

A CRITICAL ANALYSIS OF THE POTENTIAL AND LIMITS OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS IN ASSISTING NGOs AND OTHER CIVIL SOCIETY ACTORS IN PREVENTING AND ADDRESSING BUSINESS-RELATED HUMAN RIGHTS

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INTRODUCTION

The 1990s was termed as the “golden age” era that witnessed a corporate globalization wave and a robust emergence of multinational companies with exponential profit maximisation, growth and expansion drive. However, some of these multinational companies with prestigious global brands were censured for exploiting sweatshops and profiting from bonded labour.ⁱ The need to regulate multinational companies, mitigate human exploitation for profit and engender transparency and accountability in labour force utility by businesses and states led to the clamour by affected individuals and communities for an effective human rights protection. For several decades,ⁱⁱ the United Nations have attempted unsuccessfully to regulate multinational corporations. However, in 2011, the UN Human Rights Council adopted the “Guiding Principles” on business and human rights for implementation by states and businesses. The guiding principles, which is established on three pillars “Protect, Respect and Remedy” emphasises that states have the duty to protect against human rights violations, companies are responsible for respecting human rights and victims of human right violations must have access to effective remedies and redress.ⁱⁱⁱ This essay evaluates the objective and avenues of achieving the UN Guiding Principles (UNGPs), its potential and limits, and the protection of the rights of people with disability in UK and other regions amidst other group(s) by states and businesses.

THE POTENTIAL AND LIMITS OF THE UN GUIDING PRINCIPLES

The UNGPs on business and human rights to “protect, respect and remedy” is acknowledged as the foremost global endorsement of a normative instrument on human rights for companies that did not involve the national governments in its negotiations.^{iv} According to Zeid Ra’ad Al Hussein, a former UN High Commissioner for human rights, it is an authoritative blueprint that is globally recognised by states and businesses in upholding human rights.^v The objective of the UNGPs provides that corporations and not just states owe a duty toward the actualisation of human rights through a global responsibility to uphold and implement the “protect, respect and remedy” framework. In other words, the principles encompass the responsibility of companies to respect human rights, mitigate violation of rights and provide redress to any impact resulting from corporate activities.^{vi} Hundreds of companies have since expressly committed and publicly implemented the UNGPs.^{vii}

Furthermore, recent years have witnessed unprecedented actions by states and companies in the adoption and implementation of the UNGPs. For instance, the Organization for Economic Cooperation and Development (OECD) included a human right chapter in its 2011 Guidelines for Multinational Enterprises.^{viii} The International Finance Corporation (IFC) adapted its performance standards in line with the UNGPs while the International Organization for Standardization ISO 26000 Guidance on Corporate Social Responsibility standard incorporates the UNGPs.^{ix} Companies that operate in the European Union (EU) have also been required by the European Commission to uphold human rights in line with the UNGPs.^x

The UNGPs is embraced as a positive and deliberate gesture toward the protection of human rights by companies. It provides clarity and predictability for states and companies concerning their obligation to protect and respect human rights. Several court decisions^{xi} that addresses human rights abuses in companies have been credited to the UNGPs. In *Araya v. Nevsun Resources Ltd.*,^{xii} the Supreme Court of British Columbia heard a case involving three Eritrean men who claimed that they worked as forced labour at the Vancouver-based Nevsun Resources Limited. The court made reference to “the UNGPs as part of the evidence introduced regarding the due diligence that the company undertook to avoid human rights abuses at the mine.”

Several states have embarked on strategic National Action Plan (NAP) initiatives and legislation to enable them implement the UNGPs. These legislations include the UK’s Modern Slavery Act of 2015; California Transparency in Supply Chains Act of 2010; United States

