



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the Department for
Communities' Consultation on the Disability
and Work Strategy**

January 2026

Table of Contents

Summary of Advice and Recommendations	3
1.0 Introduction.....	4
2.0 Human Rights Framework.....	6
ECHR	6
CoE European Social Charter 1961	7
UN ICESCR	7
UN CEDAW	8
UN CERD	9
UN CRC	9
3.0 Windsor Framework Article 2.....	10
4.0 Intersectionality, Pay Disparity and Transparency.....	13
5.0 Supporting and Enabling Employers.....	14

Summary of Advice and Recommendations

The NI Human Rights Commission recommends:

- 2.18 that the Department for Communities sets out the full range of human rights obligations relating to the right to work within the Disability and Work Strategy. This will ensure that the Strategy is underpinned by the relevant human rights framework and interpreted according to its principles. This should include in respect of the rights of d/Deaf and disabled people.**
- 3.6 that a Windsor Framework Article 2 assessment should be undertaken at the earliest possible stage of implementation which should be published.**
- 4.4 that the Department of Communities ensures that measures designed to improve access to work are matched with actions to address inequality within work, including earnings and progression, and considers the relevance of enhanced pay transparency mechanisms to support achievement of the Strategy's aim.**
- 5.6 that the Department of Communities ensure that awareness of reasonable accommodation duties is embedded within employer-support measures, as outlined in Article 5 of the Employment Equality (Framework) Directive.**

1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (NIHRC), pursuant to section 69(1) of the Northern Ireland (NI) Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in NI. The NIHRC is also required, under section 78A(1) to monitor the implementation of Article 2(1) of the Windsor Framework.¹ In accordance with these functions, the following advice is submitted to the Department of Communities consultation on the Disability and Work Strategy.
- 1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and the United Nations (UN).
- 1.3 The NIHRC advises on the UK Government's commitment in Article 2 of the Windsor Framework to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. Section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Windsor Framework Article 2. The relevant EU measures in this context include the Employment Equality (Framework) Directive.²
- 1.4 The NIHRC welcomes the opportunity to respond to the Department of Communities' consultation on the Disability and Work Strategy (the Strategy). The NIHRC draws the Department for Communities'

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the EEAC, 24 January 2020 (UK-EU Withdrawal Agreement). All references to the Protocol in this document have been updated to reflect this change (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

² Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

attention to the fact that this Strategy is intended to “support and deliver upon Outcome 7 of the Disability Strategy: ‘Deaf and disabled people can access, sustain and progress within quality employment in an inclusive labour market’”.³ It is important to note that the Work and Disability Strategy consultation closes on 12 January 2026. The overarching Disability Strategy was issued on 9 December 2025, therefore there has been limited time in which to review the two strategies concurrently.

- 1.5 The Equality Commission for NI has published independent research identifying concerns about the loss of EU funding for employment and disability support.⁴ The research raised several issues with the UK Shared Prosperity Fund, which replaced the EU’s European Social Fund. The concerns identified include the removal of the social inclusion focus which acted as a bridge to divided communities and addressing rates of deprivation, unemployment and disability in NI.⁵ These concerns are relevant to the Disability and Work Strategy, as reduced and less targeted funding may impact delivery of programmes aimed to support disabled people to access employment.⁶
- 1.6 Additionally, the NIHRC reminds the Department for Communities of the importance of effective participation to policy and decision-making processes which affect the enjoyment of rights.⁷ Article 29 of the UN Convention on Persons with Disabilities (UN CRPD) requires States to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives”. This is relevant to all aspects of the strategy, but particularly to the establishment of a Disability and Work Council for NI.⁸ A fuller assessment of the right to effective participation in decision making, as well as other issues relevant to the Disability

³ Department for Communities, ‘Disability and Work: A Strategy for NI’ (DfC, 2025), at 12.

⁴ Eve Hepburn, Lewis Bloss and Hannah Jeffery, ‘Funding for Equality Groups in NI The Impact of the Transition from EU Funding to UK Shared Prosperity Fund (ECNI, 2025).

⁵ Eve Hepburn, Lewis Bloss and Hannah Jeffery, ‘Funding for Equality Groups in NI The Impact of the Transition from EU Funding to UK Shared Prosperity Fund (ECNI, 2025), at 15.

