

Policy Paper on Compliance with a Minimum %5 Employment Quota for Persons with Disabilities



Democracy and Workers' Rights Center in Palestine

Introduction

The international community has demonstrated clear attention to persons with disabilities and their economic and social rights through declarations, conventions, and international instruments that have given global dimensions to the protection of their rights. Particular emphasis has been placed on ensuring decent work for persons with disabilities, leading to the adoption of various laws and regulations concerning this group. Article 5 of the United Nations Declaration on the Rights of Disabled Persons (1975) affirms that “the disabled person has the right to measures designed to enable him to become as self-reliant as possible.” Article 7 further stipulates that “a disabled person has the right to economic and social security and to a decent standard of living. He has the right, according to his capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation, and to join trade unions”.



Commitment to Employing Persons with Disabilities in International Law and National Legislation:

The United Nations Convention on the Rights of Persons with Disabilities included a various dispositions affirming the rights of persons with disabilities, particularly their right to work and access to employment, such as: Article 19 on living independently and being included in the community, article 20 on personal mobility, article 24 on education, article 27 on work and employment, and article 28 on an adequate standard of living and social protection².



As for Palestinian Law No. (4) of 1999 concerning the Rights of the Disabled, article (10), paragraphs (c + d), stipulates:

(c) The obligation for governmental and non-governmental institutions to employ a number of persons with disabilities that shall constitute not less than 5% of their total workforce, in proportion to the nature of work in those institutions, while making workplaces suitable for their use.

(d) Encouraging the employment of persons with disabilities in private institutions through deducting a percentage of their salaries from the income tax of those institutions.

Furthermore, Council of Ministers Decision No. (40) of 2004 on the Executive Regulation for Law No. (4) of 1999 concerning the Rights of the Disabled included detailed explanations of the law, most notably:

“1. All governmental and non-governmental institutions shall employ a number of persons with disabilities not less than 5% of their total workforce, in proportion to the nature of work in those institutions.

2. The Ministry of Labour and the relevant authorities shall provide fields of work for trained persons with disabilities and follow up and register persons with disabilities who have completed rehabilitation and training.

3. The Ministry of Labour shall develop vocational training programs aimed at qualifying persons with disabilities for work in accordance with their needs.

4. The Ministry of Social Affairs, in coordination with the local community, shall encourage employers and persons with disabilities to open employment opportunities for them in order to avoid fear of not knowing how to deal with a person with a disability, to avoid fear of ineffectiveness or slowness that may lead to decreased productivity, and to avoid fear of potential costs (sick leave, absence, accidents), all through awareness-raising for employers, persons with disabilities, and their families about the importance of employing persons with disabilities and reducing concerns regarding their employment.

5. Every company or institution that does not employ persons with disabilities in accordance with paragraph (c) of clause (4) of Article (10) of Law No. (4) of 1999 concerning the Rights of the Disabled shall pay the equivalent of the minimum wage of a person with a disability to a special fund for persons with disabilities established by a decision of the Minister of Social Affairs in the Ministry that shall be dedicated to providing assistance to unemployed persons with disabilities.”

A special decision was also issued by the Council of Ministers No. (146) of 2004 concerning the Employment of Persons with Disabilities in Ministries and Governmental Institutions. Article (1) of the decision on “Raising the percentage of employees with special needs” stipulates that ministries and governmental institutions shall comply with the provisions of article (10/4/c) of Law No. (4) of 1999 concerning the Rights of the Disabled and take the necessary measures to raise the percentage of employees with special needs to 5% of their total employees according to their needs”.

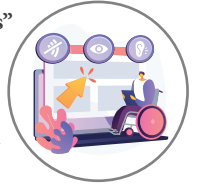
International Labour Organization (ILO) Conventions and the Employment of Persons with Disabilities:

ILO Convention No. (111) (1958) concerning Discrimination in Respect of Employment and Occupation addressed discrimination in employment and occupation stipulates the prohibition of discrimination on the basis of disability. As for Convention No. (159) (1983) concerning Vocational Rehabilitation and Employment (Disabled Persons), it stipulates that States are obligated to take measures to enable persons with disabilities to obtain decent work consistent with their capacities. Recommendation No. (168) of 1983 concerning Vocational Rehabilitation and Employment (Disabled Persons) calls for the provision of vocational training and support in work environments.