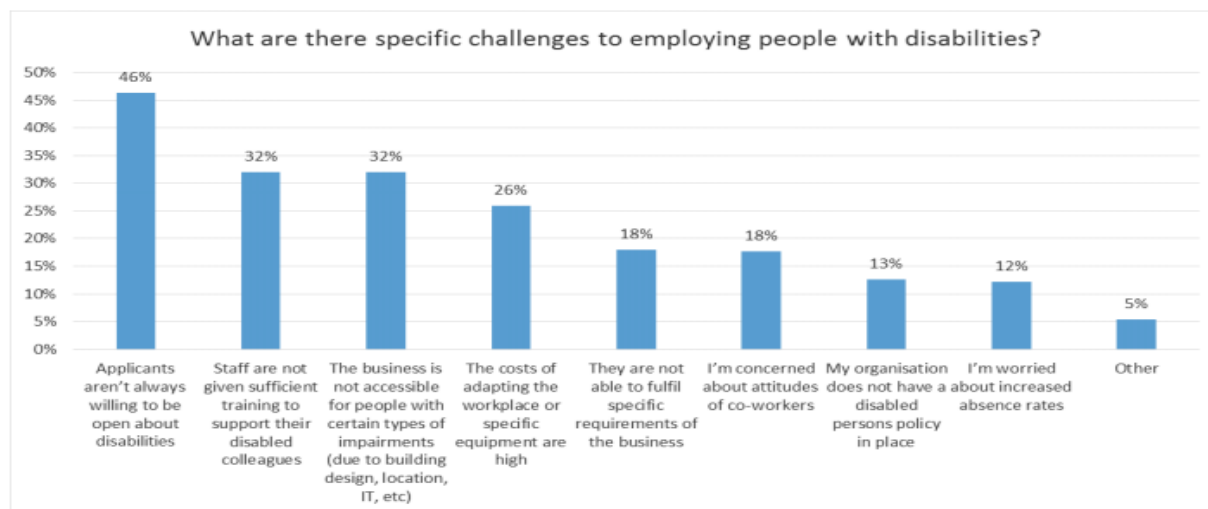
(US) Dodd-Frank Act; the Directive of the European Parliament and the European Council 2014/95/EU of 22 October 2014 regarding the disclosure of non-financial information and diversity information by some large entities and groups; Brazil, MTE Decree No. 540/2004 ‘Dirty list’ 2003.^{xiii}

Notwithstanding the UNGPs potential and broad uptake at policy level, guaranteeing respect for human rights by states and businesses remains a far cry. Globally, several human rights violations and infringements like bond child labour and sweatshops, gender inequality and pay gap, socio-cultural and religious discrimination, intolerance for people with disability, exploitation of the environment and community resources, and restrictions on diversity are still prevalent in some large corporations and global brands and states are either complacent, unwilling or unable to adequately enforce against these violations or infringements.

Fundamentally, the definition and scope of human rights by the UNGPs is variedly conceived by states and companies, and it remains a limiting factor in the protection and respect of human rights. For instance, what may be considered to be child labour in Europe may be acceptable in parts of Asia and perceived as normal in Africa. Furthermore, a company policy that is considered as discrimination and non-inclusive may be culturally accepted in some parts of Asia and the Middle East. It is unclear whether the UNGPs relates only to conditions of work and employment, civic life and participation, workplace dialogue, education and access to technology or it extends to private life, adequate standard of living, rights related to the environment, and intellectual spiritual and cultural life of everybody associated with the company.^{xiv}

The UN Convention on the Rights of Persons with Disabilities (CRPD), which came into effect on 3 May 2008 is the foremost convention that expressly directed on how persons with disabilities are protected and integrated into the workplace.^{xv} CRPD obligates states to safeguard and promote the rights of persons with disability to work on equal terms with others, and their right to making a living and conducive work environment should be guaranteed.^{xvi} Globally, the rights of people with disabilities have not been adequately protected notwithstanding the UNGPs. Most employers have a misconceived perception, prejudice, fear and myth about people with disabilities and a lot of these persons face the challenge of never having the opportunity of being gainfully employed and making a living through their lifetime.

Figure 1: Survey Data of Challenges with Employing People with Disability from 300 Businesses in UK



Source: REED in Partnership and Disability Rights UK

Persons with disability, especially in African countries have limited or no access to education and training opportunities and they experience a lack of appropriate facility to support them at workplace, notwithstanding the protection of their human rights under international conventions.^{xvii} Some African countries have gone ahead to enshrine laws to protect the rights of persons with disabilities in national constitutions, anti-discrimination law and national disability law. For instance, the constitutions of Tanzania^{xviii} and Malawi^{xix}, Namibia Affirmative Action Act 1998, Ghana Persons with Disabilities Act 2006 and Discrimination Against Persons with Disabilities (Prohibition) Act 2018 all have provisions or are enacted with view to protecting the rights of people with disability.^{xx} Regardless of these laws, it is reported that 80% to 90% of persons with disability in developing countries, largely in Africa, are within working age, yet they are unemployed due to the discrimination and stigmatization.^{xxi} Employers are hesitant to employ people with disability because of the assumption of the cost involved.^{xxii}

As regards an effective remedy in cases of violations and infringements, there has been limited progress made^{xxiii} and several cases of human right violations by businesses are suppressed. However, the UK media have been active in reporting cases of human right violations by state departments and businesses. In a recent harrowing report by BBC^{xxiv} Panorama, the UK Department for Work and Pensions (DWP) was found to have made payment of about

£953,315 to its employees with disability (£713,000 out of court payment and £240,000 as damages at the employment tribunal) between 2016 and 2019. This implies that the DWP lost 17 of 134 (12.5%) discrimination claims against its employees with disability between 2016 and 2019, making it the employer in Britain that “has lost more employment tribunals for disability discrimination than any other.”^{xxv} The mind-boggling figures exacerbates the discrimination and human right challenges faced by people with disability and the plethora of court cases by them to seek redress.