⁶ See also the NIHRC’s Green Paper consultation response, recommending that the additional funding made available to the NI Executive to be used towards employment support is ring-fenced for that purpose: NI Human Rights Commission, ‘Submission to the Department for work and Pensions - Consultation on Pathways to Work: Reforming Benefits and Support to Get Britain Working’ (NIHRC, 2023), at 42.

⁷ ENNHRI, ‘Human Rights-Based Approach’. Available at: [Human Rights-Based Approach - ENNHRI](#)

⁸ Department for Communities, ‘Disability and Work: A Strategy for NI’ (DfC, 2025), at 29.

and Work Strategy will be set out in the NIHRC's response to the Department for Communities' consultation on the Disability Strategy. The NIHRC encourages the Department to consider this response in the context of forthcoming advice on the wider strategy.

2.0 Human Rights Framework

- 2.1 The NIHRC welcomes the Disability and Work Strategy's consideration of the UN CRPD, namely, how the Disability and Work Strategy will support and reinforce Article 27 of UN CRPD on work and employment and its intersection with UN CRPD Article 5 (equality and non-discrimination), Article 8 (awareness raising) and Article 12 (equal recognition before the law).⁹ It is helpful to note that the UN CRPD Committee has advised on an expansive interpretation of Article 27 of the UN CRPD, including the minimum core obligations for contracted States, which will be useful to the Department for Communities when implementing the Strategy.¹⁰
- 2.2 Moreover, in the view of the NIHRC, better compliance with human rights standards will be ensured if the full array of work-related human rights standards were reflected within the Strategy. The relevant provisions are set out below.

ECHR

- 2.3 The UK-wide Human Rights Act 1998 incorporated the ECHR into domestic law. Section 6 of the 1998 Act makes it unlawful for a public authority, including schools and governing bodies,¹¹ to act in a way which is incompatible with the ECHR.
- 2.4 The ECHR does not contain an express right to work, however the European Court of Human Rights (ECtHR) has recognised that aspects of the right to work fall within the scope of several provisions, including under Article 8 on respect for private life and family,¹² and Article 14 of the ECHR on non-discrimination.¹³

⁹ Ibid, at 31.

¹⁰ CRPD/C/GC/8, 'UN CRPD Committee General Comment No 8: Rights of Persons with Disabilities to Work and Employment', 7 October 2022.

¹¹ Ministry of Justice, 'The Human Rights Act 1998: the Definition of "Public Authority - Government Response to the Joint Committee on Human Rights' Ninth Report of Session 2006-07' (MoJ, 2009), at 11.

¹² *Sidabras and Dziautas v Lithuania* (2004) ECHR 395, at paras 47-50.

¹³ *Glor v Switzerland* (2009) ECHR 2182, at para 71.

CoE European Social Charter 1961

2.5 The Council of Europe European Social Charter 1961 protects the right to work under Article 1, requiring that contracting parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. to protect effectively the right of the worker to earn his or her living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers; and
4. to provide or promote appropriate vocational guidance, training and rehabilitation.¹⁴

UN ICESCR

2.6 Article 6 of the UN International Covenant on Economic, Social and Cultural Rights (UN ICESCR) recognises the right to work “which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”.¹⁵

2.7 The UN ICESCR Committee has identified three interdependent and essential elements of the right to work; availability, accessibility and acceptability. Availability means States parties should have specialised services to assist and support individuals in order to enable them to identify and find available employment.¹⁶

2.8 Accessibility means States should “declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof”.¹⁷ The UN ICESCR Committee notes that physical accessibility is but one dimension of accessibility

¹⁴ Article 1, Council of Europe European Social Charter 1961.

¹⁵ Article 6, UN International Covenant on Economic, Social and Cultural Rights 1966

¹⁶ E/C.12/GC/18, ‘UN ICESCR Committee General Comment No 18: Right to Work’, 6 February 2006, at para 12.

