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Human Rights Commission of Sri Lanka

# **Human Rights Commission of Sri Lanka General Guidelines And Recommendations**

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## **[Draft] General Guidelines and Recommendations on Providing Employment for the Persons with Disabilities and Disability Friendly Work Environment**

**2024 December 10**

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# **[DRAFT] GENERAL GUIDELINES AND RECOMMENDATIONS ON PROVIDING EMPLOYMENT FOR THE PERSONS WITH DISABILITIES AND DISABILITY FRIENDLY WORK ENVIRONMENT**

## **01. INTRODUCTION**

“All human beings are born free and equal in dignity and rights; they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” which is emphasized in Article 1 of the Universal Declaration of Human Rights (UDHR). Further, UDHR and the International Covenant on Civil and Political Rights (ICCPR) have proclaimed and stressed the principle of non-discrimination as “All individuals are entitled to their rights and freedoms without any form of discrimination, including discrimination based on disability.” Interactions between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. It is important to mainstream disability issues as an integral part of relevant strategies for sustainable development.

Recognizing the valued existing and potential contributions made by persons with disabilities is essential to promoting an inclusive and diverse society. Acknowledging the significant role, they play in the overall well-being and diversity of their communities is a crucial step towards a more equitable world. The promotion of the full enjoyment of persons with disabilities, their human rights, and fundamental freedoms is not only a matter of justice but also a means to enhance their sense of belonging. The inclusion of persons with disabilities would lead to a stronger, more diverse, and equitable community which would benefit everyone.

Empowering persons with disabilities is crucial for the full realization of their rights and freedoms, which, in turn, can significantly contribute to the national economy and development process. When the state doesn't prioritize the empowerment of persons with disabilities, it often ends up allocating substantial resources to their welfare. Therefore, it is imperative for state obligations to ensure the protection and promotion of the human rights of persons with disabilities across all policies and programs. Additionally, creating specific statutes and frameworks for persons with disabilities can further facilitate their contributions to the state. Also, the states recognize and affirm that all persons are inherently equal before and under the law. Without any form of discrimination, they are entitled to equal protection and the same benefits of the law.

Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognizes the right of persons with disabilities to work on an equal basis with others. This includes the opportunity to gain employment through work that is freely chosen or accepted in a labor market and a work environment that is open, inclusive, and accessible to persons with disabilities. Article 27(g) specifically emphasizes “*the importance of employing persons with disabilities in the public sector*” and Article 27(i) emphasizes to “*ensure that reasonable accommodation is provided to persons with disabilities in the workplace.*”

The Sri Lankan constitution also guarantees under Article 12(1) that “all persons are equal before the law and are entitled to equal protection under the law.” Furthermore, Article 12(4)

states that *“Nothing in this Article shall prevent the enactment of special provisions, by law, subordinate legislation, or executive action, for the advancement of persons with disabilities.”* In the Protection of the Persons with Disabilities Act No. 28 of 1996, section 23(1) states that *“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.”* Furthermore, Ministry Gazette No. 1467/15 dated October 17, 2006, introduced accessibility regulations in accordance with the Act. Additionally, the Supreme Court Order SCFR No. 221/2009 and SCFR no 273/2018 provides further clarification on the accessibility requirements for buildings.

Public Administration Circular No. 27/88 of 1988 and Public Administration Circular No. 01/99 of 1999, In accordance with these guidelines are outlined in the context of filling vacancies in the Public Service and Public Corporations. The circular encompasses two primary directives concerning employment for persons with disabilities, namely:

- (1) Three percent (3%) of such vacancies should be filled by disabled persons possessing the requisite qualifications and whose disability would not be a hindrance to the performance of their duties.

and

- (2) Their recruitment too, should be in accordance with the approved Schemes of Recruitment / Service Minutes.

Public Administration Circular No. 27/88's first guideline mandates that three percent of job vacancies in the public sector must be allocated to qualified persons with disabilities whose disability would not impede their job performance. This directive is a pivotal measure in advancing equality and inclusivity within the workforce, acknowledging the capabilities of persons with disabilities and their entitlement to equal and fair opportunities. Nevertheless, this provision unintentionally perpetuates discrimination by stipulating that disabilities should not serve as a “hindrance” to their responsibilities.