People with disabilities are stereotyped as unreliable, unambitious, incapable and expensive to employ in the UK. Persons with disability are five times more likely to be unemployed because of fear, prejudices and ignorance.^{xxvi} A report by disability charity Scope UK found that 45% of employers claimed they cannot afford to employ a person with disability.^{xxvii} The charity stated that many companies have difficulties filling vacancies, yet they relent in employing the 3.4 million persons with disability that are in need of employment.^{xxviii} Tony Coelho, an epilepsy sufferer and former US Congressman said that the way to overcome and eliminate the fear of the unknown with regard to hiring a person with disability is to hire them. He stated that a lot of the fears about hiring persons with disabilities are untrue.^{xxix}

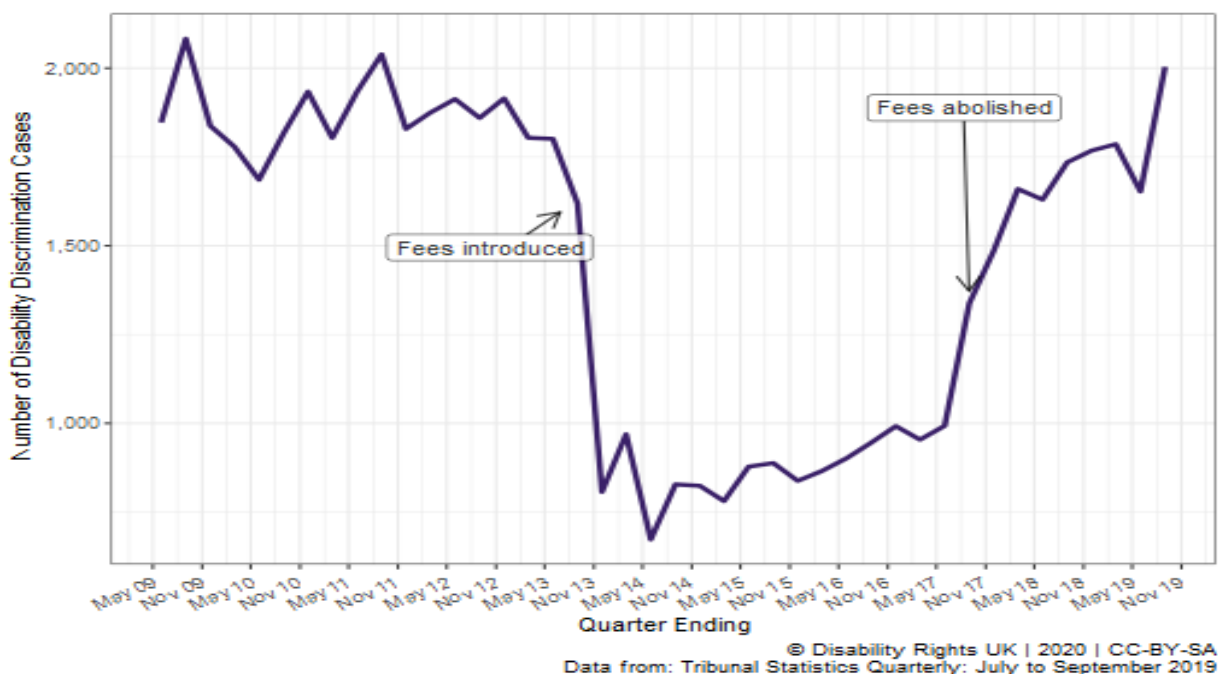
The House of Lords Equality Act 2010 and Disability Committee in 2016 identified that the Equality Act 2010, which is the primary legislation governing people with disabilities right in UK does not adequately protect and support the rights of people with disability. The Committee also expressed a reservation for the combination of “disability with other protected characteristics in one Act” stating that it practically was not beneficial to people with disability.^{xxx}