Level of Compliance with the Employment Quota of Persons with Disabilities in Palestine:

The Palestinian Authority worked to comply with a 5% employment quota for persons with disabilities “within new positions” following the Council of Ministers’ decision, a quota that aims at ensuring appropriate representation of persons with disabilities in the labor market and to facilitate their integration into society. This commitment is required by above-mentioned laws and regulations related to the protection of the rights of persons with disabilities, and concerns persons with disabilities, who have the appropriate qualifications and training to perform the available jobs. Despite legal provisions that extend the obligation to fulfil a 5% quota to other sectors, the implementation of this decision was limited to ministries and governmental institutions.



Since 2018, the Palestinian Authority has rationalized recruitment in the governmental sector due to the financial crisis it is experiencing, which also negatively affected the opportunities of persons with disabilities to obtain governmental jobs. The shortfall from the years preceding the decision was not compensated. Data from the General Personnel Council in its latest statistical reports indicates that the number of persons with disabilities appointed as employees or on contracts was 355 male and female employees in 2021. The number decreased to 95 male and female employees in 2022, while in 2023, it only concerned 46 male and female employees with disabilities. These numbers, although they constitute approximately (5%) of the total number of new employees hired during this period, do not compensate for the significant deficit in the percentage of persons with disabilities out of the total number of civil public sector employees, which amounts to 90,963 male and female employees, especially in light of the suspension or rationalization of recruitment. This means that the government needs many years in order to achieve a 5% employment quota for total number civil public sector employees, which should reach at least 4,548 male and female employees with disabilities.

As for the security sector, there is a real problem of lack of employment of persons with disabilities, despite the existence of a number of supporting security bodies such as: medical services, administration and organization, military finance, supply and equipment, noting that the number of employees in the security sector in Palestine reaches 53 thousand male and female employees, i.e., approximately 37% of the total number of public sector employees.

Likewise, there are no mechanisms to enforce the 5% employment quota in the private or non-governmental sectors, which limits the employment opportunities for persons with disabilities, especially considering that the private sector is the largest employer in Palestine. According to data from the Palestinian Central Bureau of Statistics, updated in 2025, approximately 65% of all wage employees in the West Bank work in the private sector, compared to approximately 28% working in the governmental sector, and approximately 7% working in Israel and Israeli settlements in 2024.

Level of Compliance with the Employment Quota of Persons with Disabilities in Palestine:

In light of aforementioned legisl dispositions and data, and in implementation of the legislation and the obligations of the State of Palestine, the policy paper recommends the following:



◆ Providing statistics on the overall percentage of persons with disabilities employed in the public service (civil service) in order to bridge the current gap in compliance with the employment quota for persons with disabilities, especially since the data of the General Personnel Council regarding compliance with the employment percentage stipulated by law only concerns the percentage of employment in each of the recent years, and not to the total percentage. In reality, much higher recruitment percentages are required to achieve the 5% quota in the civil service sector, particularly since more extensive recruitment took place at the beginning of the establishment of the Palestinian Authority, that is, before the Council of Ministers’s decision concerning the employment of persons with disabilities.

◆ Enforcing the legal provisions to achieve a minimum 5% employment quota for persons with disabilities as civil service employees in a cumulative manner in order to achieve the overall percentage, and not solely comply with the annual percentage.

◆ Integrating persons with disabilities into the security sector in Palestine, especially since its employees constitute approximately 37% of the total number of governmental employees (civil and military).

◆ Enforcing the legal provisions related to the employment of persons with disabilities in the private and non-governmental sectors. In the event that the private or non-governmental sectors refuse to employ the required percentage, a fine shall be imposed in the amount of the estimated wage of persons with disabilities in order to reach the 5% quota. These fines shall be transferred to a national fund dedicated to the economic empowerment of persons with disabilities

◆ Activating oversight tools to verify the enforcement of the legal provisions related to the employment of persons with disabilities.

◆ Providing an inclusive work environment for persons with disabilities, through possible reasonable accommodations, in order to enable them to participate in the labor sector.

References and Sources

- United Nations, Declaration on the Rights of Disabled Persons, 1975.
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- Ministers Decision No. (146) of 2004 concerning the Employment of the Disabled in Ministries and Governmental Institutions, Article (1).
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- Annual Statistical Report (2021-2023), General Personnel Council.
- Palestinian Central Bureau of Statistics, Press release on the Labour Force Situation in Palestine in 2024 on the Occasion of International Workers’ Day (1 May), 1/5/2025.

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