This particular requirement, aimed at ensuring effective job performance for persons with disabilities, can, in practice, lead to discrimination. It essentially hinges on subjective assessments regarding whether persons with a disability might hinder their performance. Such assessments can vary widely from one person to another and may not accurately gauge an individual's true capabilities and potential. Moreover, it might dissuade employers from hiring persons with disabilities, as they may perceive the determination of whether a disability is a “hindrance” as intricate and possibly risky, deterring them from pursuing employment. Consequently, this could result in an underrepresentation of persons with disabilities in the public sector and perpetuate the stigmas associated with disabilities.

A far more equitable approach would involve assessing an individual's qualifications, skills, capacities, and job-related abilities and suitable jobs for job market rather than relying on subjective judgments regarding the potential hindrance of their disability. We can uphold the principles of equality and non-discrimination by evaluating candidates based on their merits and qualifications, thereby fostering a fairer and more inclusive employment environment. Persons with disabilities should have the same opportunities as any other candidates, and their suitability for a role should be determined by their abilities, much like any other employee.

This circular does not express the real intention and scope of the circular. Therefore, persons with disabilities face difficulties and challenges in getting public sector jobs. Also, this circular provides opportunities or space for duty bearers to make unfavorable decisions towards persons with disabilities. Hence these guidelines for facilitating employment opportunities for persons with disabilities aim to address concerns related to their inclusion in the workforce.

Employment opportunities for persons with disabilities are not merely a matter of social responsibility; instead, they are considered obligations deeply rooted in the fundamental principles of human rights upheld by both national and international laws. The international community acknowledges that all individuals, irrespective of their disabilities, have the right to work in an environment that values their contributions, and personal and professional growth. This has also been guaranteed by Article 4(d) of the constitution of Sri Lanka, which says that the fundamental rights which are by the Constitution declared and recognized shall be respected, secured, and advanced by all the organs of government, and shall not be abridged, restricted, or denied, save in the manner and to the extent hereinafter provided.

As per the Article 27 (a), (e), (g) and (i) of the UNCRPD prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment as well as in hiring and employment procedures. Article 27(i) on reasonable accommodation is meant for any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered “reasonable” if they do not create an undue hardship or a direct threat. Reasonable Accommodation is not defined in Sri Lanka. However, in the National Policy on Occupational Safety and Health 2014 states that *“The Government will develop and implement special programs in collaboration with the stakeholders to provide reasonable accommodation for persons with disabilities.”*

The section 10(C) of the Human Rights Commission of Sri Lanka Act No 21 of 1996 guarantees the power of the commission to advise and assist the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights.

In these general guidelines, we explore the fundamental principles for employers dedicated to creating an inclusive workplace for persons with disabilities, aligning with national and international human rights standards and laws.

Comprehending these guidelines not only showcases a dedication to ethical and legal obligations but also enables employers to harness the extensive potential of a diverse workforce. This, in turn, enriches their organizations with innovation, creativity, and a more profound appreciation of the human experience.

## **02. GENERAL GUIDELINES**

- a. All State authorities undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.
- b. All state authorities respect for inherent dignity, individual autonomy, and independence of persons with disabilities.
- c. All state authorities ensure full and effective participation, equality of opportunity, and inclusion in public sector employment.
- d. All state authorities respect for difference and acceptance of persons with disabilities as part of human diversity humanity.
- e. All state authorities ensure reasonable accommodations for a person with disabilities which guarantees that they are competent to carry out their work.
- f. All state authorities evade cruel, inhuman, or degrading treatment or punishment in the workplace.
- g. All state authorities should consider every person with disabilities has a right to respect his or her physical and mental integrity on an equal basis with others in the workplace.
- h. All State authorities shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive, and impart information and ideas on an equal basis with others and through all forms of communication of their choice.
- i. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions.
- j. Protect the rights of persons with disabilities on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- k. Ensure that persons with disabilities are able to exercise their labor and trade union rights on an equal basis with others.
- l. Enable persons with disabilities to have effective access to general technical and vocational guidance programs, placement services, and vocational and continuing training.

