employers under the LFT.

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPD.pdf>

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LFT.pdf>

3. Do these definitions include mental health?

Yes. Both the LGIPD and the UN Convention on the Rights of Persons with Disabilities (ratified by Mexico) include psychosocial or mental health conditions within the scope of disability, provided they are long-term and substantially limit participation in work or social life. From a labor perspective, this means employers must avoid discriminatory practices and consider reasonable accommodations for employees with chronic

depression, bipolar disorder, schizophrenia, or severe anxiety disorders.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Potentially, yes—but the legal framework is ambiguous. The LGIPD and the Federal Labor Law do not explicitly mention neurodiversity. Instead, they refer broadly to “long-term physical, mental, intellectual, or sensory impairments.” Under an inclusive interpretation, neurodivergent conditions such as autism spectrum disorder, ADHD, or dyslexia could fall under “intellectual or mental disability” if they significantly and permanently limit participation in work life. However, under a restrictive interpretation, “mental disability” might be understood as a mental illness (e.g., schizophrenia, severe depression), excluding neurodiversity because it is not classified as a disease but as a developmental condition. This legal gap means that neurodivergent individuals may face a risk of under-protection, as there is currently no specific law regulating their labor rights or requiring reasonable accommodations beyond the general anti-discrimination mandate.

5. Are there specific disability employment laws for certain industries or sectors?

Not broadly. The Federal Labor Law applies across all sectors, prohibiting discrimination and requiring equal treatment. However, regulated industries (e.g., mining, transportation, private security, energy) may impose medical or physical requirements for safety reasons, provided these are proportionate, objectively justified, and non-discriminatory.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

No mandatory quota under current law for the private sector. The LGIPD (Article 11) requires employers to promote inclusion but does not impose a percentage.

Legislative Trend – 5% Quota Proposal under discussion

Private employers would be required to allocate 5% of new positions and vacancies to persons with disabilities (for every 50 employees).

Status of Disability and Employment Laws Around the World

Status: Not yet enacted – still in Congress.

Source:

<https://comunicacionsocial.diputados.gob.mx/index.php/boletines/plantean-reforma-para-que-patronos-destinen-el-5-por-ciento-de-plazas-y-vacantes-a-personas-con-discapacidad>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

In April 2024, a Mexican labor court issued an important decision about workers with disabilities. The court reviewed a rule in the Federal Labor Law that required workers with disabilities to have a court-appointed guardian to stop the statute of limitations from running in labor disputes. The court declared this rule unconstitutional because it violated human rights such as equality, access to justice, and the right to personal autonomy. It forced people with disabilities to give up their legal capacity and accept a guardian just to protect their labor rights. This was considered discriminatory and contrary to the UN Convention on the Rights of Persons with Disabilities.

Now, workers with disabilities do not need a guardian to exercise their labor rights. Employers and labor authorities must respect their autonomy and legal capacity in all employment processes.

Source:

<https://sjf2.scjn.gob.mx/detalle/tesis/2028666>

Digital Registry: 2028666

Tesis: XXVI.2o.2 L (11a.)

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Nicaragua

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Nicaragua does define disability for the purpose of employment protection under Nicaragua's Law No. 763 – *Law on the Rights of Persons with Disabilities* (and also under Article 27* of the UN Convention on the Rights of Persons with Disabilities) and guarantees the right of persons with disabilities to work on an equal basis with others.

Specifically, Nicaragua's *Law No. 763 – Law on the Rights of Persons with Disabilities* defines disability as: "The outcome of the interaction between a person with impairments and a disabling environment. Disability is framed by the latent and persistent barriers set by society that prevent persons with disabilities from accessing social life actively, passively, directly, or indirectly like any other human being. Thus, disability does not reside within the person because of an impairment."

This definition reflects the United Nations Convention on the Rights of Persons with Disabilities, which Nicaragua ratified in 2007. It emphasizes that disability arises not solely from a medical condition but from societal barriers that hinder full participation.

* Article 27 of the Convention recognizes the right of persons with disabilities to work on an equal basis with others, including the right to earn a living by freely chosen or accepted work in an open, inclusive, and accessible labor market and environment. This underscores two key elements for protecting the labor rights of persons with disabilities: non-discrimination and accessibility.

Sources:

Legislación de Nicaragua, Normas Jurídicas, *Ley N°. 763, Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – *Law on the Rights of Persons with Disabilities*), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

World Law Group, *Key Elements for the Employment Inclusion of People with Disabilities*

in Nicaragua,

<https://www.theworldlawgroup.com/membership/news/news-key-elements-for-the-employment-inclusion-of-people-with-disabilities-in-nicaragua>.

Lexology, *Key elements for the employment inclusion of people with Disabilities*, <https://www.lexology.com/library/detail.aspx?g=8474389a-b4f2-4808-8bbb-eff574b4f3f7>.

2. Are there different definitions for disability at a state, provincial or local level?

No. In Nicaragua, the definition of disability for employment protection is nationally standardized and does not vary by state, province, or local jurisdiction.

Nicaragua is a unitary state, meaning laws are made and applied centrally rather than by regional governments. The definition of disability is governed by Nicaragua's Law No. 763 – *Law on the Rights of Persons with Disabilities*, which applies uniformly across the country.

The Ministry of Health is the sole authority responsible for certifying disabilities, including physical, sensory, intellectual, and mental health conditions.

Sources:

Legislación de Nicaragua, Normas Jurídicas, *Ley N°. 763, Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – *Law on the Rights of Persons with Disabilities*), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

World Law Group, *Key Elements for the Employment Inclusion of People with Disabilities in Nicaragua*, <https://www.theworldlawgroup.com/membership/news/news-key-elements-for-the-employment-inclusion-of-people-with-disabilities-in-nicaragua>.

3. Do these definitions include mental health?

Yes. Under Law No. 763 – *Law on the Rights of Persons with Disabilities*, the Ministry of Health is the official authority responsible for recognizing and certifying disabilities. This list includes:

- Physical disabilities

Status of Disability and Employment Laws Around the World

- Sensory disabilities
- Intellectual disabilities
- Mental health conditions

The law adopts a social model of disability, meaning that disability is seen as the result of interaction between individuals with impairments (including mental health conditions) and societal barriers that hinder full participation.

Sources:

Legislación de Nicaragua, Normas Jurídicas, Ley N°. 763, *Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – Law on the Rights of Persons with Disabilities), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

World Law Group, *Key Elements for the Employment Inclusion of People with Disabilities in Nicaragua*, <https://www.theworldlawgroup.com/membership/news/news-key-elements-for-the-employment-inclusion-of-people-with-disabilities-in-nicaragua>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Not specifically in these terms, but under Nicaragua's Law No. 763 – Law on the Rights of Persons with Disabilities, and in alignment with the UN Convention on the Rights of Persons with Disabilities, Nicaragua recognizes:

- Intellectual disabilities
- Mental health conditions
- Developmental disorders

While no published court decisions specifically reference autism, ADHD, dyslexia, or sensory impairments, these conditions are implicitly covered under the law's recognition of intellectual and sensory disabilities. Certification by the Ministry of Health is key to accessing protections.

