

## **IMPACT OF LEGAL AND POLICY FRAMEWORK GOVERNING ORGANIZATIONAL PRACTICES ON EMPLOYMENT OF SRI LANKANS WITH DISABILITIES**

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### **Abstract**

Employment plays a vital role in any economy. The employment rate of the persons with disabilities is significantly low when compared to non-disabled individuals. Disability is defined as the existence of physical and attitudinal barriers created by the society that hinder people with disabilities from fully participating in their day-to-day life according to the interactive model. Sri Lankans with disabilities have suffered high rates of unemployment due to organizational ill practices towards them while state's current legal context, and the administrative policies are playing a crucial role in the prolonged and substantial difference in employment rates between persons with disabilities and their non-disabled counterparts. Hence, this qualitative study which is purely based on desk review methodology explores the legal and policy barriers for employment of Sri Lankans with disabilities covering barriers affecting the organizational practices relating to the human resources practices and workplace accommodations. It is recommended that the laws and policies must be revised and reviewed with a thorough understanding of the inclusion of disabilities regarding employment of persons with disabilities and arranging reasonable accommodation for them.

*Keywords:* Employment, Legal and Policy Barriers, Organizational Practices, Sri Lankans with Disabilities

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## **1. Introduction**

Employment or livelihoods is vital for long term peace and economic growth for any kind of economy. Economically, on one hand, employment revives domestic demand for goods and services, provides income to poor families and stimulates overall growth and development. On the other hand, it also promotes social healing, encourages the return of displaced persons and improves social welfare in the long run, in social aspect. According to the statistics of International Labour Organization (ILO), the rate of women participation in the labour force stood at 47.4 percent in 2022 relative to 72.3 percent of men. The 24.9 percentage gap means that for every economically inactive man there are two such women where economically inactive population consisted of full-time students, disabled or infirmed persons, retired or old age persons, potential labour force and persons engaged in household duties.

The worldwide unemployment rate reached 6.5 percent which was 1.1 percent higher than the previous year by 2020. Worldwide unemployed population increased by 33 million reaching 220 million and another 81 million people left the labour market. In 2023, global unemployment is slated to rise slightly by around 3 million to 208 million largely due to tight labour supply in high income countries (ILO, 2023).

The employment rate of the persons with disabilities is significantly low when compared to non-disabled individuals where in developing countries the unemployment rate of the working aged persons with disabilities range between 80 to 90 percent. For instance, amongst 370 million persons with disabilities in Asia Pacific region, 238 million are in the working age and their unemployment rate stands between 80 to 90 percent (Perry, 2002). In Sri Lanka, a country situated in the same region, although disabled individuals have much more educational opportunities compared to that of the general population, their employment rate seems very low (Fonseka D & Sequeira Y, 2018). According to the Labour Force Survey, Sri Lanka in 2021, 50.1 percent of (8.6 million) working age population are in the economically inactive group comprising 26.7 percent of males and 73.3 percent of females.

But, in industrialized countries, the employment rate of the persons with disabilities is between the higher ranges of 50% and 70%. For instance, according to United Kingdom Labour Force Survey (LFS) 2019, more than half of disabled population (53.2%) was employed compared to 81.8 percent or otherwise just over four out of five non-disabled individuals (United Kingdom National Office for Statistics, 2021). In Sweden, persons with disabilities have a 65% rate of employment than persons without disabilities which is around 77% (Dag & Kullberg, 2010). However, the unemployment rate of persons with disabilities has been out of proportion to the general community despite governmental goals and mandates to ameliorate the problem (Strobel et al., 2006).

In current context, many civil society organizations and many public policies are based on the interactive model or social model where disability is defined as the existence of physical and attitudinal barriers created by the society, that hinder people with disabilities from fully participating in their day-today life (Giddens & Sutton, 2010). Hence, actions should be taken at the level of the individual and at the level of his or her environment.