### 03. SPECIFIC GUIDELINES

#### GUIDELINE 1: SCHEME OF RECRUITMENT

1.1 In accordance with Establishments Code Chapter II, 2:1 “*Scheme of Recruitment, which specifies the salary scale of the post, the qualifications required, age limits, and other relevant particulars, drawn up by the Department concerned and approved in accordance as per Section 2:2 to 2:5.*”

When preparing a Scheme of Recruitment, the responsible authority should prioritize the inclusion of persons with disabilities. It should consider factors such as qualifications, age limits, and other relevant details, as well as any associated recruitment documentation and expenses. A person with disabilities’ experiences and skills can often be as valuable as formal qualifications. Authorities should also flexibly consider age limits, recognizing that some individuals with disabilities may not have had access to educational opportunities at the appropriate age. Efforts should be made to create opportunities for people with disability to apply for suitable positions in the public sector.

1.2 Service Minutes in Sri Lanka are government policies and guidelines that provide a framework for various aspects of public administration, including services and programs. In the context of persons with disabilities, Service Minutes play a crucial role in outlining the government's commitment to promoting inclusivity and ensuring equal access to services and opportunities for persons with disabilities. These policies often focus on creating accessible environments, offering educational and vocational opportunities, and providing support services to enhance the quality of life for persons with disabilities.

1.3 The Establishment Code, specifically 2:1:3, “*a Scheme of Recruitment may be embodied in a Minute governing a Service, e.g. the Minute on the Sri Lanka Administrative Service which will be issued under the authority of the Cabinet of Ministers.*” When drafting service minutes for approval, it is essential to take disability inclusion into account.

1.4 Additionally, as outlined in 2:4, “*in cases of disagreement between the Ministry's Secretary and the Cabinet of Ministers, particularly concerning substantial changes in a recruitment scheme, the Director of Establishments can recommend submitting the scheme to the Cabinet for approval.*” This process involves the Director of Establishment, the Secretary, and the Cabinet Ministers, and they have the authority to consider the inclusion of persons with disabilities.

1.5 The possibility of deviating from the Scheme of Recruitment is addressed in 2:7 of the Establishment Code. “*It states that the scheme should not be altered for temporary issues, such as a shortage of qualified individuals. In such instances, the Secretary must obtain the Director of Establishments' approval to deviate from the recruitment scheme for that specific intake.*”

1.6 By adhering to Service Minutes related to persons with disability, the Sri Lankan government can actively promote a more inclusive society where persons with disabilities can fully participate and contribute in to the nation's economy and development process, thereby upholding their rights and improving their overall well-being.

## **GUIDELINE 2: CALLING APPLICATIONS**

- 2.1 To establish an accessible application process, our primary focus should be ensuring that the job application procedure is open to all individuals, including those with disabilities. The Establishment Code, Chapter II, Section 3, mandates that “*all job vacancies in the Public Service be advertised by the Appointing Authority in accordance with the approved Scheme of Recruitments. This ensures transparency and fairness in the application process.*” Accordingly, Chapter II, Section 5, which pertains to appointments, specifies a section which is 5:2:3 “*which states the Appointing Authority advertises the post in the Government Gazette.*” Government authorities should consider that it’s important to make all advertised positions accessible to persons with disabilities.
- 2.2 Establishing inclusive job application processes that accommodate persons with visual impairments, hearing impairments, speech impairments, and physical disabilities is essential to ensure equal opportunities for all candidates. When inviting applications for employment from persons with disabilities, the process shall be designed to promote accessibility, fairness, and inclusivity, thereby creating a level playing field for all applicants.
- 2.3 Traditional methods, such as newspaper advertisements, may not effectively reach all persons with disability, particularly those who are visually impaired. Instead, the job application form should be hosted on an online platform that is fully compatible with screen readers, voice command software, and other assistive technologies, ensuring accessibility for a broader range of candidates. Incorporating descriptive alt text for images and buttons allows individuals using screen readers to understand visual content effectively. These measures significantly enhance the inclusivity and user-friendliness of the application process for all candidates, regardless of their specific needs or abilities.
- 2.4 Introducing alternative formats for application materials, such as sign language video instructions or Braille displays, is essential to ensure accessibility for those who need them.
- 2.5 Using clear, concise, and straightforward language in application forms is essential to ensure accessibility for candidates with cognitive disabilities or those facing language barriers. Avoiding jargon and complex processes in the forms is highly recommended, as these can be confusing and create unnecessary obstacles for applicants. By adopting a plain language approach, the application process becomes more inclusive and user-friendly, accommodating a broader range of candidates.
- 2.6 Offering various application methods, such as online forms, email submissions, or written applications, is essential to accommodate the diverse preferences of candidates. Some persons with disabilities may find one method more accessible than the others due to their specific needs and abilities. It’s crucial to ensure that all individuals with disabilities are provided equal opportunities to access and complete applications, thereby fostering a more inclusive and equitable recruitment process.
- 2.7 Incorporating accessibility features, such as subtitles or transcripts, into videos used in the application process is essential to ensure they are fully inclusive and accessible for candidates with hearing impairment.