Sources:

Legislación de Nicaragua, Normas Jurídicas, Ley N°. 763, *Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – Law on the

Rights of Persons with Disabilities), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

5. Are there specific disability employment laws for certain industries or sectors?

No. Nicaragua's Law No. 763 – Law on the Rights of Persons with Disabilities and related labor regulations apply across all industries, but the obligation to hire persons with disabilities is scaled based on company size:

- Companies with fewer than 10 employees: The law does not require companies of this size to hire persons with disabilities.
- Companies with 10 to 49 employees: The law requires these companies to hire at least one person with a disability.
- Companies with 50 or more employees: The law requires these companies to ensure at least 2% of their workforce consists of persons with disabilities.

These rules apply regardless of the sector—whether it's manufacturing, services, education, healthcare, or others.

Sources:

Legislación de Nicaragua, Normas Jurídicas, Ley N°. 763, *Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – Law on the Rights of Persons with Disabilities), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. As described above, under Nicaragua's Law No. 763 – Law on the Rights of Persons with Disabilities obligation to hire persons with disabilities is scaled based on company size:

- * Companies with fewer than 10 employees: The law does not require companies of this size to hire persons with disabilities.

Status of Disability and Employment Laws Around the World

- Companies with 10 to 49 employees: The law requires these companies to hire at least one person with a disability.

Sources:

Legislación de Nicaragua, Normas Jurídicas, Ley N°. 763, *Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – Law on the Rights of Persons with Disabilities), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

We did not locate any publicly available, indexed case law from Nicaragua that specifically addresses disability rights in employment, including cases involving sensory or neurodiverse conditions.

However, we did identify that several sources confirm that legal enforcement does occur (<https://www.lexology.com/library/detail.aspx?g=8474389a-b4f2-4808-8bbb-eff574b4f3f7>), and that disability protections are actively monitored by government and international bodies (e.g., the UN: <https://www.ohchr.org/en/meeting-summaries/2024/03/committee-rights-persons-disabilities-reviews-reports-nicaragua-absence>).

It was also noted that Nicaragua’s disability rights record presents a complex picture: while the country has a strong legal framework and has ratified international treaties, its implementation and enforcement are inconsistent, and recent political developments have undermined progress

“In Nicaragua, the Ministry of Health is the competent authority to officially recognize physical, sensory, mental, and intellectual disabilities and to issue the corresponding certification and ID card free of charge. The Ministry also manages the Todos con Voz Program, created to monitor and evaluate the care and follow-up of individuals with disabilities, with a focus on those in critical situations (the “Program”). As of August 2023, the Program registered 190,253 people with disabilities, while the Ministry’s Health Map indicates that 194,495 Nicaraguans have a disability. Of these, 81,277 have physical disabilities, and 43,472 have intellectual disabilities. To our knowledge, no

official statistics exist on how many of these individuals have stable employment or income in Nicaragua.”

(<https://www.lexology.com/library/detail.aspx?g=8474389a-b4f2-4808-8bbb-eff574b4f3f7>)

Sources:

Legislación de Nicaragua, Normas Jurídicas, Ley N°. 763, *Ley de los Derechos de las Personas con Discapacidad* (Law No. 763 – Law on the Rights of Persons with Disabilities), <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/c9379d54ccde27400625791200572c84>.

UN Office of the High Commissioner for Human Rights, *Committee on the Rights of Persons with Disabilities Reviews Reports of Nicaragua in Absence of a Delegation*, <https://www.ohchr.org/en/meeting-summaries/2024/03/committee-rights-persons-disabilities-reviews-reports-nicaragua-absence>

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Panama

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Panama does define disability for the purpose of employment protection. Disability is defined as: "A condition of physical, motor, mental, intellectual and/or sensory impairment, whether permanent or temporary, that limits the ability to perform one or more essential activities of daily living within the range considered normal for a human being."

Sources: <https://disabilityin.org/country/panama/>; AI references to Vlex https://vlex.com.pa/vid/ley-42-1999-ley-1049333445?utm_source=chatgpt.com and Mondaq <https://www.mondaq.com/employee-rights-labour-relations/1622818/exploring-panamas-legal-framework-on-employment-for-people-with-disabilities>

2. Are there different definitions for disability at a state, provincial or local level?

No local-level variation. Local municipalities do not have the authority to create separate, conflicting definitions of disability. Instead, they must comply with the national framework defined by SENADIS and the central government. For example, municipalities collaborate with SENADIS on urban and architectural projects to ensure national accessibility standards are met. While local and provincial governments and organizations implement programs, these are based on the single national definition and not on separate, localized criteria.

Law No. 23 of June 28, 2007 created SENADIS.

<https://www.mingob.gob.pa/wp-content/uploads/2018/02/Ley-No.-23-de-28-de-junio-de-2007-que-crea-la-Secretar%C3%ADa-Nacional-de-Discapacidad.pdf>

I created the answer based on Copilot results.

3. Do these definitions include mental health?

YES

Mental condition is specifically mentioned in the definition of "Disability" which is located in Law 42 of 1993 in Article 3 Section 9. The Spanish definition is:

"Discapacidad. Condición en la que una persona presenta deficiencia física, mental, intelectual y sensorial, ya sea de naturaleza permanente o temporal, que limita la capacidad de ejercer una o más actividades esenciales de la vida diaria, que puede ser ítéadái ó agravada por el entorno económico y social."

The English translation is:

"Disability. A condition in which a person has a physical, mental, intellectual, and sensory impairment, whether permanent or temporary, that limits the ability to perform one or more essential activities of daily living, which may be ítéadái or aggravated by the economic and social environment."

Source is <https://vlex.com.pa/vid/ley-42-1999-ley-1049333445> for the Spanish and https://vlex.com.pa/vid/ley-42-1999-ley-1049333445#section_2 for the English

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

YES

Intellectual and sensory impairment conditions are specifically mentioned in the definition of "Disability" which is located in Law 42 of 1993 in Article 3 Section 9. The Spanish definition is:

"Discapacidad. Condición en la que una persona presenta deficiencia física, mental, intelectual y sensorial, ya sea de naturaleza permanente o temporal, que limita la capacidad de ejercer una o más actividades esenciales de la vida diaria, que puede ser ítéadái ó agravada por el entorno económico y social."

The English translation is:

"Disability. A condition in which a person has a physical, mental, intellectual, and sensory impairment, whether permanent or temporary, that limits the ability to perform one or more essential activities of daily living, which may be ítéadái or aggravated by the economic and social environment."