¹⁷ Ibid.

to employment.¹⁸

2.9 Acceptability means there should be protection for the right to work. Namely the worker should have just and favourable conditions of work, in particular to safe working conditions, the right to form trade unions and the right freely to choose and accept work.¹⁹

2.10 In its concluding observations of the UK and NI, the UN ICESCR Committee noted its concern at the “relative high unemployment and underemployment rates among disadvantaged groups and in certain regions and the structural barriers that those groups face in access to the labour market and employment services”. The UN ICESCR Committee recommended that the State Party, along with the devolved government of NI, should:

strengthen efforts to address unemployment and underemployment among ... persons with disabilities ... by implementing targeted public sector employment schemes, enhancing vocational training and employment services, ensuring reasonable accommodation in recruitment and the workplace and developing private sector partnerships.²⁰

UN CEDAW

2.11 Article 11 of the UN Convention on the Elimination of Discrimination against Women (UN CEDAW) describes the right to work as “as an inalienable right of all human beings”.²¹

2.12 The UN CEDAW Committee has acknowledged that, in relation to women with disabilities, States should provide:

information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Report of the UK of Great Britain and NI’, 12 March 2025.

²¹ Article 11, UN Convention on the Elimination of Discrimination against Women 1979.

services and social security, and to ensure that they can participate in all areas of social and cultural life.²²

- 2.13 The UN CEDAW Committee has noted with concern the obstacles to employment faced by women belonging to marginalised groups in the UK and NI, including disabled women.²³ The UN CEDAW Committee has recommended that the UK Government and NI Executive:

adopt specific measures, including temporary special measures, to facilitate access for women belonging to marginalized groups, such as ... women with disabilities to the labour market in order to increase employment rates among those groups of women and reduce the concentration of such women in low-paying jobs.²⁴

UN CERD

- 2.14 Article 5(e)(i) of the UN Convention on the Elimination of all forms of Racial Discrimination (UN CERD) protects the “rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration”.²⁵

- 2.15 The UN CERD Committee has recommended that the UK Government and NI Executive adopt measures to effectively address “unemployment, occupational segregation and discriminatory practices with regard to recruitment, salaries, promotions and other conditions of employment”.²⁶

UN CRC

- 2.16 Article 32 of the UN Convention on the Rights of Children (UN CRC) provides protection from exploitation in work for children and young people, including by providing:

²² A/46/38, ‘UN CEDAW Committee General Recommendation No 18: Disabled Women’, 1991.

²³ CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 43(d).

²⁴ Ibid, at para 44(f).

²⁵ Article 5(e)(i), UN Convention on the Elimination of All Forms of Racial Discrimination 1965

²⁶ CERD/C/GBR/CO/24-26, ‘UN CERD Committee Concluding Observations on the Combined Twenty-Fourth to Twenty Sixth Periodic Reports of the UK of Great Britain and NI’, 24 September 2024, at para 38.

- (a) a minimum age or minimum ages for admission to employment; [and]
- (b) appropriate regulation of the hours and conditions of employment.²⁷

2.17 In relation to children and young people with disabilities, the UN CRC Committee has observed that States must “ensure that children with disabilities have effective access to and benefit from education, training, health care services, recovery services, preparation for employment and recreation opportunities”.²⁸

2.18 The NIHRC recommends that the Department for Communities sets out the full range of human rights obligations relating to the right to work within the Disability and Work Strategy. This will ensure that the Strategy is underpinned by the relevant human rights framework and interpreted according to its principles. This should include in respect of the rights of d/Deaf and disabled people.

3.0 Windsor Framework Article 2

- 3.1 Windsor Framework Article 2 requires the UK Government to ensure that there is no diminution of the rights, safeguards and equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998 as a result of the UK’s withdrawal from the EU. The rights listed in the 1998 Agreement include the “civil rights ... of everyone in the community” and in particular the right to “equal opportunity in all social and economic activity, regardless of ... disability”.
- 3.2 Articles 2 and 13 of the Windsor Framework require that NI law keeps pace with any improvements to minimum standards of equality protection enshrined in six EU Equality Directives listed in Annex 1 to the Windsor Framework, including the EU Employment Equality (Framework) Directive,²⁹ which protects against

²⁷ Article 32, UN Convention on the Rights of the Child 1989.

²⁸ CRC/C/GC/9, ‘UN CRC Committee General Comment No 9: Children with Disabilities’, 27 February 2007, at para 14(b).