- 2.8 Ensure the availability of 24-hour assistance for persons with disabilities who may require support during the application process, whether for website navigation or understanding job requirements. This commitment to accessibility and support demonstrates a dedication to accommodating a diverse range of applicants and providing equal access to opportunities, regardless of individual needs or circumstances.
- 2.9 Applicants should be allowed to request necessary assistive technology facilities when applying for a position to ensure their inclusion in the recruitment process. These facilities should be made available during competitive examinations, interviews, or practical tests as required and appropriate steps must be taken to provide them where relevant.
- 2.10 Two key issues in the examination of basic qualifications lead to the exclusion of persons with disabilities. One is the requirement to be in "good physical and mental health" to work anywhere on the island, which some officials misinterpret as a justification to exclude persons with disabilities from employment. This provision should be clarified by the relevant authorities and reinterpreted to promote the employment and inclusion of persons with disabilities.
- 2.11 The maximum age limit of 35 years for public sector vacancies creates another barrier, excluding candidates with disabilities from the recruitment process. To promote inclusivity, flexibility should be applied to the age limit wherever possible, prioritizing educational and other relevant qualifications over rigid age criteria.

### **GUIDELINE 3: SCRUTINIZING THE APPLICATIONS**

- 3.1 The Establishment Code provides rules for scrutinizing job applications, as outlined in section 5:2:4. "The Appointing Authority is responsible for receiving applications, scrutinizing each application, checking the eligibility of applicants, scheduling the applications and making arrangements as may be required in the Scheme of Recruitment, for the sitting of any Selection Board. When scrutinizing job applications from persons with disabilities, it's important to maintain a fair and inclusive approach. Here are some specific guidelines for reviewing applications from candidates with these disabilities:
- 3.2 Appointing authority should ensure that all applications submitted by persons with disabilities are properly received and incorporated into a database. Additionally, digital platforms should be regularly tested and updated to maintain accessibility and address any potential barriers that may arise.
- 3.3 Appointing authority should ensure that an interpreter reads the Brail or provide technical assistance to read the applications submitted by the Person with disabilities
- 3.4 Ensure that applications from persons with disabilities are reviewed impartially, without bias or prejudice.
- 3.5 Review the application forms based on candidates' capacities rather than their disabilities. Do not make assumptions about their abilities based on their disabilities.

- 3.6 Scrutinizing the application should be done with the mindset that persons with disabilities are fully capable of being employed and contributing to the workforce.
- 3.7 Embrace this perspective as part of a more inclusive and equitable evaluation process. During the application process, consider the unique educational challenges that persons with disabilities may have faced due to their disabilities, and ensure that they are not disadvantaged because of these challenges.
- 3.8 Evaluate qualifications, such as degrees, diplomas, and certifications, by focusing on the knowledge and skills acquired rather than the specific path to attainment. For example, non-disabled candidates may have a higher level of education than persons with disabilities due to potential delays in completing their qualifications.
- 3.9 Consider their ability to perform the essential job functions, as outlined in the job description. Rather than perceiving their disabilities as hindrances, recognize the diverse perspectives and capabilities they bring to the workplace, enriching the overall work environment.
- 3.10 Consider the challenges and obstacles to obtain hence acknowledge their qualifications of education or skills through online courses, distance learning, or various other methods