Source is <https://vlex.com.pa/vid/ley-42-1999-ley-1049333445> for the Spanish and https://vlex.com.pa/vid/ley-42-1999-ley-1049333445#section_2 for the English

5. Are there specific disability employment laws for certain industries or sectors?

Panama's disability employment laws apply **uniformly across all industries**, but there are **some nuances** in how they are enforced or supported in different sectors. Here's a breakdown of what the legal framework looks like and how it applies:

****General Legal Framework (Applies to All Sectors)****

1. Law 42 of 1999^{**} and **Law 15 of 2016^{**}**:
 - **Private companies** with 25–50 employees must hire **at least one person with a disability^{**}**.
 - Companies with **more than 50 employees^{**}** must ensure **2% of their workforce^{**}** are persons with disabilities.
 - Applies **equally to public and private sectors^{**}**—there are **no exemptions^{**}**, even for high-trust government roles[1](<https://quijano.com/equal-employment-opportunity-rights-of-disabled-persons/>).
2. **Equal Pay and Non-Discrimination^{**}**:
 - Employees with disabilities must receive **equal pay^{**}** for equal work.
 - Employers are prohibited from terminating employees with disabilities without just cause.

3. **Fines for Non-Compliance^{**}**:

Employers who fail to meet the quota must pay a **monthly fine^{**}** equivalent to the **minimum wage per unfilled position^{**}** to the Ministry of Labor[1](<https://quijano.com/equal-employment-opportunity-rights-of-disabled-persons/>).

****Public Sector Specifics^{**}**

- **Government agencies^{**}** are **explicitly included^{**}** in the quota system.
- **No exemptions^{**}** are allowed, even for roles requiring high levels of trust or confidentiality.
- The **Constitution of Panama^{**}** and its adherence to the **UN Convention on the Rights of Persons with Disabilities (CRPD)^{**}** reinforce this obligation[1](<https://quijano.com/equal-employment-opportunity-rights-of-disabled-persons/>).

****Private Sector Considerations^{**}**

- While the law applies equally, **enforcement is more visible^{**}** in larger corporations and multinational firms.
- **Tax incentives^{**}** and **vocational training programs^{**}** are available to encourage private sector compliance.
- Some industries (e.g., logistics, finance) have been **audited more frequently^{**}** due to their size and visibility[2](<https://www.mondaq.com/employee-rights-labour-relations/1622818/exploring-panamas-legal-framework-on-employment-for-people-with-disabilities>).

****Sector-Specific Support (Not Legal Requirements)^{**}**

While the **laws themselves are not sector-specific^{**}**, Panama has implemented **support mechanisms^{**}** that vary by industry:

- **Vocational training^{**}** tailored to sectors like **hospitality, retail, and IT^{**}**.
- **Public-private partnerships^{**}** in sectors like **construction and tourism^{**}** to promote inclusive hiring.
- **Accessibility standards^{**}** in infrastructure and public works are enforced more strictly in **transportation and urban development^{**}** sectors[3](<https://legal.work.pa/blogs/panamas-inclusive-approach>).

I used copilot to generate this response.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, in Panama, private companies with 25-50 employees must have at least one employee with a disability. For companies with more than 50 employees, must keep a minimum of 2% of their workforce as employees with disabilities. The labor code governs the labor laws in Panama. [Mondaq.com/employee-rights-labour-relations](https://mondaq.com/employee-rights-labour-relations)

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

While there is significant disability rights legislation in Panama, legal experts note a lack of high-profile, precedent-setting court cases. Instead, the law has been shaped primarily through legislative action and regulatory changes. A key case demonstrating judicial review in this area:

<https://juris.procuraduria-admon.gob.pa/20823/#:~:text=FUERO%20POR%20DISCAPACIDAD%20Debe%20estar,c%20Fiscal%20C3%ADa%20General%20de%20Cuentas>.

In 2023, Panama's Procuraduría de la Administración highlighted a ruling by the Administrative Chamber of the Supreme Court of Justice, detailing the case of a public servant referred to as A.L.G.D.L.. The case: The public servant, who had visual and/or auditory disabilities, was dismissed from his position at the Fiscalía General de Cuentas. The appointing authority justified the removal based on its own discretion. The decision: The Supreme Court's Administrative Chamber ruled that the dismissal was unlawful. The court found that because the employee possessed a certified disability, his right to job stability (known as a fuero laboral) was violated. Therefore, his removal was not valid without a proven legal cause. The precedent: This decision reinforced the protection provided by Panama's Law 42 of 1999 for individuals with certified disabilities, establishing that the fuero por discapacidad (disability privilege) cannot be ignored by employers, including government agencies, during employment termination.

Note I used Google's search, which provided the above AI result.

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Paraguay

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes. In Paraguay, disability is defined the same way in the employment and accommodations context as in the general definition under Law 7.371/2025.

Persons with disabilities: those who have long-term physical, mental, intellectual, or sensory impairments and who, when interacting, may face restrictions or barriers that hinder their full and effective participation in society on an equal basis with others (Article 2 of Law 7.371/2025). In other words, people with disabilities are those who have long-lasting physical, mental, intellectual, or sensory conditions. Because of different barriers, they may have trouble taking part in society fully and equally, like everyone else.

2. Are there different definitions for disability at a state, provincial or local level?

No.

3. Do these definitions include mental health?

Yes. Article 2(a) of Law N° 7.371/2025 expressly includes mental impairments in the definition of disability, alongside physical, intellectual, and sensory impairments. This means that conditions related to mental health, when long-term and interacting with barriers, are recognized as disabilities.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes. Article 2(a) of Law N° 7.371/2025 covers intellectual and mental impairments, which includes neurodiverse conditions such as dyslexia, autism, ADHD, or dyspraxia, when they are long-term and create barriers to equal participation. These conditions are therefore protected under the same employment rights and accommodations as other disabilities.

5. Are there specific disability employment laws for certain industries or sectors?

No. Law N° 7.371/2025 applies generally across all sectors, and does not create industry-specific regimes. However, it reinforces earlier laws: Law N° 2479/2004 and Law N° 3585/2008 require the incorporation of persons with disabilities in public institutions, while Law N° 4962/2013 creates incentives for private employers. These apply broadly and not to particular industries.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes. Law N° 2479/2004, modified by Law N° 3585/2008, establishes the obligation for public institutions in Paraguay to hire persons with disabilities. In the private sector, Law N° 4962/2013 provides incentives for employers to incorporate them. In addition, Law N° 7.371/2025 reinforces these obligations by requiring public training institutions to reserve at least 5% of their programs for persons with disabilities (Article 24) and by mandating that universities and scholarship programs ensure reserved access (Articles 25 and 26).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No case law was identified.

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Peru

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes.

Article 2 of Law No. 29973 (General Law on Persons With Disabilities) requires equal treatment and imposes quotas for employment (Article 45.1). It defines persons with disabilities as:

“Persons with disabilities have one or more permanent physical, sensory, mental or intellectual impairments which in interaction with various attitudinal and environmental barriers, may hinder or limit their full exercise of rights or full and effective inclusion in society, on an equal basis with others.”