Furthermore, legally it is emphasized the Right to employment as one's choice exempt of all sorts of discrimination made its first appearance as one of the rights guaranteed by the Universal Declaration of Human Rights (UDHR). Articles 1 and 2 of the UDHR guarantees human rights for all human beings without any discrimination based on race, cast, gender or any other grounds (Bitar, 2013). They have not acknowledged disability as a valid ground against any positive or negative discriminatory practices (Jayawardena, Protection of the rights of the persons with disabilities In Sri Lanka Need for new Legislation, 2015). In order to fill this lacuna, International Labour Organization (ILO) adopted the Discrimination (Employment and Occupation) Convention in 1958, to mitigate the discriminatory practices that take place in the working environment providing special protection or assistants might be required which would not be deemed as discrimination. However, the emergence of policies and practices that minimize discrimination for workers with disabilities developed at a slow pace for a period of half a century until the formation of United Nation's Convention on the Rights of the Persons with Disabilities (UNCRPD), which recognized full participation in the employment as a basic human right of the persons with disabilities (Jayawardena, Protection of the rights of the persons with disabilities In Sri Lanka Need for new Legislation, 2015).

In Sri Lanka, Article 12 of the Constitution, it is ensured that all citizens are entitled to equal protection and prohibits discrimination based on various criteria such as race, religion, sex, and language. The Protection of the Rights of Persons with Disabilities Act, No 28 of 1996, amended by Act, No 33 of 2003, governs the legislation concerning individuals with disabilities in Sri Lanka. This act defines the legal framework for disabilities in Sri Lanka. Section 37 of this act states 'person with disability' means any person who, as a result of, any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensure for himself, wholly or partly, the necessities of life.

This important legislation ensures that individuals with disabilities have three fundamental rights, which include the right to education, the right to employment, and the right to access public places, including educational institutions and other public buildings.

The establishment of the National Council for Persons with Disabilities (NCPD) is mandated by the legislation known as the Protection of the Rights of Persons with Disabilities Act. Section 23 of this act provides a clear delineation of the rights that are recognized and protected by law:

23 (1) 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 education institution.

(2) No person with a disability shall, on the ground of such disability, be subject to any liability, restriction, or condition with regard to access to, or use of, any building or place which any other member of the public has access to or is entitled to use, whether on the payment of any fee or not.

According to Section 23 and 25 of the legislation concerning disability rights, there were additional regulations introduced known as the Disabled Persons (Accessibility) Accessibility Regulations, No.1 of 2006, which were published in the Extraordinary

Gazette. Section 2(1) of these regulations specified a three-year timeframe for the provision of access facilities in public buildings, public places, and places where common services are offered. To comply with these regulations, the Ministry of Science and Technology launched the Sri Lankan Standards (SLS ISO TR 9527:2006) in March 2007. However, an amendment was made through another Extraordinary Gazette notification, No. 1619/24, dated 18/9/2009. This amendment repealed Section 2(1) and substituted it by extending the timeframe for access by an additional eight years from the date, the 2006 regulations came into effect.

The primary schemes that provide coverage for employees in the private sector are the Employees' Provident Fund Act No. 15 of 1958 and the Employees' Trust Fund Act No. 46 of 1980. Section 23(c) of these acts specifies that benefits are paid when an employee becomes permanently and totally unable to work. The Employees' Trust Fund Act No. 46 of 1980 includes similar provisions for employment termination, covering disablement resulting from injury or disease. Sections 24(1) and (2) of this act address cases of permanent and total incapacity for work, stating that the employee is no longer fit to work due to such disability. Neither scheme mentions alternative pathways or the possibility of transferring to other industries.

Additionally, there are two voluntary contributory schemes available: the Farmers' Pension and Society Security Benefits Scheme Act No. 12 of 1987 and the Fishermen's Pension and Social Security Benefit Scheme Act No. 23 of 1990. These schemes provide options for receiving either a lump sum or a monthly allowance in the event of disablement. Section 3(1)(b)(c) of these acts which outlines the provision of benefits and/or lump sum payments for permanent partial disablement and permanent total disablement. Another contributory-type social insurance for self-employed workers is governed by the Social Security Board Act No. 17 of 1996. This act provides benefits to individuals who become permanently disabled.

Moreover, the Workmen's Compensation Ordinance No. 19 of 1934, as amended, offers compensation for able-bodied men and women who sustain injuries during the course of their employment. Lastly, the Rana Viru Seva Authority Act No. 54 of 1999 establishes an Authority responsible for promoting the well-being of disabled members of the armed forces.

