



Caritas Behindertenhilfe und Psychiatrie e. V. (CBP)

Submission

the UN Committee on the Rights of Persons with Disabilities

General discussion on the right of persons with disabilities to work and employment on March 22nd 2021

CRPD General discussion on Art.27

Berlin, March 15th 2021

Bundesverband Caritas Behindertenhilfe und Psychiatrie e.V.,
Reinhardtstr. 13, 10117 Berlin / Germany
Tel. 030-284447-822, Fax 030-284447-828
cbp@caritas.de – www.cbp.caritas.de

Preliminary

As German federal association of 1100 non-profit Caritas organisations for people with disabilities is Caritas Behindertenhilfe und Psychiatrie (CBP) responsible for assistance for over 200.000 persons with disabilities with the staff of 95.000 employees.

The Members of CBP operate sheltered workshops for people with intellectual or mental disabilities all over the country. The CBP with the headquarter in Berlin provides services to the members on legal issues as well as on vocational education and rehabilitation.

The CBP is involved in the legislation process at the federal level. CBP advocates for the participation of people with disabilities.

German sheltered workshops as specialized facilities for rehabilitation according to Article 26 UNCRPD

German sheltered workshops provide services to the people with disabilities. They are different to other workshops in European countries. They are not concerned on the industrial production.

The main aim of maintain sheltered workshops is the rehabilitation according to the Article 26. The German model of sheltered workshops is unique regarding the group of people with severe disabilities.

The people with severe disabilities are excluded from the labor market in Germany. All these people have the right to use the service in sheltered workshops to participate in working life and to participate in the rehabilitation process. These people with severe disabilities have no right to participation in working life in Germany, but they have right to rehabilitation in workshops.

The people with disabilities are free to choose the workshop and participate in the rehabilitation activities.

German sheltered workshops are highly specialized facilities of vocational education (27 month) and rehabilitation. The people with severe disabilities, who are not, not yet or again not able to work on the open (first) labour market. The rehabilitation concerns in the department of vocational education and department of work in workshops.

In another European countries, this group of people is usually looked after in day care centers or living facilities.

Considering these conceptional and legal aspects of German sheltered workshops it is very important to develop these services according to the wishes of people with disabilities for more participation in the labour market.

Article 26 UNCRPD is the legal reference for German sheltered workshops.

German sheltered workshops in the light of Article 27 UNCRPD

Article 27 UNCRPD concerns on the right of people with disabilities to participate on the first labor market.

The sheltered workshops in Germany do not belong the open labor market. Our members are social welfare facilities. They cooperate with enterprises on the first labor market.

German sheltered workshops provide the services as follows:

- vocational education
- structured daily works according to the individual competences
- medical rehabilitation and therapy
- individual support for individual development
- leisure activities
- support for the transition into the labour market

Considering all these services it is important to reflect the sheltered workshops as rehabilitation facilities.

The people in sheltered workshops are not employees. They have a legal “employee-like-status”, it means, they have all legal rights, but no duties of employees. They have no employment contracts, but contracts with sheltered workshops concerning vocational rehabilitation.

Conclusion:

With reference to all these legal regulations in the sheltered workshops the employment of people with severe disabilities can not be judged in the light of Article 27 UNCRPD. The legal basis for sheltered workshops is Article 26 UNCRPD.

Berlin, March 15th 2021

Caritas Behindertenhilfe und Psychiatrie e.V.

Janina Bessenich, General Manger

Mail: cbp@caritas.de