In Southeast Asia, the government of Thailand in its commitment toward protecting the right of persons with disability, ratified the International Labour Organization (ILO) and UN Convention in 2007^{xxxi} and 2008.^{xxxii} Thai law operates a quota system^{xxxiii} in which companies, both private and public are required to employ one person with disability for every 100 employee in the company.^{xxxiv} However, the stereotype and prejudice towards persons with disability in Thailand make employers to prefer giving money to national disabled rehabilitation fund rather than employing persons with disabilities.^{xxxv} Some employers perceive employing persons with disabilities as an unnecessary burden and waste of money.^{xxxvi}

The description or characterization of humans as disabled, handicap or persons with disabilities projects a preconceived, misconstrued and prejudicial notion associated with limitation, disadvantaged, inability, incapacitation and this exacerbates employers to fear, discriminate and avoid employing these persons or even mistreat, ostracize, stigmatise, misjudge and undervalue them when employed. States and companies are guilty of this stereotyped description and association of persons with disabilities with weakness and unproductivity, and this is sometimes reflected in government legislation and company policies. For instance, the recent case of *R (Unison) v Lord Chancellor*^{xxxvii} represents a *locus classicus* of a government policy that is adjudged discriminatory against persons with disability.

The introduction of £1,200 tribunal fees in 2013 that led to the reduction of disability discrimination cases from an average of 1,827 every three months to 876 was declared unlawful by the Supreme Court. Consequently, a Ministry of Justice^{xxxviii} data from July to September 2019 affirmed an increase of over 2000 disability discrimination cases that were filed at the employment tribunal.^{xxxix}

Figure 2: Graph showing changes in disability discrimination claims, with a large drop between July 2013 and July 2017, due to tribunal fees

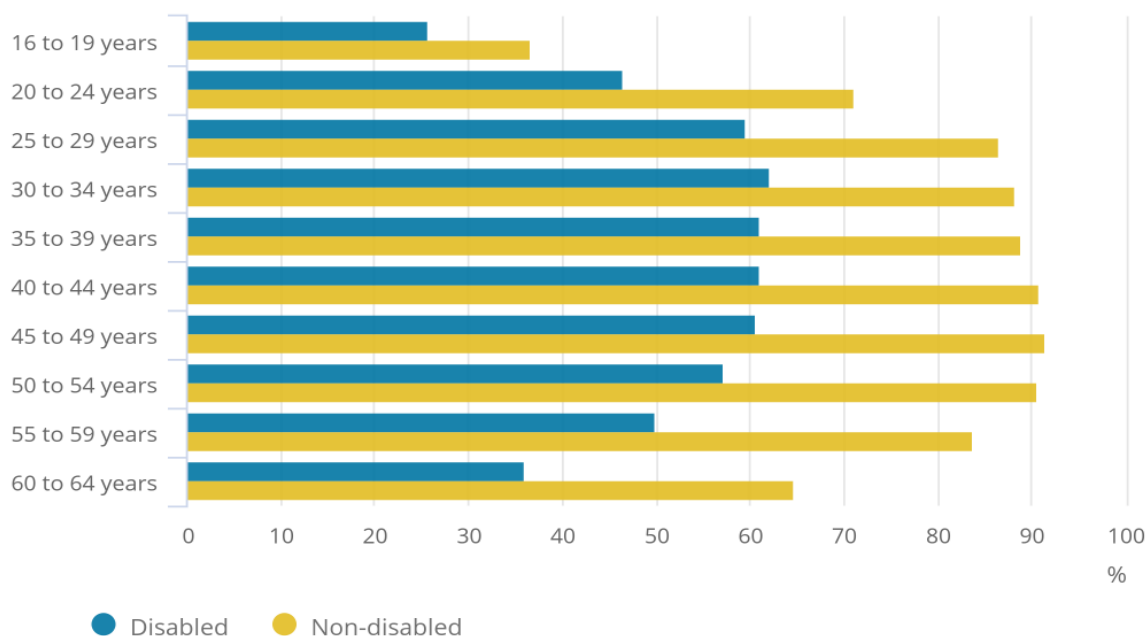


Source: Disability Rights UK (Tribunal Statistics Quarterly: July to September 2019)

A recent Labour Force Survey (LFS) published by the Office for National Statistics UK, affirmed that between 2013 and 2019, about half of persons with disability (53.2%) were employed. It is argued that an employment gap of about 31.7% difference exist between men with disability and non-disabled men, and 25.0% difference for women. Furthermore, 34.1% of people with disability will potentially end up working part-time, compared with 23.1% of people without disability due to the stereotype of employers.^{xl}

Figure 3: *The disability employment gap increases for older age groups, from 50 years and over*

Employment rate for disabled and non-disabled people aged 16 to 64 years, by age, UK, 2019