To ensure the employment rights of individuals with disabilities, Sri Lanka ratified the United Nations Convention on the Rights of Persons with Disabilities on February 8, 2016. This ratification marks an important milestone in aligning the country's legislation and provisions with the principles outlined in the Convention. However, the harsh realities of deprivation, poverty, and discrimination continue to affect individuals with disabilities. Various stakeholders' research has revealed that persons with disabilities in Sri Lanka face high unemployment rates due to discriminatory practices within organizations. Apart from personal and environmental factors that pose significant barriers to their employability, the existing legal framework and governmental policies also contribute to the persistently significant gap in employment rates between individuals with disabilities and those without disabilities.

Generally, the barriers in the labour market that persons with a disability are confronted with can be divided into two distinct categories. The first would be based

on subjective factors, such as own negative perception on his or her degree of disability, individual educational level, and own negative attitudes towards the work environment (Dag & Kullberg, 2010). The second category is made up of objective factors such as poorly adapted physical environment, employers' negative attitudes, lack of proper laws and mechanisms to prevent workplace discrimination.

The traditional narrative of legal barriers pertaining to employment which describes employment through the economic theory of law by Ronald Coase and Guido Calabresi assess how realistic players would react to a change in a particular law (Schwab, 2017). In a nutshell, this theory argued that a well-functioning market increases trade so that resources go where they are most valued, thereby increasing social welfare. However, on the other hand, certain market failures lay the platform to reduce market inefficiency which prevents resources from going to their most valued use.

The sociological approach to labor law provides much broader perspective about the rise and fall of employment rate of the persons with disabilities. Inter-alia, this approach recognizes employment as a root to fulfill not only economic needs, but also the social, cultural, and psychological needs of the people (Augustine, 2019). In other research carried out in India, it was revealed that the social factors such as the roles of coworkers, supervisors, organizational practices, and employee proactive behaviors are also influential towards the socialization of persons with disabilities and to ensure their positive organizational integration (Kulkarni M & Lengnick-Hall M, 2011).

Furthermore, human resource practices such as workplace responsiveness, proper workplace adjustments and flexible work schedules for persons with disabilities are recognized as contributory factors for increased levels of their positive workforce participation. To reach this end, it is essential that the laws and regulations of the country should be framed against discriminatory practices in workplace and insensitive employers who are willing to employ persons with disabilities. Also, government employment policies should be well-structured and integrated and developed through an inclusive approach towards persons with disabilities.

In this context, this research aimed to analyze the effects of the existing Sri Lankan legal framework and governmental policies for the existing level of employment in Sri Lankans with disabilities covering issues and barriers affecting the organizational practices relating to the human resources practices and workplace accommodation that could be solved through legal reforms.

### **Research problem**

It is well accepted that physical problems of the employees may create certain level of difficulties to both employers and employees in pursuing careers (Boerner and Wang 2010). However, in today's world, such barriers has begun to soften due to two significant factors. Firstly, employment is recognized as a fundamental human right of every individual (Shu-Wen 2008), which imposed positive duty on employers to favorably look at the skills of the persons with disabilities. Secondly, research carried on employment of the persons with disabilities suggested that this group of people is an underutilized and untapped human resource (Coghlan, 2014).

In Sri Lanka, the Protection of the Rights of the Persons with Disabilities Act, No. 28 of 1996 guarantee the basic right to employment for persons with disabilities. In addition, Sri Lankan government has issued an Administrative Circular number 27-88 of 1988 to ensure three per cent quarter from all government vacancies for the persons with disabilities. However, lack of proper mechanism to introduce new human resource practices and workplace accommodation into public sector institutions have defeated the objective of the circular. Further, researchers have suggested that provision of necessary equipments and implementation of sophisticated human resources practices may help public and private sector organizations to improve workplace accommodation for persons with disabilities and fulfill the organizational employment needs.

Moreover, certain employers harbor unhelpful attitudes, stereotypes, and misunderstandings regarding individuals with disabilities. These negative biases can have detrimental effects, leading to a loss of self-perception, self-worth, and overall satisfaction for individuals with disabilities. Consequently, these factors hinder their ability to secure suitable employment that provides a decent income.

Also, a scrutiny on the existing literature reveals that they cover a significantly wide variety of aspects of disability, yet it is impossible to deny that the legal framework of Sri Lanka on employment of the persons with disabilities has not been subjected to extensive research.

Therefore, this research expects to answer the problem: whether the existing legal and policy framework governing workplace accommodation and human resource management practices create serious impact on employment opportunities of persons with disabilities in Sri Lanka.