(Article 2)

Source: [Peru General Law on Persons with Disabilities.English](#) (English)

[Ley N.º 29973 - Normas y documentos legales - Congreso de la República - Plataforma del Estado Peruano](#) (Spanish, official government source).

Other Info:

The Constitution also provides general statements of protection for those with disabilities.

Source: [Peru 2009.pdf](#)

2. Are there different definitions for disability at a state, provincial or local level?

No. The national definition controls. However, Peru has regional and municipal governments that may pass laws that impact inclusion for disabled people. The laws we found include the same definition of disability as in the national statute ([Law No. 29973](#)). For example, [La Ordenanza N 2273](#), created by La Municipalidad Metropolitana de Lima, October 8th 2020, addresses accessibility in public spaces and places of employment, incorporates the same definition as the one in Law No. 29973. The Lima ordinance also elaborates on the national

definition, providing a more detailed definition of mental and psychosocial disability.

3. Do these definitions include mental health?

Nationally, potentially yes, though it is broadly worded. Article 2 of Law No. 29973 (General Law on Persons With Disabilities) includes this broad definition of persons with disabilities:

“Persons with disabilities have one or more permanent physical, **sensory, mental or intellectual impairments** which in interaction with various attitudinal and environmental barriers, may hinder or limit their full exercise of rights or full and effective inclusion in society, on an equal basis with others.”
(Article 2, emphasis added)

Source: [Peru General Law on Persons with Disabilities.English](#) (English)

[Ley N.º 29973 - Normas y documentos legales - Congreso de la República - Plataforma del Estado Peruano](#) (Spanish, official government source).

Moreover, there are 25 regional governments in Peru. Each of this regional government generates complementary regulations, laws and policies to locally support and reinforce the Law No. 29973 (General Law on Persons With Disabilities). As an example, la Municipalidad Metropolitana de Lima, created **La Ordenanza N 2273** “Ordenanza que promueve la accesibilidad universal y fomenta la inclusion de las personas con discapacidad en Lima Metropolitana”. Inside this document you can find different types of disabilities definitions. You can find the exact same definition from the Law No. 29973 (General Law on Persons With Disabilities). that is the following:

Person with Disability:

A person who has one or more permanent physical, sensory, mental, or intellectual impairments which, when interacting with various attitudinal and environmental barriers, does not exercise or may be hindered in the exercise of their rights and their full and effective inclusion, on an equal basis with others.

However, you can find other more specific disability definitions, such as:

Person with a mental or psychosocial disability: A person who experiences mental health issues or behavioral and/or social

interaction disorders (such as major depression, bipolar disorder, obsessive-compulsive disorder (OCD), anxiety disorder, panic disorder, post-traumatic stress, schizophrenia, schizoaffective disorder, etc.) which, when interacting with various barriers, may have their participation limited.

Based on this evidence, we can affirm that some local governments, such as Lima Regional Government, do consider and define the scope of Mental Health Disability.

Municipalidad Metropolitana de Lima. (2020, October 8). ***Ordenanza Municipal N.º 2273: Ordenanza que promueve la accesibilidad universal y fomenta la inclusión de las personas con discapacidad en Lima Metropolitana.***

[Ordenanza Municipal N.º Ordenanza Municipal N.º 2273 08.10.2020 - Normas y documentos legales - Municipalidad Metropolitana de Lima - Plataforma del Estado Peruano](#)

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Nationally, potentially yes, though it is broadly worded and does not specifically discuss “neurodiversity” or any of these disabilities. Article 2 of Law No. 29973 (General Law on Persons With Disabilities) includes this broad definition of persons with disabilities:

“Persons with disabilities have one or more permanent physical, **sensory, mental or intellectual impairments** which in interaction with various attitudinal and environmental barriers, may hinder or limit their full exercise of rights or full and effective inclusion in society, on an equal basis with others.”
(Article 2, emphasis added)

Source: [Peru General Law on Persons with Disabilities.English](#)
(English)

[Ley N.º 29973 - Normas y documentos legales - Congreso de la República - Plataforma del Estado Peruano](#) (Spanish, official government source).

It does appear that CONADIS (National Council for the Integration of Persons with Disabilities) considers autism to be a disability, at least in the context of education.

Source: [Conadis: Niños, niños y adolescentes con autismo tienen derecho a recibir una educación inclusiva y de calidad - Noticias - Consejo Nacional para la Integración de la Persona con Discapacidad - Plataforma del Estado Peruano](#)

Lima Regional Government has drafted Ordenanza Municipal N.º 2273: Ordenanza que promueve la accesibilidad universal y fomenta la inclusión de las personas con discapacidad en Lima Metropolitana. This document considers different disabilities definitions. One of these definitions is Neurodiversity Disability. **Person with intellectual or cognitive disability:** A person who presents an intellectual deficiency of a cognitive nature, having difficulty acquiring knowledge according to medical studies. This group includes individuals with Down syndrome, autism, intellectual disability, among others. Environmental barriers limit their participation.

Municipalidad Metropolitana de Lima. (2020, October 8). ***Ordenanza Municipal N.º 2273: Ordenanza que promueve la accesibilidad universal y fomenta la inclusión de las personas con discapacidad en Lima Metropolitana***

[Ordenanza Municipal N.º Ordenanza Municipal N.º 2273 08.10.2020 - Normas y documentos legales - Municipalidad Metropolitana de Lima - Plataforma del Estado Peruano](#)

Other Sources:

News article discussing difficulty of being neurodiverse in Peru - [Lima's neurodivergent picnic movement is liberating Peruvians from stigma and abuse - Positive News - Positive News](#)

5. Are there specific disability employment laws for certain industries or sectors?

No specific laws for certain industries.

For sectors, Law No. 29973 (General Law on Persons With Disabilities) does make a distinction throughout the legislation between public and private sectors (for example, the quotas are different between the public and private sectors).

Source: [Peru General Law on Persons with Disabilities.English](#)
(English)

[Ley N.º 29973 - Normas y documentos legales - Congreso de la República - Plataforma del Estado Peruano](#) (Spanish, official government source).

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Article 49 of the General Law on Persons with Disabilities, Law No. 29973, provides directives on employment quotas for employers with respect to hiring people with disabilities.

Public Entities

Based on the requirements stated in the General Law on Persons with Disabilities (Article 49), public entities have to meet a quota requirement for hiring people with disabilities of hiring at least 5% of their total amount of workers as people with disabilities. The law specifically states, “public entities have the obligation to hire persons with disabilities in a percentage no less than 5% of the total amount of workers.” Law No. 29973, General Law on Persons with Disabilities, Article 49.1.