#### **GUIDELINE 4: PREPARATION OF EXAMINATION**

- 4.1 Establishing inclusive examination practices is paramount to guarantee that all individuals, including those with disabilities, have equal and fair opportunities to demonstrate their knowledge and skills.
- 4.2 The examination authority shall identify the specific needs of candidates with disabilities, including those who are visually impaired, hearing impaired, speech impaired, or physically disabled.
- 4.3 The examination authority shall consider the needs of person with disabilities in terms of exam formats, communication, and physical access.
- 4.4 The examination authority shall engage in open and respectful communication with candidates to determine their preferences and requirements for examination accommodations. This ensures a more personalized and effective support system allowing for a tailored approach that maximizes their ability to perform at their best during examinations
- 4.5 It is imperative to ensure that the location where admission cards are issued is fully accessible for candidates with mobility impairments. This commitment to physical accessibility is not just a moral responsibility; it demonstrates the authorities' dedication to inclusivity and the upholding of basic human rights.
- 4.6 Examination authorities must ensure that ramps, elevators, and designated accessible parking spaces are in place and eliminate unnecessary obstacles that could hinder the

participation of candidates with mobility challenges. In doing so, the examination authority sends a clear message that our commitment to diversity and equality extends to the physical spaces we provide.

- 4.7 The examination authority shall provide appropriate assistive technologies and tools, such as screen readers, Braille materials, sign language interpreters, or speech-to-text software, to support candidates with disabilities.
- 4.8 The examination authority should always maintain flexibility in format options and consider the individual preferences and requirements of candidates to ensure they have access to the format that best suits their needs and abilities. Exams should be offered in multiple formats, such as Braille, large print, electronic text, and audio, to cater to the needs of visually impaired and candidates with disabilities.
- 4.9 Incorporate plain and straightforward language in all examination materials, and provide clear communication channels for candidates to seek clarification or request accommodations as needed, ensuring a comfortable and inclusive testing environment. Also, ensure that instructions, questions, and content are communicated in clear and accessible language, with particular attention to those who are speech or hearing impaired.
- 4.10 While preparing admission cards for candidates, it's essential to ensure accessibility and inclusivity for all, specifically including those with disabilities. Admission cards should be designed with compatibility for screen readers and assistive technologies. Using accessible digital formats, such as PDFs with tagged content, is not merely a matter of convenience; it's an ethical imperative in inclusivity.
- 4.11 Ensuring that braille displays on admission cards, such as font type, size, and color contrast cater to the needs of visually impaired persons and include alternative text for images makes the document a bridge to knowledge rather than an obstacle.
- 4.12 Clear headings and a logical structure, designed with screen reader users in mind, facilitate seamless navigation, ensuring that all applicants can engage in the admission process on equal footing.
- 4.13 Providing candidates who are hearing impaired with the option to request sign language interpretation is not just a matter of fairness; it is an essential step in upholding their fundamental human rights. Inclusivity begins with recognizing and accommodating the diverse needs of all persons.

## **GUIDELINE 5: CORRECTION OF ANSWER SHEETS AND RELEASING RESULTS**

- 5.1 When correcting answer sheets and releasing results for candidates, including those with disabilities, it's essential to follow the principles of fairness, inclusivity, and compliance with legal regulations.
- 5.2 In the commitment to promoting inclusivity and upholding the principles of equality in the employment of persons with disabilities, the correction of answer sheets and the releasing

of results should emphasize providing equal and fair opportunities for all applicants, irrespective of their disability. Public sectors should declare that their hiring processes are fully open to persons with disabilities and warmly encourage their active participation.