²⁹ These are the Racial Equality Directive (Directive 2000/43/EC, ‘Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000); the Employment Equality (Framework) Directive (Directive 2000/78/EC, ‘Council Directive on Establishing a

discrimination on the grounds of disability in employment and vocational training.³⁰ For other EU obligations, the UK Government commitment is measured by the relevant EU standards as they were on 31 December 2020.³¹ Both the non-diminution obligation and the dynamic alignment (keep pace) obligation require adherence to relevant CJEU caselaw.³² For example independent research published by the NIHRC with the Equality Commission for NI and the Irish Human Rights and Equality Commission³³ has highlighted developments in CJEU caselaw of relevance to the EU Employment Equality (Framework) Directive, including the *Szpital Kliniczny* case on the concept of disability,³⁴ and that there must be close scrutiny of justifications for the exclusion of d/Deaf and disabled people from certain professional roles.³⁵

General Framework for Equal Treatment in Employment and Occupation', 27 November 2000); the Gender Goods and Services Directive (Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services', 13 December 2004); Gender Equality (Employment) Directive (Directive 2006/54/EC, 'Directive of European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006); the Self-Employment Equality Directive (Directive 2010/41/EU, 'Directive of the European Parliament and of the Council on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010); and the Equality in Social Security Directive (Directive 79/7/EEC, 'Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978).

³⁰ Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

³¹ UK Government, 'UK Government Commitment to No-diminution of Rights, Safeguards and Equality of Opportunity in Northern Ireland' (NIO, 2020), at para 13.

³² Article 13, Ireland/NI Protocol to the UK-EU Withdrawal Agreement 2020. See NI Human Rights Commission and Equality Commission for NI, 'Annual Report of the NI Human Rights Commission and the Equality Commission for NI on the Implementation of Article 2 of the Windsor Framework 2023-2024' (NIHRC and ECNI, 2024), at para 3.87-3.88. See also NI Human Rights Commission, 'Annual Statement 2025 – Human Rights in NI' (NIHRC 2025) at 116-124.

³³ Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, 'EU Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland' (ECNI, NIHRC and IHREC, 2022), at 69.

³⁴ The CJEU found that pursuant to Article 1 of the EU Employment Equality (Framework) Directive the definition of 'disability discrimination' should include discrimination between persons with disabilities. It also ruled under Article 2 of the EU Directive that any form of discrimination which is inextricably linked to a protected characteristic amounts to direct discrimination, rather than indirect discrimination. See *Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 27 January 2021.

³⁵ *TC and UB v Komisja Za Zashtita ot Diskriminatsia and VA ('Jurors')*, Case C-824/19, 21 October 2021; *XX v Tartu Vangla*, Case C-795/19, 15 July 2021.

- 3.3 In 2024, the EU adopted two Directives setting minimum standards for equality bodies, strengthening their role and independence to achieve more robust enforcement of equality protections under the relevant EU equality directives in Annex 1.³⁶ The UK Government has accepted³⁷ that these EU directives amend or replace provisions of the EU equality directives listed in Annex 1 of the Windsor Framework, including the EU Employment Equality (Framework) Directive.³⁸ Therefore NI law will have to be amended to keep pace with this change by the transposition deadline in June 2026. While the EU Charter of Fundamental Rights no longer applies directly in NI, it remains relevant insofar as it informed the CJEU case-law interpreting the Annex 1 Equality Directives prior to withdrawal, which forms part of the minimum standards protected under Article 2.³⁹
- 3.4 In 2023, the Court of Appeal in NI confirmed that since UN CRPD was a part of the EU legal order prior to UK withdrawal, the NI Assembly was prohibited from legislating contrary to the UN CRPD as EU law where matters fell within EU competence.⁴⁰ The UN CRPD is relevant to the interpretation of the Annex 1 Equality Directives and underpinning EU obligations for the rights, safeguards and equality of opportunity listed in the relevant parts of the Belfast (Good) Friday Agreement 1998.⁴¹ This judgment emphasises the importance of the Strategy aligning with the equality protections

³⁶ Directive 2024/1499/EU, 'EU Council Directive on Standards for Equality Bodies in the Field of Equal Treatment Between Persons Irrespective of their Racial or Ethnic Origin, Equal Treatment in Matters of Employment and Occupation Between Persons Irrespective of their Religion or Belief, Disability, Age or Sexual Orientation, Equal Treatment Between Women and Men in Matters of Social Security and in the Access to and Supply of Goods and Services, and Amending Directives 2000/43/EC and 2004/113/EC', 7 May 2024; Directive (EU) 2024/1500, 'EU Parliament and Council Directive on Standards for Equality Bodies in the Field of Equal Treatment and Equal Opportunities Between Women and Men in Matters of Employment and Occupation, and Amending Directives 2006/54/EC and 2010/41/EU', 14 May 2024.