Public entities also have to verify their own compliance of this 5% quota before any recruitment process. The law states, “Prior to any recruitment process, public entities must verify the compliance of the 5% quota, regardless of the employment regime. Public entities that do not comply with the employment quota are subjected to the established procedure defined in the regulations of this law.” Law No. 29973, General Law on Persons with Disabilities, Article 49.2.

Based on the requirements stated in the General Law on Persons with Disabilities (Article 48.1), there is also a requirement for public recruitment processes by public entities to provide a bonus 15% on top of the final grade achieved to persons with disabilities who otherwise comply with requirements for the position and passed the exam. The law states, “In public recruitment processes by public entities, regardless of the employment regimes, persons with disabilities who comply with the position requirements and achieves a passing examination grade, receive a bonus of 15% on top of the final grade achieved during the assessment which includes the final interview. When announcing the recruitment process, the application of this benefit should be included; non compliance of the latter may be sanctioned by annulment of the process.” Law No. 29973, General Law on Persons with Disabilities, Article 48.1.

The law also states that, “vacancies produced by a worker with disability resigning, justified firing, retirement or death, in a public entity is covered by another person with disabilities, through recruitment.” Law No. 29973, General Law on Persons with Disabilities, Article 49.4.

Consequences of Non-Compliance:

Public entities that do not meet these employment quotas are subject to penalty fees under the law, which are used to fund vocational and continuing training, placement, and employment programs for persons with disabilities. Public entities’ compliance with these laws is supervised by the Civil Service National Authority in coordination with the National Council for the Integration of Persons with Disabilities (CONADIS). Law No. 29973, General Law on Persons with Disabilities, Article 49.3.

The National Council for the Integration of Persons with Disabilities (CONADIS), reviews and applies the sanctions and penalties for non-compliance with the General Law on Persons with Disabilities, including employment quotas. Law No. 29973, General Law on Persons with Disabilities, Article 80.1.

The specific applicable penalties depend on the severity of the infractions at hand, and non-compliance of employment quotas for persons with disabilities is listed as one of the most severe infractions under the law. Law No. 29973, General Law on Persons with Disabilities, Article 81, 81.4(c).

Potential sanctions can include a warning sanction, temporary suspension without pay for one month, temporary suspension without pay for up to twelve months, removal from office, and fines. Law No. 29973, General Law on Persons with Disabilities, Article 82.

Typically, the National Council for Persons with Disabilities penalizes public institutions for non-compliance with the employment quota established for persons with disabilities by imposing a fine equivalent to 15–20 tax units and by removing officials responsible from office or dismissing them in very serious cases. *Fifth periodic report submitted by Peru under articles 16 and 17 of the Covenant, due in 2017, United Nations, Economic and Social Council, [Document Viewer](#).*

The applicable fines for non-compliance of employment quotas for persons with disabilities,

Status of Disability and Employment Laws Around the World

since listed as one of the most severe infractions under the law, range from over 10 UIT (Unidad Impositiva Tributaria) to 20 UIT. Law No. 29973, General Law on Persons with Disabilities, Article 83(c). The UIT, Unidad Impositiva Tributaria, is a reference unit set annually by the Peruvian Ministry of Economy (MEF) to determine taxes, penalties, fines, processing fees, deductions, and others. In 2025, 1 UIT is equivalent to S/ 5,350, which is equivalent to approximately \$1,486 USD, based on the 2025 exchange rate where 1 Peruvian Sol (S/) is about \$0.2777 USD. *UIT- Peruvian tax unit*, [UIT - Peruvian tax unit - Terms on LimaEasy - LimaEasy](#).

Private Entities:

Based on the requirements stated in the General Law on Persons with Disabilities (Article 49), private entities have to follow a different quota requirement for hiring people with disabilities than the quota applicable to public entities. Private entities must hire at least 3% of their workforce as individuals with disabilities. The law states, “in the case of private entities with more than 50 workers, they must hire no less than 3%.” Law No. 29973, General Law on Persons with Disabilities, Article 49.

Consequences of Non-Compliance:

Private entities’ compliance with these laws is supervised by the Labour and Employment Promotion Ministry. Law No. 29973, General Law on Persons with Disabilities, Article 49.3.

The law states that, “the National Council for the Integration of Persons with Disabilities (CONADIS) exercises its power of sanction within the framework of the legal provisions of Law number 27444 or General Law for Administrative Procedures.” Law No. 29973, General Law on Persons with Disabilities, Article 80.2.

The sixth additional provision of the law states, “Breach of the employment quota established in Article 49 by private employers, after two years of the entry into force of this Law, will result in the sanctions established in Law 28806, General Inspection Work Law.” The General Inspection of Labor Law establishes a system of administrative sanctions, including substantial fines, for employers who violate labor laws. These fines are issued and enforced by the National Superintendence of Labor Inspection (SUNAFIL) and vary depending on the severity of the offense, the size of the company, and the number of affected workers. General Law on Labor Inspection, Law 28806. SUNAFIL annually conducts inspections of employers to verify

whether they comply with the employment quotas. Peru’s Quotas for People with Disabilities, by Eduardo Mercado, SHRM. [Peru’s Quotas for People with Disabilities](#).

Exemptions to Employment Quotas:

One source mentions that the law allows some exemptions for employers who fail to meet disability employment quotas, based on the employer making a good-faith effort to hire people with disabilities to meet the quota. Peru’s Quotas for People with Disabilities, by Eduardo Mercado, SHRM. [Peru’s Quotas for People with Disabilities](#).

Overall Compliance with Quotas:

Many sources report overall low compliance with Peru’s employment quotas for employers related to disability inclusion. One source says of Law No. 29973’s employment quota for individuals with disabilities, “only 0.5% of companies required to comply with this provision did so (SUNAFIL, 2017). This outcome could be explained by the low capacity for oversight in the country, which in turn limits enforcement capacity.” *Behavioral intervention to improve compliance with the employment quota for people with disabilities in Peru*, [Behavioral Economics Group, Behavioral intervention to improve compliance with the employment quota for people with disabilities in Peru | behavioral Economics Group](#). Another source states that, “In 2023, only 9 of 143 public entities met the employment quota, and in the private sector, only 146 of the 6,573 companies that were required to comply did so. Despite government initiatives like the Inclusive Companies Initiative and the National Action Plan on Businesses and Human Rights, many employers fail to comply with accessibility and accommodation requirements, and prejudices against workers with disabilities persist.” *Situational Analysis on the Rights of Persons with Disabilities in Peru, Country Brief*, United Nations Peru, [Situational Analysis on the Rights of persons with disabilities in Peru](#).