- 5.3 The public sector should create a workplace where talent and potential are recognized without bias, where diversity is celebrated, and where every candidate, regardless of their abilities, is welcomed to pursue their career aspirations within the organization.
- 5.4 Public sectors should be committed to arranging an alternative assessment process that acknowledges the unique needs and strengths of every candidate with a disability. During the correction of answer sheets and the release of results, they should analyze the advantages of a disabled candidate and consider suggesting a unique alternative assessment.
- 5.5 Public sectors should consider different formats for tests and interviews, such as providing sign language interpretation for hearing-impaired applicants, ensuring that communication is effective.
- 5.6 Also, they should recognize the importance of accommodating persons with processing delays by offering additional time during assessments, ensuring that each candidate is provided with an equitable opportunity to showcase their abilities and potential.

## **GUIDELINE 6: CALLING INTERVIEWS**

- 6.1 When conducting interviews for persons with disabilities, particularly those with hearing, vision, speech, or physical impairments, it's crucial to ensure a fair and inclusive process that accommodates their unique needs. According to the Establishment Code (5:2:6), *“when calling for interviews, the selection board should generally consist of five public officers, including the Chairman. If not specified otherwise in the Scheme of Recruitment, at least one member of the board should be from a Ministry or Department different from the one where the vacancy exists.”* It's essential for all board members to be knowledgeable about the rights of persons with disabilities and be prepared to interact with and assist them.
- 6.2 During interviews or assessments, be flexible and open to discussing the methods and tools that best support each candidate in showcasing their skills and knowledge, accommodating their specific needs as necessary.
- 6.3 Provide skilled sign language interpreters for clear communication, maintain eye contact, and use visual aids during the interview to ensure effective understanding and engagement. Accommodate alternative communication methods, such as written responses or devices. Allow extra time and prioritize evaluating qualifications and skills rather than verbal communication.
- 6.4 Select an accessible interview venue with ramps, elevators, and suitable facilities. Ensure that interview rooms are designed for mobility. Be prepared to provide reasonable accommodations, like permitting the use of wheelchairs or other mobility aids, to ensure a barrier-free interview experience.

- 6.5 To ensure an inclusive and respectful interview environment for persons with disabilities, it's crucial to make the necessary accommodations for their specific needs, promoting accessibility and dignity.
- 6.6 Interview questions should be crafted with sensitivity to avoid causing any discomfort or offense, ensuring the inherent dignity of the persons with disabilities. Clear and effective communication is paramount, and providing accessible materials such as Braille or sign language interpreters is essential.
- 6.7 Flexibility in scheduling accommodates candidates' individual requirements. Overall, the focus should be on recognizing the unique needs of each candidate, ensuring they feel comfortable and respected throughout the interview process, and ultimately creating a more equitable and effective experience for all.

## **GUIDELINE 7: SELECTION AND APPOINTMENT LETTERS**

7.1 The appointment authority recruit based on the circular released by the Public Administration Ministry. In accordance with Public Administration Circular No. 27/88 of 1988 and Public Administration Circular No. 01/99 of 1999, these guidelines are outlined in the context of filling vacancies in the public service and public corporations. The circular encompasses two primary directives concerning employment for persons with disabilities, namely:

*(1) Three percent (3%) of such vacancies should be filled by disabled persons possessing the requisite qualifications and whose disability would not be a hindrance to the performance of their duties.*

- Instead of applying the 3% quota to the entire set of job vacancies across the public service or public corporations as a whole, the directive mandates that each individual division, department, or unit ensure that 3% of their own vacancies are filled by persons with disabilities. This means that the quota is applied within each specific area rather than at an aggregate level.
- Each division or department is responsible for ensuring that its recruitment practices align with the 3% requirement. This means that when a division has a number of open positions, it must ensure that 3% of those positions are allocated to qualified persons with disabilities.

and

*(2) Their recruitment too, should be in accordance with the approved Schemes of Recruitment /Service Minutes.*

- 7.2 Appointment letters shall be prepared according to the needs of each person with a disabilities
- 7.3 Inform selected candidates and to effectively communicate terms through written communication, email, or text messages. Provide written documents that outline all the

necessary information, including the position, benefits, and starting date. For candidates with vision impairments, provide written documents in Braille or through screen reader-compatible digital formats.