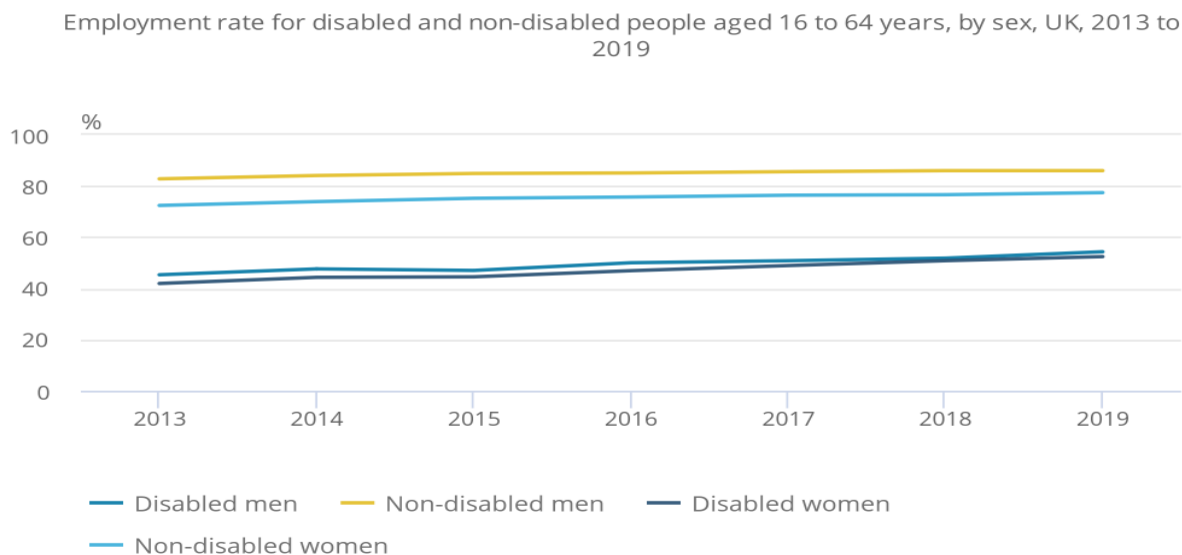


Source: *Office for National Statistics – Annual Population Survey*

It is argued that the gap between people with disability and those without disability have reduced from 34.2% in 2013 to 28.6% in 2019, which indicates a 9.8% employment rate increase in just over six years for people with disability and a 4.2% employment rate increase for people without disability.^{xli} The data by the Office for National Statistics UK indicates that the employment rate between England, Wales, Scotland and Northern Ireland are not

significantly different. The employment rate for people with disability in Northern Ireland in 2019 was 37.8%, England was 53.7%, Scotland was 46.9% and Wales was 48.6%.^{xlii}

Figure 4: *Employment rates for disabled men and women are similar, but the greatest gap in employment is between disabled and non-disabled men*



Source: *Office for National Statistics – Labour market A08 dataset, Labour Force Survey*

The data by the Office for National Statistics UK, reiterated in a Briefing Paper^{xliii} published by the House of Commons exacerbates the ordeal of people with disability especially those that are violated in the workplace. The UNGP is arguably a move that has been beneficial in creating awareness among companies and states on the need to uphold human rights but its effectiveness as an adequate tool to mitigate the violation and infringement of human rights, especially the rights of employees with disability leave much to be desired. A major reason why forced labour, sweatshops, prejudices against people with disability and several other human rights violations thrive among blue chip companies and big corporations is because states are complacent, unwilling or unable to sanction violators of these heinous crimes. Some states connive with these companies and indulge in these acts. However, the strengthening of UNGP and improved cooperation by states to mitigate human rights violations by businesses and states cannot be overemphasized.

CONCLUSION

In conclusion, the UNGP on business and human rights that was adopted by the UN Human Rights Council in 2011 for states and businesses to apply as a model to ensure that human rights are protected, respected and adequately remedied has not been sufficient to guarantee and uphold human rights globally. Both developed countries and developing countries have not been able to guarantee an adequate protection, respect and remedy for human rights violations. However, the UNGP has enabled states and businesses to take seriously the issue of human right violations in their institutions and organizations. Furthermore, notwithstanding that the adoption of UNGP led to unprecedented actions by some states and companies to protect and respect human rights, there remains a plethora of violations of human rights by states and companies, and the inability of the UN Human Rights Council to sanction and enforce compliance has led to these human rights activities especially against people with disability to persist unabated. There is therefore a dire need for a binding, hard law regime to sanction and enforce the UNGP globally.