Primary Sources:

- Law No. 29973, General Law on Persons with Disabilities, Articles 48, 49, 80, 81, 82, and 83. (In Spanish: Ley N° 29973, Ley General de la Persona con Discapacidad, Artículo 48, 49, 80, 81, 82, and 83), [Peru General Law on Persons with Disabilities.English](#).
- General Law on Labor Inspection, Law 28806. (In Spanish: Ley General de Inspección del Trabajo, Ley 28806), [Ley General de](#)

[Inspección del Trabajo \(actualizada 2020\) \[Ley 28806\] | LP.](#)

- *Fifth periodic report submitted by Peru under articles 16 and 17 of the Covenant, due in 2017*, United Nations, Economic and Social Council, Document Viewer.
- *UIT-Peruvian tax unit*, [UIT - Peruvian tax unit - Terms on LimaEasy - LimaEasy](#).
- Global Data Protection Law Guide, Peru, Multilaw, [Data Protection Guide Peru](#).
- *Behavioral intervention to improve compliance with the employment quota for people with disabilities in Peru*, Behavioral Economics Group, [Behavioral intervention to improve compliance with the employment quota for people with disabilities in Peru | behavioral Economics Group](#).
- *Situational Analysis on the Rights of Persons with Disabilities in Peru, Country Brief*, United Nations Peru, [Situational Analysis on the Rights of persons with disabilities in Peru](#).

Additional Resources:

- Disability:IN, Peru, [Disability:IN | Global Directory - Peru](#).
- *Peru's Quotas for People with Disabilities*, by Eduardo Mercado, SHRM, [Peru's Quotas for People with Disabilities](#).
- *Are Labor Inspections Protecting Workers' Rights? Adding the Evidence from Size-based Labor Regulations and Fines in Peru*, by Mariana Viollaz, [doc_cedlas205.pdf](#).

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Several significant legal cases defining disability rights in employment are set forth in Chapter 5 of Serie: Cuadernos de Jurisprudencia (Nueva Epoca): Derechos de las personas con discapacidad, published in May 2022 by Tribunal Constitucional del Peru. It addresses key principles from case law, including:

- Mandatory employment quotas for persons with disabilities.
- The state's obligation to protect workers with disabilities.
- The right to return to work after employment interruptions related to disability.
- Protection against disability-based employment termination.
- Remedies for public-sector employees related to disability discrimination.
- The intersection of work and family, and how disability may affect family and social concerns connected to employment.

Source: [Derechos-de-las-personas-con-discapacidad-LPDerecho.pdf](#).

Additional Information and Analysis: From a Medical to a Social Model: The Evolution of Disability Rights in the Peruvian Constitutional Court's Jurisprudence (2004–2024), available at [From a Medical to a Social Model: The Evolution of Disability Rights in the Peruvian Constitutional Court's Jurisprudence \(2004–2024\)](#).

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United States

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Federal Definition of Disability for Employment Protection

Legal Basis:

The definition is primarily governed by **Title I of the Americans with Disabilities Act (ADA)**, codified at **42 U.S. Code § 12102**, and reinforced by the **ADA Amendments Act of 2008**. [42 U.S. Code § 12102 - Definition of disability | U.S. Code | US Law | LII / Legal Information Institute](#)

Generally, a person is considered to have a disability under U.S. employment law if they meet any one of the following criteria:

1. **They have a physical or mental condition that substantially limits** one or more major life activities.
 - Examples of major life activities may include: walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
2. **They have a history of such a condition**, even if they do not currently have it.
 - For example, someone who had cancer in the past but is now in remission.
3. **They are perceived as having such a condition**, even if they do not.
 - This protects individuals from discrimination based on assumptions or stereotypes.

Important Clarifications:

- The term “**substantially limits**” is generally interpreted broadly to ensure inclusive coverage.
- Conditions that are **episodic or in remission** (e.g., epilepsy, PTSD, cancer) may be considered disabilities if they would

substantially limit a major life activity when active.

- **Temporary and minor impairments** (lasting less than 6 months) are generally not considered disabilities under this law.

Qualified Individual with a Disability: To be protected under the ADA, a person must also be **qualified**—meaning they can perform the essential functions of the job **with or without reasonable accommodation**.

<https://www.eeoc.gov/laws/guidance/fact-sheet-disability-discrimination>

Related Federal Laws Supporting Employment Protection

- **Section 504 of the Rehabilitation Act of 1973:** Prohibits disability discrimination in programs receiving federal financial assistance.
https://www.congress.gov/crs_external_products/IF/PDF/IF12366/IF12366.1.pdf
- **Section 501 of the Rehabilitation Act:** Applies to federal employment.
- **Section 503 of the Rehabilitation Act:** Requires federal contractors to take affirmative action to employ and advance qualified individuals with disabilities.

Federal Laws:

There are five important federal laws that protect individuals with disabilities from discrimination in employment and the job application process:

- Americans with Disabilities Act:
<https://www.ada.gov/>
- Rehabilitation Act:
<https://www.eeoc.gov/rehabilitation-act-1973>
- Workforce Innovation and Opportunity Act:
<https://www.dol.gov/agencies/eta/wioa>
- Vietnam Era Veterans' Readjustment Assistance Act:
<https://www.dol.gov/agencies/ofccp/vevraa>

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- Civil Service Reform Act:
<https://www.eeoc.gov/history/civil-service-reform-act-1978>

2. Are there different definitions for disability at a state, provincial or local level?

Yes - they often embed these definitions in General Definitions section of anti-discrimination laws and employment provisions then incorporate those definitions.

Most states have disability discrimination laws that require employers to provide reasonable accommodations. However, some define disability differently than federal law and require different accommodations.

Here is a source that provides summary of state laws <https://pro.bloomberglaw.com/insights/labor-employment/state-disability-discrimination-laws/#alabama>

Examples:

Illinois Human Rights Act - a determinable physical or mental characteristic of a person which may result from disease, injury, congenital condition of birth, or functional disorder — provided that the characteristic is unrelated to the person's ability to perform the duties of a particular job or position
<https://www.ilga.gov/documents/legislation/ilcs/documents/077500050K1-103.htm>

https://www.law.cornell.edu/regulations/illinois/III-Admin-Code-tit-56-SS-2500.20?utm_source=chatgpt.com - IL Admin Code clarifies that this excludes conditions that are transitory and insubstantial and that are not significantly debilitating or disfiguring.

New York - “disability” means (a) a physical, mental or medical impairment ... which prevents the exercise of a normal bodily function ... or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, ... article dealing with employment, the term shall be limited to disabilities don't prevent the complainant from performing in a reasonable manner with reasonable accommodation.
https://www.nysenate.gov/legislation/laws/EXC/292?utm_source=chatgpt.com

3. Do these definitions include mental health?

The Americans with Disabilities Act (ADA), specifically **Title I**, defines a disability as a **physical or mental impairment** that substantially limits one or more major life activities. This definition is codified in **42 U.S. Code § 12102** and was broadened by the **ADA Amendments Act of 2008**. <https://legalclarity.org/what-mental-disabilities-are-covered-under-the-ada/>

While mental health is included within the definition, no specific conditions are named - any condition must meet the above test.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, neurodivergent conditions such as autism, ADHD, dyslexia, and dyspraxia are increasingly recognized as disabilities under U.S. federal, state, and local laws—especially in the context of employment protections.