³⁷ Letter from the Minister of State for NI, Steve Baker MP, to the Chair of the House of Lords Sub Committee on the Protocol on Ireland/Ni, 18 September 2023.

³⁸ More detail on the Commission's advice and recommendations is available in NI Human Rights Commission and Equality Commission for NI, 'Annual Report on the Implementation of Article 2 of the Windsor Framework 2023-2024' (NIHRC and ECNI, 2024). See also NI Human Rights Commission, 'Annual Statement 2025 – Human Rights in NI' (NIHRC 2025).

³⁹ *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 117, 120 and 126. See also *Secretary of State for Work and Pensions v AT* [2023] EW CA Civ 1307, at para 92; Tobias Lock et al, 'The Interaction Between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework' (NIHRC, 2024).

⁴⁰ *Society for the Protection of the Unborn Child Pro-Life Ltd v Secretary of State for NI* [2023] NICA 35, at paras 57 ("The UN CRPD is, we accept, one of the Treaties specified as an EU Treaty by virtue of the EC (Definition of Treaties) (UN Convention on the Rights of Persons with Disabilities) Order 2009") and 68 ("we think it correct as the NIHRC contended that section 6(2)(d) of the Northern Ireland Act 1998 only prohibited the Assembly from legislating contrary to the UNCRPD as EU law as regards matters within the competence of the EU").

⁴¹ Belfast (Good Friday) Agreement, 10 April 1998, at Part 6 on Rights, Safeguards and Equality of Opportunity – Human Rights.

arising from EU Annex 1 Equality Directives and the UN CRPD. As noted above, the UN CPRD guarantees disabled people's right to access the labour market, participate in vocational training and receive reasonable accommodation in work.⁴²

- 3.5 It is essential that in its development and implementation, the Strategy is grounded in the UK's binding legal obligation under Windsor Framework Article 2. In particular, the Department of Communities must ensure that the Strategy is informed from the outset by the non-diminution commitment, the "keep-pace" obligation, and the minimum standards arising from the Annex 1 Equality Directives, including the Employment Equality (Framework) Directive.⁴³
- 3.6 **The NIHRC recommends that a Windsor Framework Article 2 assessment should be undertaken at the earliest possible stage of implementation which should be published.**

4.0 Intersectionality, Pay Disparity and Transparency

- 4.1 In 2023, the EU Pay Transparency Directive came into force.⁴⁴ The Directive establishes binding obligations on employers to ensure pay transparency in employment, including prior to taking up employment. While this Directive responds to gender pay equality, disabled people may experience compound disadvantage in employment where disability intersects with sex. This highlights the importance of a proper consideration of intersectional discrimination within equality and non-discrimination frameworks as recognised in Article 3 of the Directive. Specifically, Article 5 requires employers to provide information on initial pay ranges to job applicants prior to

⁴² Article 27 of the UN CRPD protects against discrimination on the basis of disability with regard to matters concerning employment by recognising the right of persons with disabilities to work on an equal basis with others, including the right to the opportunity to be freely chosen or accepted in a labour market, access to vocational guidance training and ensuring reasonable accommodation is provided to person with disabilities in the workplace.

⁴³ Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

⁴⁴ Directive 2023/970/EU, 'EU Parliament and Council Directive to Strengthen the Application of the Principle of Equal Pay for Equal Work or Work of Equal Value Between Men and Women Through Pay Transparency and Enforcement Mechanisms', 10 May 2023.

employment,⁴⁵ allowing for flexibility related to timing and forms of disclosure. Transparency around pay ranges prior to employment may support earlier identification of pay disparities and reduce barriers to access and progression for disabled people. Although this Directive is gender-focused, it provides a relevant framework to understand how pay transparency can address inequality where discrimination is seen on an intersectional basis.