### **Objectives of the study**

The main objective of this research is to explore legal and policy constraints that stand against the protection of the right to employment for the persons with disabilities in Sri Lanka and provide necessary recommendations to overcome those challenges by reviewing the existing Sri Lankan laws, regulations and policies directly and indirectly applicable for the employment, workplace accommodation and human resource practices in Sri Lanka.

This primary objective will be supported by the following secondary objectives:

1. To critically review the existing Sri Lankan laws, regulations, policies applicable to facilitate human resource management practices with disabilities.
2. To investigate the legal barriers affecting human resource practices in workplace accommodation.
3. To recommend the legislative, regulatory, and policy changes that need to be incorporated to improve workplace accommodation and satisfaction of disabled employees.

### **Significance of the study**

The right to employment is one of the basic human rights bestowed to every human being on this planet to live a cherished and dignified life. Persons with disabilities

whose rights are being violated in general due to the inability of society to provide them the necessary accessibility, should also be provided with this right rather than letting them being disgruntled in the society. Therefore, this study would be significant since it digresses its focus on the unique legal barriers that the persons with disabilities come across in Sri Lanka when obtaining and maintaining employment.

Furthermore, the results of this study may provide intuition and promote awareness of the visually impaired population, highlighting the challenges they encounter with regard to their employment opportunities at different stages of recruitment.

In fact, the employers, policy makers and the general public as well as the international agencies in the caliber of the International Labour Organization, the Committee on the Rights of Persons with Disabilities, international nongovernmental organizations etc. would also gain a better understanding of the subject matter and the risk factors associated with low employment rates of the persons with disabilities which would grant them a clear basis to propose and develop means and ways of extending support to the government agencies, corporate sector and the disabled persons' organizations to establish mechanisms to meet the global standards of accessibility and the universal design.

In addition, law and policy makers would also be able to keep abreast with the international standards of accessibility and the universal design in making amendments to the existing rules and regulations regarding employment in both private and public sectors. The results would provide knowledge to counselors and the educators to educate employers on how to improve retention of individuals who are disabled, thereby, improving the level of productivity within the organization.

## **2. Literature Review**

It is undeniable that there exists a significant link between individuals with disabilities and employment. However, when considering various medical, physical, psychological, social, and cultural aspects across different countries, it is evident that research focusing on the employment potential and the concept of reasonable accommodation in the workplace is limited and requires further exploration.

While researchers and academia may have overlooked the intersection of disability and employment, public policy has played a crucial role in bringing attention to this issue. The Employment Opportunities for Vulnerable Groups, Disabled Persons, and those in Underdeveloped countries are acknowledged by (National Human Resources and Employment Policy, 2012) policy document that approximately seven percent of the population comprises individuals with disabilities. Pilot surveys conducted on persons with disabilities reveal that their income levels tend to be relatively low. In 1988, the Ministry of Public Administration issued a Circular on Employment of Persons with Disabilities, which reserved 3 percent of job opportunities in the government sector for them. In 2004, this quota was extended to the private and semi-governmental sectors, although there is still a need to raise awareness. Opportunities for vocational training and skills development remain limited for these groups.

The existing facilities fall short of meeting the necessary standards to fulfill the current demands of the mainstream labor market for productive employment. Despite the increased participation of disabled children in schools and the growing number of disabled individuals seeking vocational training, there is a lack of mechanisms to effectively integrate them into the labor market. This situation places an additional burden and frustration on persons with disabilities who aspire to be self-reliant. Factors such as insufficient entry qualifications, transportation challenges, and inadequate disabled-friendly work environments play a significant role in discouraging individuals with disabilities from participating in the workforce and pursuing vocational training.

While this matter may not receive adequate attention in development forums and public discussions, the document in question has recognized the importance of incorporating individuals with disabilities into the labor force. They are currently categorized as economically inactive in the Sri Lankan economy, creating a policy barrier that hinders their engagement in employment.

**Table 1: Reasons for being economically inactive by gender-2021**

Reason	Total	Gender	
		Male	Female
All Economically Inactive	100.0	100.0	100.0
Engaged in studies	23.3	40.6	17.0
Engaged in housework	44.4	3.4	59.4
Retired/Old age	21.4	34.5	16.6
Physically illness/Disabled	7.9	15.2	5.2
Other	3.0	6.3	1.9

*Source:* Labour Force Survey, Annual Report-2021

According to aforementioned table, it is crystal clear that there are some portion of disabled persons who can be employed out of 7.9 percent of disabled persons in 2021 where males with disabilities is higher recording 15.2 percent. Mere consideration of those into economically inactive population is kind of policy barrier violating the right of employment of those people which is provided by legal framework. Effective inclusion of differently abled economic agents into a kind of national labour force deeply observes this concept in an economic standpoint (Weerasingha, 2019).