Federal Law: ADA and Neurodiversity

The **Americans with Disabilities Act (ADA)** does not list specific conditions but defines disability broadly as a **physical or mental impairment that substantially limits one or more major life activities**. This may include:

- Autism Spectrum Disorder
- ADHD
- Dyslexia
- Dyspraxia
- Tourette Syndrome
- Sensory Processing Disorder

These conditions are often covered if they impact activities like learning, concentrating, reading, or communicating.

<https://natlawreview.com/article/disability-discrimination-charges-involving-neurodivergence-are-rising-according>

State law may also consider neurodivergence to be captured by employment disabilities law, but it depends on the state.

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For example, the California Fair Employment and Housing Act offers broad employment protection and explicitly includes neurodevelopmental and mental and neurological differences (e.g., autism, ADHD, dyslexia) as disabilities.

5. Are there specific disability employment laws for certain industries or sectors?

Yes, there are some sector specific laws and some federal laws apply based on the number of employees and if the corporation receives financial assistance.

Source:

<https://www.dol.gov/agencies/odep/publications/fact-sheets/employment-laws-disability-and-discrimination>

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Under federal law in the United States, there are no general employment quotas for hiring people with disabilities in the private sector. Similarly, state laws in the U.S. do not generally impose mandatory employment quotas for hiring people with disabilities.

Although not quotas, certain federal regulations do impose affirmative action requirements for specific employers such as federal contractors and agencies under the Rehabilitation Act as well as the American with Disabilities Act.

https://www.congress.gov/crs_external_products/R/PDF/R47316/R47316.1.pdf

<https://www.eeoc.gov/laws/guidance/questions-answers-eeocs-final-rule-affirmative-action-people-disabilities-federal>

Some states have also adopted affirmative policies and practices to promote disability inclusion in employment. There is a Disability Employment Legislation Database maintained by the National Conference of State Legislatures (NCSL), which allows you to search for current and past state laws related to disability employment.

<https://www.ncsl.org/labor-and-employment/disability-employment-legislation-database>

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

Various U.S. Supreme Court cases have helped shape disability employment laws.

1) Court confirms that HIV infection qualifies as a disability and eligible for protections under the Act.

<https://supreme.justia.com/cases/federal/us/524/624/>

2) Court clarifies definition of disabled. Where a physical impairment (e.g. myopia) can be corrected (lenses), one does not meet the definition of disabled under the Act.

<https://supreme.justia.com/cases/federal/us/527/471/>

3) Seniority policies may be sufficient to show that a requested accommodation is unreasonable. However, Plaintiff's are free to provide evidence that exceptions to such policies are reasonable.

<https://supreme.justia.com/cases/federal/us/535/391/>

4) In determining disability and eligibility for protections under the ADA, the central inquiry must be whether the claimant is unable to perform the variety of tasks central to most people's daily lives.

<https://supreme.justia.com/cases/federal/us/534/184/>

5) Neutral no-rehire policies are legitimate, nondiscriminatory reasons for refusing to hire an employee with a record of drug addiction.

<https://supreme.justia.com/cases/federal/us/540/44/>

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Uruguay

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

Yes, Uruguay has disability laws, notably Law 18.651, which defines a disability as a permanent or prolonged functional, physical, or mental alteration that causes significant disadvantages for family, social, educational, or work integration. These laws aim to ensure medical care, education, rehabilitation, and social security coverage for people with disabilities, while also establishing inclusion procedures like vocational training. Uruguay has also ratified the Convention on the Rights of Persons with Disabilities (CRPD).

Uruguay's Law 18.651 defines a person with a disability as "any person who suffers or presents a permanent or prolonged functional, physical (motor, sensory, organic, visceral) or mental (intellectual and / or mental) alteration that in relation to their age and social environment implies considerable disadvantages for their family, social, educational or work integration."

Source:

Uruguay, *Protección Integral de Personas con Discapacidad (Comprehensive Protection of Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/18651>.

Disability In, *Uruguay Country Profile*, <https://disabilityin.org/country/uruguay/>.

2. Are there different definitions for disability at a state, provincial or local level?

No.

Sources:

Google search, Search of Uruguay government websites, CoPilot search

3. Do these definitions include mental health?

Yes. Uruguay's Law 18.651 defines a person with a disability as "any person who suffers or presents a permanent or prolonged functional, physical (motor, sensory, organic, visceral) or mental

(intellectual and / or mental) alteration that in relation to their age and social environment implies considerable disadvantages for their family, social, educational or work integration."

Source:

Uruguay, *Protección Integral de Personas con Discapacidad (Comprehensive Protection of Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/18651>.

Disability In, *Uruguay Country Profile*, <https://disabilityin.org/country/uruguay/>.

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, Uruguay's legal framework does include mental health and neurodivergent disorders within its definition of disability. According to Law No. 18.651, which provides comprehensive protection for people with disabilities, the definition includes:

"Permanent or prolonged functional impairments—physical (motor, sensory, organic, visceral) or mental (intellectual and/or psychological)—that, in relation to age and social environment, cause significant disadvantages for family, social, educational, or labor integration."

This definition encompasses:

- Mental health conditions (e.g., depression, anxiety, bipolar disorder)
- Neurodivergent conditions such as autism spectrum disorder (ASD), ADHD, and intellectual disabilities

Source:

Uruguay, *Protección Integral de Personas con Discapacidad (Comprehensive Protection of Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/18651>.

5. Are there specific disability employment laws for certain industries or sectors?

Uruguay does not have industry-specific disability employment laws. Instead, it applies a general framework across all sectors:

Uruguay Law 18.651 establishes a comprehensive protection system for people with disabilities, covering medical care, education, rehabilitation, and social security. It also promotes vocational training and inclusion in employment.

Uruguay Law 19.691 (effective since 2018) imposes mandatory hiring quotas for private-sector employers with 25 or more permanent workers, as described below as well. The law applies to all industries and is not sector-specific.

- Employers with 500+ workers: 4%
- Employers with 150–499 workers: 3.5%
- Employers with 50–149 workers: 3%
- Employers with 25–49 workers: 2%

The law requires employers to register compliance with the Ministry of Labor and Social Security (MTSS) and can access tax benefits for meeting quotas. The law imposes sanctions by the General Labour and Social Security Inspectorate if the compliance is not met.

Source:

Uruguay, *Protección Integral de Personas con Discapacidad (Comprehensive Protection of Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/18651>.

Uruguay, *Promoción del Trabajo para Personas con Discapacidad (Promotion of Employment for Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/19691>.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, Uruguay has established employment quotas for hiring people with disabilities under Law No. 19,691, which came into effect on November 18, 2018. These quotas apply to private-sector employers with 25 or more permanent workers, and the required percentage of hires increases with the size of the workforce.