BIBLIOGRAPHY

Books

- Beata Faracik, *Implementation of the UN Guiding Principles on Business and Human Rights* (European Union, 2017)
- European Commission, *A Renewed EU strategy 2011–14 for Corporate Social Responsibility* (EC, 25 October 2011)
- Haves Emily, *Disability in the UK: Rights and Policy Debate on 28 June 2018* (House of Lords Library, 2018)
- Ruggie Gerard John, *Just Business: Multinational Corporations and Human Rights* (first edn, W.W. Norton & Company 2013)
- Ruggie Gerard John and Sherman F. John, *The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights: A Reply to Jonathan Bonnitcha and Robert McCorguodale* (Oxford University Press, 2017)

- Sagafi-nejad Tagi, *The UN and Transnational Corporations: From Code of Conduct to Global Compact* (Indiana University Press, 2008)
- United Nations, *Employing Persons with Disabilities: Fears and Realities* (UNDPI/2486 Fact Sheet 2, 2007)

Journal Articles

- Duruigbo Emeka, 'Corporate Accountability and Liability for International Human Rights Abuses: Recent Changes and Recurring Challenges' (2008) *Northwestern Journal of International Human Rights*
- Hoessle Ulrike, 'Doing Business Right Five Years of United Nations Guiding Principles on Business and Human Rights' (2016) *ResearchGate*
- Hoessle Ulrike, 'The UN Guiding Principles on Business on Business and Human Rights Context, Content, Implementation and Prioritizing' (2013) *ResearchGate*
- Hussein Al Zeid Ra'ad, 'Ethical Pursuit of Prosperity' (2015) *23 Law Society Gazette*
- Ruggie Gerard John and Sherman F. John, 'The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights: A Reply to Jonathan Bonnitcha and Robert McCorguodale' (2017) *The European Journal of International Law*

Internet and Other Sources

- Advocates for International Development, 'The UN Guiding Principles on Business and Human Rights: A Guide for the Legal Profession' (A4ID, 1 July 2013) <<http://www.a4id.org/wp-content/uploads/2016/04/A4ID-Business-and-Human-Rights-Guide-2013-web.pdf>>
- Bangkok Post, 'The Disadvantaged: Repair Firm Finds Disabled Workers Good for Trade' (Bangkok, 19 August 2002)
- Bangkok Post, 'Work for Dignity' (Bangkok, 24 March 2002)
- BBC News, 'DWP says it is 'Shocked' by its own Disability Tribunal Record' (BBC Panorama, 9 March 2020) <<https://www.bbc.co.uk/news/business-51756783>>
- Disability Rights UK, 'Large Increase in Disability Employment Discrimination Cases' (London, 20 January 2020) <<https://www.disabilityrightsuk.org/news/2020/january/large-increase-disability-employment-discrimination-cases>>
- Financial Times, 'Still Afraid of the Wheelchair' (London, 2 April 2003)

- ISO and OECD, *Practical overview of the linkages between ISO 26000:2010, Guidance on social responsibility and OECD Guidelines for Multinational Enterprises (2011)* (Post Publication Organization, 6th February 2017) <http://iso26000.info/wp-content/uploads/2017/02/ISO-26000_and_OECD_Guidelines_MNE_PPO_v1.pdf>
- Ministry of Justice, ‘Tribunal Statistics Quarterly: July to September 2019’ (GOV.UK, 13 December 2019) <<https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-july-to-september-2019>>
- OECD, 2011 Update of the OECD Guidelines for Multinational Enterprises (OECD, 25 May 2011) <<https://www.oecd.org/daf/inv/mne/oecdguidelinesformultinationalenterprises.htm>>
- Powell Andrew, *People with Disabilities in Employment* (Briefing Paper, No. 7540, 2020)
- Putz Catherine, *Disability and Employment, UK: 2019* (Office for National Statistics, 2 December 2019) <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandemploymentuk/2019>>
- Suter Rhiannon, Susan Scott-Parker and Simon Zadek, ‘Realising Potential: Disability Confidence Builds Better Business’ (Employers’ Forum on Disability, 2007) <<https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.co.uk/&httpsredir=1&article=1465&context=gladnetcollect>>
- The Economist, ‘The Road from Principles to Practice: Today’s Challenges for Business in Respecting Human Rights’ (The Economist Intelligent Unit Limited, 16 March 2015) <<https://eiuperspectives.economist.com/strategy-leadership/road-principles-practice>>
- Tongwaranan Tanyatorn, ‘Employment quotas for the disabled don’t always work’ (Bangkok Post, 18 July 2016) <<https://www.bangkokpost.com/business/1038277/employment-quotas-for-the-disabled-dont-always-work>>
- UNDESA and DSPD, ‘Toolkit on Disability for Africa: The Right of Persons with Disabilities to Work’ (UNDESA, 10 February 2017) <<https://www.un.org/development/desa/disabilities/news/dspd/toolkit-on-disability-for-africa.html>>
- Zarocostas John, ‘Disabled Still Face Hurdles in Job Market’ (*The Washington Times*, 4 December 2005) <<https://www.washingtontimes.com/news/2005/dec/4/20051204-112759-1170r/>>