## **GUIDELINE 8: MEDICAL ASSESSMENT**

- 8.1 The role of the medical board is pivotal in this process. It should operate with a neutral stance, free of prejudice, and with a deep sense of empathy towards the unique needs and capabilities of persons with disabilities.
- 8.2 The board's responsibility is to provide a “disability-friendly medical assessment.” This means assessing candidates not solely based on their disability but rather on their overall ability to perform the job effectively.
- 8.3 The board shall ask relevant questions related to the job and avoid irrelevant questions based on perceptions or stereotypes about disability.
- 8.4 It is important to follow an individual assessment process tailored to the person’s condition. This assessment should evaluate both the medical condition (physical or mental health) and the functional condition (the ability to perform daily activities and duties affected by the disability). Verification should be supported by a medical certificate issued by a government approved doctor or medical board confirming the disability. Additionally, a committee within the relevant authority, composed of individuals with expertise and experience in disability, should conduct an evaluation of the person's daily functioning. To facilitate this, all relevant documents and legal provisions, including service constitutions, should be amended as needed.

## **GUIDELINE 9: ENSURE INCLUSIVE JOB ENVIRONMENT**

- 9.1 Providing reasonable accommodations for persons with disabilities in the workplace is a crucial aspect of fostering an inclusive work environment.
- 9.2 Reasonable accommodations are modifications in the work environment or policies that enable persons with disabilities to perform their jobs effectively and participate in the workforce on an equal basis with their colleagues. These accommodations can take various forms, from physical adjustments like ramps and ergonomic workspace modifications to technological aids such as screen readers and voice recognition software. Flexible work arrangements and communication support, including sign language interpreters and real-time captioning, ensure that employees can overcome barriers and perform their job duties effectively.
- 9.3 Policy and procedure adjustments can modify workplace rules to accommodate disability-related needs. An interactive process, beginning with the employee's request and followed by open communication with the employer, ensures that solutions are tailored to the individual's specific needs.

- 9.4 Regular evaluation of accommodations helps ensure that they remain effective and continue to meet the evolving needs of persons with Disabilities.
- 9.5 When creating an inclusive work environment for persons with disabilities, it is imperative to recognize and respect the diverse nature of their disabilities. Each person's disability is unique, and accommodations must be tailored to their specific needs, limitations, and abilities. Sensitization training programs should be implemented to foster positive attitudes and empathy among staff and institutional leaders. It is the state's responsibility to ensure that training programs on disability awareness, sensitization, sign language, and related topics are provided to all new employees upon joining an institution. This will help create a more inclusive and supportive work environment.
- 9.6 Treating persons with disabilities with the same level of respect, consideration, and professionalism as any other employee is essential. By acknowledging and valuing their individuality, organizations can foster an environment where persons with disabilities feel appreciated, empowered, and motivated to contribute their skills and talents effectively, promoting a workplace culture that truly celebrates diversity and inclusion.
- 9.7 Non-discrimination is fundamental in creating an inclusive workplace for persons with disabilities. They should not be treated differently solely because of their disability. Inclusivity means engaging with them as colleagues, collaborating on projects, and socializing, just as one would with any other team member. Eating together, sharing work experiences, and fostering a sense of belonging not only enhances their integration into the workforce but also enriches the overall work environment. By valuing their contributions and abilities, rather than focusing on their disabilities, organizations can harness the diverse talents of all employees, ensuring a harmonious, equitable, and productive workplace for everyone.
- 9.8 Providing Training to disabled employees on an equal footing with their colleagues and offering the same opportunities is key to fostering an inclusive workplace. By offering the same training and development opportunities, organizations empower persons with disabilities to acquire the skills and knowledge needed to excel in their roles, contributing to both their personal growth and the overall productivity of the company.
- 9.9 Amending existing office barriers and legal provisions is essential to address the physical discomforts that employees with disabilities may experience during working hours, such as the side effects of prolonged sitting for wheelchair users or the need for medical treatment and regular breaks. These adjustments should be tailored to the individual's specific disability status and needs, which can be determined through the medical and functional assessments previously outlined. This approach ensures that workplace accommodations are appropriate and effective for each employee's condition.
- 9.10 Implementing soft skills development programs for employees with disabilities, tailored to their specific needs and the nature of their disabilities, can enhance their ability to perform their duties and responsibilities effectively and efficiently.
- 9.11 The effective and quality service contribution of employees with disabilities can be enhanced through measures that address the unique challenges they face. This includes introducing alternative solutions, such as peer-support programs, to help manage the confusion or imbalance caused by long-term physical, mental, intellectual, or sensory

impairments. Additional support measures should include providing transportation facilities or transportation allowances for employees facing mobility challenges, offering accommodation close to the workplace, and granting leave opportunities to manage health issues related to their disability. These initiatives will create a supportive work environment that enables employees with disabilities to perform at their best.