- 4.2 The NIHRC has advised that NI equality law must keep pace with changes made in the Pay Transparency Directive, further to the obligation to keep pace with relevant EU law developments under Windsor Framework Article 2. Therefore, the definition of discrimination must be amended to include intersectional discrimination by the transposition deadline.⁴⁶
- 4.3 The Strategy highlights how disabled people in NI continue to experience poorer outcomes in relation to earnings, occupation and job quality, and identifies the reduction of the disability pay gap as a sub-outcome.⁴⁷ Transparency throughout the employment cycle will support progression, strengthen accountability among employers and help ensure the Strategy's ambitions in relation to earnings and job quality are realised in practice.
- 4.4 **The NIHRC recommends that the Department of Communities ensures that measures designed to improve access to work are matched with actions to address inequality within work, including earnings and progression, and considers the relevance of enhanced pay transparency mechanisms to support achievement of the Strategy's aim.**

5.0 Supporting and Enabling Employers

- 5.1 Strengthening employer capacity to understand and apply equality duties is fundamental to improving job quality, earnings and

⁴⁵ Article 5, Directive 2023/970/EU, 'EU Parliament and Council Directive to Strengthen the Application of the Principle of Equal Pay for Equal Work or Work of Equal Value Between Men and Women Through Pay Transparency and Enforcement Mechanisms', 10 May 2023.

⁴⁶ Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive: The UK Government's Dynamic Alignment Obligations Relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024).

⁴⁷ Department for Communities, 'Disability and Work: A Strategy for NI' (DfC, 2025), at 44 and 85.

progression for disabled people. These barriers correlate with the significant disability employment gap in NI, where disabled people are more likely to earn less and report lower work quality than non-disabled peers.⁴⁸ Employers in NI are subject to binding equality obligations, including the duty to provide reasonable accommodation for disabled people in employment. As identified in the Strategy, gaps in employer awareness and confidence continue to undermine effective compliance with these obligations.⁴⁹

- 5.2 The Employment Equality (Framework) Directive protects against disability discrimination in employment and vocational training by establishing a general framework. Article 5 of the Directive requires reasonable accommodation for disabled persons to be provided, where needed, to allow for a person with disability to participate, advance or undergo training.⁵⁰ This duty forms part of the minimum equality standards protected under Windsor Framework Article 2.
- 5.3 Articles 2 and 13 of the Windsor Framework require that NI law keeps pace with any improvements to minimum standards of equality protection enshrined in the six Annex 1 equality directives, including the Employment Equality (Framework) Directive, in addition to compliance with current and future CJEU case-law.⁵¹
- 5.4 The UN CRPD Committee similarly highlighted that insufficient affirmative action and reasonable accommodation measures prevent disabled people from accessing employment on the open labour market and has recommended regular training for employers on reasonable accommodation alongside effective sanctions for non-compliance.⁵²
- 5.5 Embedding the awareness of equality duties and reasonable accommodation in employer-support measures will help safeguard the minimum standards protected under Windsor Framework Article

⁴⁸ Department for Communities, 'Disability within the Northern Ireland Labour Market' (DfC, 2023)

⁴⁹ Department for Communities, 'Disability and Work: A Strategy for NI' (DfC, 2025), at 77.

⁵⁰ Article 5, Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

⁵¹ Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000. See for example, *Szpital Kliniczny im. Dra J. Babinskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 26 January 2021 confirming broad scope of disability discrimination protection under Directive 2000/78/EC.

⁵² CRPD/C/GBR/CO/1, 'UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI', 3 October 2017.

2. Enhancing employers' understanding and confidence to meet these obligations will support compliance with the Employment Equality (Framework) Directive, reduce the risk of a diminution of rights in practice and promote the consistent implementation of disability equality protection across workplaces.

- 5.6 **The NIHRC recommends that the Department of Communities ensure that awareness of reasonable accommodation duties is embedded within employer-support measures, as outlined in Article 5 of the Employment Equality (Framework) Directive.**

Contact us

Please send any queries to Eilis.Haughey@nihrc.org
and Colin.Caughey@nihrc.org

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987
4th Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