ENDNOTES

ⁱ John Gerard Ruggie, *Just Business: Multinational Corporations and Human Rights* (first edn, W.W. Norton & Company 2013) 9

ⁱⁱ Tagi Sagafi-nejad, *The UN and Transnational Corporations: From Code of Conduct to Global Compact* (Indiana University Press, 2008)

ⁱⁱⁱ John Gerard Ruggie, *Just Business: Multinational Corporations and Human Rights* (first edn, W.W. Norton & Company 2013) 13;

^{iv} John Gerard Ruggie and John F. Sherman, *The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights: A Reply to Jonathan Bonnitcha and Robert McCorquodale* (Oxford University Press, 2017) 921; John Gerard Ruggie and John F. Sherman, 'The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights: A Reply to Jonathan Bonnitcha and Robert McCorquodale' (2017) *The European Journal of International Law*

^v Zeid Ra'ad Al Hussein, 'Ethical Pursuit of Prosperity' (2015) 23 *Law Society Gazette* <

<https://www.lawgazette.co.uk/commentary-and-opinion/ethical-pursuit-of-prosperity/5047796.article>> accessed 10 March 2020; Rachel Davis, 'The UN Guiding Principles on Business and Human Rights and Conflict-Affected Areas: States Obligations and Business Responsibilities' (2012) *International Review of the Red Cross*

^{vi} For more information see < <https://www.business-humanrights.org/sites/default/files/documents/Comparative%20UN%20Global%20compact%20and%20UNGP.pdf>> accessed 10 March 2020; Emeka Duruigbo, 'Corporate Accountability and Liability for International Human Rights Abuses: Recent Changes and Recurring Challenges (2008) *Northwestern Journal of International Human Rights*

^{vii} Advocates for International Development, 'The UN Guiding Principles on Business and Human Rights: A Guide for the Legal Profession' (A4ID, 1 July 2013) 1 < <http://www.a4id.org/wp-content/uploads/2016/04/A4ID-Business-and-Human-Rights-Guide-2013-web.pdf>> accessed 10 March 2020

^{viii} OECD, 2011 Update of the OECD Guidelines for Multinational Enterprises (OECD, 25 May 2011) <<https://www.oecd.org/daf/inv/mne/oecdguidelinesformultinationalenterprises.htm>> accessed 10 March 2020; Ulrike Hoessle, 'Doing Business Right Five Years of United Nations Guiding Principles on Business and Human Rights' (2016) *ResearchGate*

^{ix} ISO and OECD, *Practical overview of the linkages between ISO 26000:2010, Guidance on social responsibility and OECD Guidelines for Multinational Enterprises (2011)* (Post Publication Organization, 6th February 2017) <http://iso26000.info/wp-content/uploads/2017/02/ISO-26000_and_OECD_Guidelines_MNE_PPO_v1.pdf> accessed 10th March 2020; Ulrike Hoessle, 'The UN Guiding Principles on Business and Human Rights Context, Content, Implementation and Prioritizing' (2013) *ResearchGate*

^x European Commission, *A Renewed EU strategy 2011–14 for Corporate Social Responsibility* (EC, 25 October 2011)

<[https://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com\(2011\)0681_/com_com\(2011\)0681_en.pdf](https://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com(2011)0681_/com_com(2011)0681_en.pdf)> accessed 11 March 2020

^{xi} Inter-American Court of Human Rights, 2015: para 224; The Ontario Superior Court of Justice mentioned the UNGPs *in dicta* in Ontario Superior Court of Justice, 2013; High Court of South Africa, 2015.