9.12 It is crucial to develop a plan to guarantee that the facilities required for people with disabilities are provided and managed during promotions or evaluations of performance connected to their jobs.

9.13 When recruiting women with disabilities, it should be ensured that they are not discriminated against on the basis of disability and gender. Accordingly, in the recruitment process for the jobs mentioned in guidelines 1-8 above, women with disabilities should be treated with sensitivity. Furthermore, it should be ensured that they have a work environment that includes other facilities, such as hygiene and reasonable accommodations.

## **04. CONCLUSION**

The imperative of creating an inclusive and accessible job environment for persons with disabilities extends beyond ethical and legal considerations; it represents a pivotal step toward a more equitable and progressive society. By providing reasonable accommodations, ensuring equal opportunities, and respecting the internal dignity of persons with disabilities, organizations cultivate a workspace that thrives on diversity and innovation.

Additionally, it's essential to recognize the significance of reserving 3% of government sector vacancies for persons with disabilities, a tangible commitment to promoting diversity in public service. This transformative journey promises to not only enhance workplace dynamics but also inspire a world where every individual, regardless of ability, is embraced and empowered to contribute their unique talents to the fullest extent, for the betterment of all.

The public sector is committed to ensuring the right of individuals with disabilities to apply for, attend, and secure employment, as well as to work in an environment that is disability-friendly. Additionally, state mechanisms responsible for overseeing private sector recruitment should issue guidelines and regulations to ensure this right is upheld. During their monitoring and regulatory activities, these mechanisms must remain dedicated to fostering a healthy and rights-protected work environment for employees with disabilities.



## 05. GENERAL RECOMMENDATIONS

Article 12(4) of Sri Lanka's 1978 Constitution declares that there is no prohibition in this article for adopting specific arrangements for the advancement of people with disabilities, either by law or executive action.

Accordingly, the Human Rights Commission of Sri Lanka recommends the following recommendations:

1. Public Administration Circular No.27/88 of 1998 and Public Circular No. 01/99 of 1999 should be amended to ensure alignment with both international standards and national laws, specifically to include specific requirements for reasonable adjustments and accommodations for persons with disabilities in the workplace.
2. Relevant parties should implement, amend, and update provisions to eliminate legal, policy, and institutional barriers to the inclusion of persons with disabilities in both the public and private sectors. This includes revising documents such as the Service Regulations, the Establishments Code, Labor Law, and other relevant policies to promote accessibility and inclusion.
3. The reasonable accommodation in the workplace should be clearly define when reviewing the National Occupational Safety and Health Policy 2014, June. New guidelines should be developed in consultation with stakeholders to provide reasonable accommodation for persons with disabilities.
4. Sri Lanka's current employment quota mandates that three percent (3%) of vacancies be allocated to Persons with disabilities who possess the requisite qualifications and whose disabilities do not hinder their job performance. Considering the existing population of approximately 1 400,000 persons with disabilities above the age of 18 years, advancements in technology that enhance workplace accessibility, and the increase in disability rates due to diseases and accidents, it is recommended that the employment quota percentage be reviewed and increased.
5. To ensure that persons with disabilities are protected and supported in the workplace, the Labor Department should take an active role in advising the private sector on the implementation of comprehensive guidelines.
6. By integrating guidelines on the recruitment of person with disabilities into the legislative frameworks of relevant departments such as the Examination Department and Medical Boards, the recruitment process will become more inclusive and equitable. This approach will ensure that candidates with disabilities have fair access to opportunities and that the guidelines are effectively implemented across all relevant areas.