The law imposes a gradual increase of quotas as follows:

- Employers with 500 or more workers:

- Initially: 3%
- Second year: 4%
- From November 18, 2021 onward: 4%

▪ Employers with 150–499 workers:

- Initially: 2%
- Second year: 3%
- From November 18, 2021 onward: 4%

▪ Employers with 50–149 workers:

- Initially: 1%
- Second year: 2%
- From November 18, 2021 onward: 4%

▪ Employers with 25–49 workers:

- Second year: 1.5%
- From November 18, 2021 onward: 4%

To be counted toward the quota, the law requires workers to be registered in the National Register of Disabled People maintained by the National Honorary Disability Commission. The law also requires employers to report compliance to the National Labor Inclusion Commission and register with the Ministry of Labor and Social Security to access benefits.

Sources:

Disability In, *Uruguay Country Profile*, <https://disabilityin.org/country/uruguay/>.

Uruguay, *Promoción del Trabajo para Personas con Discapacidad (Promotion of Employment for Persons with Disabilities)*, <https://parlamento.gub.uy/documentosyleyes/leyes/ley/19691>.

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

No. No relevant case law was found regarding “Employment & Disability” in Uruguay. Although Uruguay has robust legislative initiatives to support employment and those with disabilities.

Other relevant information

Sources:

United Nations Uruguay, *Global Disability Fund, Situational Analysis on the Rights of Persons with Disabilities in Uruguay*,
<https://globaldisabilityfund.org/new/wp-content/uploads/2025/07/SITAN-Uruguay-Brief.pdf>.

Uruguay, *Protección Integral de Personas con Discapacidad (Comprehensive Protection of Persons with Disabilities)*,
<https://parlamento.gub.uy/documentosyleyes/leyes/ley/18651>.

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Venezuela

1. Does the jurisdiction define disability for the purpose of employment protection? If yes, what is the definition.

The Special Law for Workers with Disabilities (Law No. 6735), defined disability in Articles 5 and 6, as the following:

Definition of Disability (Article 5):

Disability is understood as a complex human condition involving biopsychosocial factors, characterized by a temporary or permanent reduction or loss of sensory, motor, or intellectual capacities. It may manifest as absences, anomalies, defects, losses, or difficulties in perceiving, moving without assistance, seeing or hearing, communicating, or integrating into educational, work, family, or community activities. These limitations restrict the exercise of rights, social participation, and quality of life, but do not necessarily imply incapacity for social inclusion.

Definition of Persons with Disabilities (Article 6):

Persons with disabilities are those who, due to congenital or acquired causes, present dysfunction or absence of physical, mental, intellectual, or sensory capacities—or combinations thereof—whether temporary, permanent, or intermittent. When interacting with barriers, these conditions create disadvantages that hinder or prevent participation, inclusion, and integration into family and social life, as well as the full exercise of human rights on equal terms with others

Although this law was repealed by the Organic Law for Inclusion, Equality, and Comprehensive Development of Persons with Disabilities in 2024, we consider that its definition may still be applicable.

The new legislation does not provide a concrete definition of disability. However, starting from Article 57, it specifies that the State will design public policies aimed at including the following groups:

- Deaf persons and those with hearing disabilities

- Blind persons and those with visual disabilities
- Persons with deaf blindness
- Persons with motor disabilities
- Persons with autism spectrum disorder
- Persons with intellectual or psychosocial mental disabilities
- Persons with disabilities resulting from low-prevalence diseases

https://www.undp.org/sites/g/files/zskgke326/files/2024-12/final_leyorganicadiscapacidad_accesible.pdf

[Gaceta Oficial 6735 2023-01-27](#)

2. Are there different definitions for disability at a state, provincial or local level?

There are no different definitions at a state, provincial or local level. What Venezuela defines as “Organic Law” is of the highest level, so even though Venezuela is a Federal state, human rights and labour cannot be legislated by other than the federal government. Disability inclusion is part of the Constitution, and its own “Organic Law”, which also defines a national council for people with disabilities called CONAPDIS (Consejo Nacional para las Personas con Discapacidad) which will have national competency

Source:

- Venezuela’s Constitution, articles 23, 81, 203.

[Venezuela \(Bolivarian Republic of\) 1999 \(rev. 2009\) Constitution - Constitute](#)

- Venezuela’s organic work law, articles 3 and 10

[Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras \(Gaceta Oficial N° 6.076 Extraordinario del 7 de mayo de 2012\)](#)

3. Do these definitions include mental health?

Yes, article 62 of the Organic Law for the Inclusion, Equality and Comprehensive

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Development of People with Disabilities includes mental health.

(Please note that in Question 1 we included the different groups considered by the law)

https://www.undp.org/sites/g/files/zskgke326/files/2024-12/final_leyorganicadiscapacidad_accesible.pdf

4. Do these definitions include neurodiversity (dyslexia, autism, ADHD, dyspraxia, etc.)?

Yes, article 61 of the Organic Law for the Inclusion, Equality and Comprehensive Development of People with Disabilities

https://www.undp.org/sites/g/files/zskgke326/files/2024-12/final_leyorganicadiscapacidad_accesible.pdf

5. Are there specific disability employment laws for certain industries or sectors?

None of the national regulations include laws for specific industries or sectors.

6. Are there employment quotas for employers with respect to hiring people with disabilities?

Yes, according to article 11 of the Special Law for Workers with Disabilities: the bodies and entities of the Public Administration—national, state, and municipal—as well as public, private, or mixed companies, must include no less than five percent (5%) of permanently disabled persons, duly certified, in their total payroll.

https://pandectasdigital.blogspot.com/2023/01/gaceta-oficial-de-la-republica_59.html

7. If relevant in the jurisdiction, what significant legal cases have shaped disability employment laws?

On March 19, 2024, Venezuela's Constitutional Chamber confirmed the constitutional validity of the "Organic Law for the Inclusion, Equality, and Integral Development of Persons with Disabilities," recognizing it as an organic law under Article 203 of the Constitution. The law establishes mechanisms to uphold key constitutional rights for people with disabilities, such as dignity, inclusion, equal opportunities, education, and employment, and serves as a legal framework to support their full development and integration into society.

<https://badellgrau.com/sala-constitucional-declaro-la-constitucionalidad-de-la-ley-organica-para-la-inclusion-igualdad-y-desarrollo-integral-de-las-personas-con-discapacidad/>

Other relevant information

Duties (Art 35)

Persons with disabilities have the following duties, on equal terms with others (Article 35 - details below). This provides certain obligations that condition fully exercising disability rights and impose what could become heavy duties. While it does not indicate any penalty for not fulfilling these obligations, it is likely there are consequences. It asks people with disabilities to defend the country, participate in political life, promoting eco-socialism and collaborating with public authorities to implement social programs for people with disabilities; all of which could be interpreted as military duty (defense), political obligations and working in preparing and implementing events.

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