^{xii} (2016) BCSC 1856

^{xiii} Beata Faracik, *Implementation of the UN Guiding Principles on Business and Human Rights* (European Union, 2017) 27-31

^{xiv} The Economist, 'The Road from Principles to Practice: Today's Challenges for Business in Respecting Human Rights' (The Economist Intelligent Unit Limited, 16 March 2015) <

<https://eiuperspectives.economist.com/strategy-leadership/road-principles-practice>> accessed 12 March 2020

^{xv} UNDESA and DSPD, 'Toolkit on Disability for Africa: The Right of Persons with Disabilities to Work' (UNDESA, 10 February 2017) 3-4 <<https://www.un.org/development/desa/disabilities/news/dspd/toolkit-on-disability-for-africa.html>> accessed 20 March 2020

^{xvi} UN Convention on the Rights of Persons with Disabilities, art. 27

- ^{xvii} Universal Declaration of Human Rights, art. 23; and the International Covenant on Economic, Social and Cultural Rights, Art. 6
- ^{xviii} Constitution of the United Republic of Tanzania 1977, art 11
- ^{xix} Constitution of the Republic of Malawi 1994, art 13
- ^{xx} UNDESA and DSPD, 'Toolkit on Disability for Africa: The Right of Persons with Disabilities to Work' (UNDESA, 10 February 2017) 7 <<https://www.un.org/development/desa/disabilities/news/dspd/toolkit-on-disability-for-africa.html>> accessed 20 March 2020
- ^{xxi} John Zarocostas, 'Disabled Still Face Hurdles in Job Market' (*The Washington Times*, 4 December 2005) <<https://www.washingtontimes.com/news/2005/dec/4/20051204-112759-1170r/>> accessed 21 March 2020
- ^{xxii} United Nations, *Employing Persons with Disabilities: Fears and Realities* (UNDPI/2486 Fact Sheet 2, 2007) 5-6
- ^{xxiii} see the case of Araya v. Nevsun Resources Ltd (2016) BCSC 1856.
- ^{xxiv} BBC News, 'DWP says it is 'Shocked' by its own Disability Tribunal Record' (BBC Panorama, 9 March 2020) <<https://www.bbc.co.uk/news/business-51756783>> accessed 20 March 2020
- ^{xxv} *Ibid*
- ^{xxvi} Financial Times, 'Still Afraid of the Wheelchair' (London, 2 April 2003)
- ^{xxvii} *Ibid*
- ^{xxviii} Rhiannon Suter, Susan Scott-Parker and Simon Zadek, 'Realising Potential: Disability Confidence Builds Better Business' (Employers' Forum on Disability, 2007) 4 <<https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.co.uk/&httpsredir=1&article=1465&context=gladnetcollect>> accessed 21 March 2020
- ^{xxix} United Nations, *Employing Persons with Disabilities: Fears and Realities* (UNDPI/2486 Fact Sheet 2, 2007) 5
- ^{xxx} Emily Haves, *Disability in the UK: Rights and Policy Debate on 28 June 2018* (House of Lords Library, 2018) 1
- ^{xxxi} International Labour Organization Convention on Vocational Rehabilitation and Employment (Disabled Persons) No. 159, art. 1
- ^{xxxii} UN Convention on the Rights of Persons with Disabilities 2008.
- ^{xxxiii} Tanyatorn Tongwaranan, 'Employment quotas for the disabled don't always work' (Bangkok Post, 18 July 2016) <<https://www.bangkokpost.com/business/1038277/employment-quotas-for-the-disabled-dont-always-work>> accessed 21 March 2020
- ^{xxxiv} Section 33 of the Persons with Disabilities Quality of Life Promotion Act BE 2550, 2007.
- ^{xxxv} Bangkok Post, 'Work for Dignity' (Bangkok, 24 March 2002)
- ^{xxxvi} Bangkok Post, 'The Disadvantaged: Repair Firm Finds Disabled Workers Good for Trade' (Bangkok, 19 August 2002)
- ^{xxxvii} (2017) UKSC 51
- ^{xxxviii} Ministry of Justice, 'Tribunal Statistics Quarterly: July to September 2019' (GOV.UK, 13 December 2019) <<https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-july-to-september-2019>> accessed 22 March 2020
- ^{xxxix} Disability Rights UK, 'Large Increase in Disability Employment Discrimination Cases' (London, 20 January 2020) <<https://www.disabilityrightsuk.org/news/2020/january/large-increase-disability-employment-discrimination-cases>> accessed 22 March 2020
- ^{xl} Catherine Putz, *Disability and Employment, UK: 2019* (Office for National Statistics, 2 December 2019) 4 <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandemploymentuk/2019>> accessed 20 March 2020
- ^{xli} Catherine Putz, *Disability and Employment, UK: 2019* (Office for National Statistics, 2 December 2019) 5 <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandemploymentuk/2019>> accessed 20 March 2020
- ^{xlii} Catherine Putz, *Disability and Employment, UK: 2019* (Office for National Statistics, 2 December 2019) 5 <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandemploymentuk/2019>> accessed 20 March 2020

^{xliii} Andrew Powell, *People with Disabilities in Employment* (Briefing Paper, No. 7540, 2020) 3-12