Furthermore, as highlighted in the national policy on disability in 2003, disabled individuals face various additional barriers in their integration into mainstream society. These barriers include limited environmental and transportation accessibility, communication challenges, cultural factors, lack of assistive devices, and societal and familial expectations. The accessibility of workplaces and public transport stands out as major obstacles for disabled persons. For example, physical barriers like steps make it difficult to provide wheelchair access into workplaces. Similarly, limited alternative boarding facilities make it challenging for individuals with disabilities to utilize public transportation services such as buses and trains. Visually impaired individuals encounter difficulties accessing documents in many workplaces, creating significant information and communication barriers. In addition,

the lack of affordable assistive devices in the local market contributes to the complexity of addressing these issues effectively.

Negative attitudes and stigmatization within workplaces largely discourage the participation of disabled individuals in the labor force. Employers often perceive employing disabled persons as incurring additional costs. To address this, the government could consider providing tax concessions for importing assistive devices and relevant technological equipment. Additionally, research and development efforts should be enhanced to produce compatible assistive devices that meet the specific requirements of the local labor market and disabled individuals. Developing digital infrastructure would promote digital labor supply and facilitate online work opportunities for individuals with mobility limitations. Improving information accessibility can be achieved by converting public documents into accessible formats such as electronic and audio. Financial assistance could be offered to employers for making necessary workplace adjustments to accommodate disabled employees. Establishing a new employment center for disabled individuals through public-private partnership could also be considered, taking inspiration from successful models like Malaysia's "stepping-stone" program under Asia Community Service. Conducting national-level awareness campaigns and incorporating disability studies into educational curricula, which are effective means to improve societal awareness. Public Administration Circular No.27/1988 already allocates 3 percent of job opportunities for disabled individuals with the required qualifications in the public or corporate sectors. This existing quota for public sector employment could be further rationalized and expanded to include the private sector.

Shay (2019) highlights the importance of the assistive technology (AT) environment, an area that is often poorly understood by disability-employment practitioners. Individuals with severe disabilities heavily rely on assistive devices to achieve competitive integrated job outcomes. The AT service delivery (ATSD) method is well-suited to support the employment process. The author suggests that translating this knowledge into practical information can enhance practitioners' and stakeholders' understanding of these programs, leading to improved job opportunities that are effective and fulfilling for people with disabilities. The book extensively discusses the accommodation system model, which proves beneficial in managing tasks at home, work, and other interactive environments for individuals with disabilities. However, an important aspect overlooked in the literature is the specific challenges faced by disabled individuals in Sri Lanka concerning the access and utilization of assistive technology (AT) within the existing legal and policy framework. This calls for further research and exploration to enhance employment opportunities and overall quality of life for disabled individuals in the country.

The research paper titled "The Right to Employment for People with Disabilities, A Study on Jordan" (Bitar, 2013) aimed to investigate the difficulties faced by people with disabilities in Jordan when seeking employment. The author concludes that, in addition to a lack of knowledge, there are various other significant factors contributing to the low employment rates among individuals with disabilities. According to the author, the successful implementation of plans to enhance human rights depends on collaboration between governmental and non-governmental institutions and bodies. The study emphasizes that the effectiveness of laws and

regulations in improving employment opportunities for individuals with disabilities is not solely determined by their quantity, but rather by their actual implementation. The author suggests that an ideal program should begin with raising awareness and then focus on accessibility and facilitated transport. Furthermore, the study highlights the importance of internal pressure groups and a unified voice from the entire community of individuals with disabilities to address the employment gap between disabled and non-disabled individuals in developing countries. However, the existing literature lacks a comprehensive examination of the specific barriers and challenges faced by individuals with disabilities in Sri Lanka when accessing employment opportunities within the legal and policy framework. This calls for further research to identify and overcome these obstacles, promoting inclusivity, and protecting the rights of disabled individuals in the workforce.

In their article "Employment Legal Framework for Persons with Disabilities in China: Effectiveness and Reasons" (Hao & Li, 2020), Yuling Hao and Peng Li investigated the factors contributing to the limited success of anti-discrimination legal provisions and employment quota systems in increasing employment rates for individuals with disabilities in China. The study reveals that the absence of clear definitions of disability and discrimination, as well as ineffective enforcement mechanisms, are the primary reasons for the underperformance of the anti-discrimination legal framework. Similarly, conflicts between mainstream labor market laws and quota scheme laws have led employers to choose paying penalties instead of hiring persons with disabilities, mirroring the situation in Sri Lanka. However, there is a critical research gap that needs to be addressed regarding the specific contextual factors within Sri Lanka that hinders the effectiveness of anti-discrimination legal provisions and employment quota systems in promoting employment for individuals with disabilities. Further investigation is necessary to identify and overcome these barriers and foster inclusive employment practices.

Approaching disability and employment from another perspective, Kulkarni and Valk (Kulkarni & Valk, 2010) shed light on the human resources practices adopted by conglomerates. Their findings indicate that employees often desire additional support but hesitate to request it, while employers refrain from offering assistance to avoid drawing attention to disabilities and potential stigmatization. The study highlights the significance of strengthening human resources policies in many countries. Nevertheless, an important gap in the literature is the specific exploration of the impact of legal and policy frameworks on the human resources practices of organizations in Sri Lanka, particularly regarding the provision of additional support for employees with disabilities. Further research is needed to understand the role of organizational policies in promoting inclusive employment practices.

In their qualitative analysis conducted in the United States, Schur, Kruse, and Blanck (Schur, Kruse & Blanck, 2005) explored the discriminatory practices faced by employees with disabilities, particularly focusing on the influence of corporate culture. The research emphasized that in order to significantly improve the employment prospects of people with disabilities, attention must be given to how corporate culture creates or reinforces barriers and how these obstacles could be addressed. The removal of architectural and attitudinal barriers is highlighted as not only beneficial for individuals with disabilities but also for other employees and the

overall organization. However, there is a notable gap in the literature regarding the specific challenges posed by corporate culture in Sri Lanka and its impact on employment opportunities for individuals with disabilities. Further research is needed to understand how cultural factors influence organizational practices and hinder the inclusion of people with disabilities in the workforce.

In their article titled "Disabilities, Discrimination, and Reasonable Accommodation" (Karlan & Rutherglen, 1996), Pamela S. Karlan and George Rutherglen analyze the empowerment of disabled people through employment in the United States, with a focus on reasonable accommodation under the American Disability Act. The authors also considered the responsibilities of employers in their detailed analysis. However, there is a significant gap in the literature concerning the examination of the specific responsibilities and obligations of employers in Sri Lanka within the legal and policy framework regarding reasonable accommodations for individuals with disabilities. Further research is necessary to address this aspect and enhance employment opportunities.

The economic impact of employing individuals with disabilities was examined by Lalive, Wuellrich, and Zweimuller (Lalive, Wuellrich & Zweimuller, 2013). Their quantitative findings indicated that financial incentives do affect firms' demand for disabled workers, thus highlighting the potential of quotas to promote employment of individuals with disabilities. However, there is a significant gap in the literature regarding the specific economic impact of employing persons with disabilities in the Sri Lankan context. Further research is needed to understand the financial incentives and potential barriers that influence the corporate sector's demand for disabled workers in the country.

In a quantitative analysis by Barnay et al. (Barnay et al , 2015) titled "The Impact of a Disability on Labour Market Status: A Comparison of the Public and Private Sectors," the authors investigated how disabilities are treated in both sectors, examining indicators such as retirement age. They found that disabilities have a significantly negative effect on private employment but no significant impact on public employment. Additionally, in an article focusing on the "Right to Employment of Persons with Disabilities," the need for a barrier-free environment and preventive and promotional rehabilitation measures is emphasized. However, there is a notable gap in the literature regarding the specific barriers and challenges faced by individuals with disabilities in Sri Lanka, such as the age of retirement, the effectiveness of creating a barrier-free environment, and the implementation of preventive and promotional rehabilitation measures. Further research is necessary to address these aspects within the legal and policy framework.

Only government establishments are required to reserve vacancies. There is an exemption clause that permits the government to exempt organizations from the scope of the non-discrimination and reservation policies even inside the government sector. The right against disability-based discrimination at work has drawn a lot of criticism because, in addition to only applying to government institutions, it expressly forbids discrimination only in situations where disabilities were acquired while the employee was on duty and the specific types of discrimination that were covered. As a result, the Act does not provide a right against any type of discrimination based on a person's disability. Additionally, persons who are disabled at the time of their

appointment are not protected against discrimination in the workplace or with regard to their employment circumstances.

### **3. Research Methodology**

Most social research is based on one of two paradigms: positivism or interpretivism (Kumar, 2014). The interpretivist paradigm, which recognizes that there are numerous, equally legitimate interpretations of reality that vary with time and context, serves as the foundation for this study (Biggam, 2015). However, interpretive researchers can guarantee an elevated level of validity in their research findings by adopting qualitative research methods. Moreover, interpretivist research techniques enable the researcher to explore in-depth about the meanings and interpretations that people attach to their environment. As this research involves people with disabilities about whom a lot of studies have not sufficiently focused, the interpretative paradigm would enable the researcher to have an in-depth analysis of the subject matter. Secondly, this research paradigm would be void of drawbacks of the latter in which the researcher could come up with significant findings about this unearthed area of research.

The study's selected methodology is a qualitative design based on desk review methodology which includes scanning the literature, analyzing secondary data and creating a reference list along with the use of the secondary data as in the forms of research articles, annual reports, annual surveys, and websites so on. Qualitative research collects non-numerical data that explores human behavior, attitudes, beliefs, and personality characteristics unamendable to quantitative research (Hollis Haotian Chai, 2021). When there is little information available and the researcher intends to have the liberty to explore other topics of study in the future, exploratory research which is often qualitative is most appropriate (Waller, 2005) (Cooper and Schindler, 2006).

This study employed a mix research methodology to explore multiple barriers experience by persons with disabilities in three different faces of employment. Doctor Rosalyn Cameron, Fellow of the Australian Human Resources Institute defines 'mixed research method' as "design with philosophical assumptions as well as methods of inquiry." As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in a single study or series of studies. Hence, the study hypothesizes that the existing workplace accommodation arrangements and the human resource practices negatively affect the workforce participation of persons with disabilities in Sri Lanka.

### **4. Discussion**

Sri Lanka categorizes disabilities into five "difficulties"; seeing, hearing, walking, cognition, self-care, and communication. Walking is the most common difficulty among disabled people. Persons with disabilities are a group of people who must obtain the attention of the overall society with great legislative enactments towards the rights and the future of disabled people but unfortunately, they have become a marginalized group of people within the society due to several reasons within Sri

Lanka. This analysis contains the existing legal and policy parameters and enactments with reference to the people with disabilities in their employment.

As the profound legislation of the Democratic Socialist Republic of Sri Lanka the constitution (Lanka D. S., 1978) contains the right to equality in Article 12. Describing in detail, it prevents from anyone being discriminated from race, religion, language, cast, sex, political opinion, place of birth or any other such ground but the disability has not been mentioned specifically in this Article as a ground for discrimination. However, as a positive response, Article 12(4) provides that women, disabled persons, and children can be treated under special provisions by legislating laws and regulations. Although the ground of disability has not been included in Article 12(2), Article 12(4) has provided a broader idea of preserving the rights of the disabled persons in all aspects.

In economic policies in Sri Lanka, it is stated that disabled or infirmed persons cannot be part of labour force, depriving and discriminating them from their counter parts. considering them as economically inactive labour population in the country. Indirectly, they can contribute to the economy engaging in various types of work generating income to the economy which will enhance the social, economic and personal benefits in the fields of increasing public revenue and gross domestic product, reducing the unemployment rate, reducing the government expenditures on social protection networks and so on. In compliance with the legal framework in the country, economic policies should be re-established in the way that persons with disabilities can contribute and do work in the job market without any discrimination and with all accommodations and disabled-friendly human resource practices as provided by certain laws, government circulars and policies.

Also, Protection of the Rights of Persons with Disabilities Act (1996) cooperating with National policy on disability in 2003 which threw out an effective policy makeover for ensuring the rights of disabled persons within Sri Lanka (Lanka S. ). The Ministry of Social Services, presented a national Action plan in 2003 contributed in order to launch a better way to implement the above rights. These rights can be further studied in National Human Rights Action Plans of 2011-2015 and 2016-2020 (Perera, 2020).

As mentioned above, drawing the attention to Article 12(4) of the Constitution, government passed circular No. 3 of 1988, with the purpose of granting employments for the disabled but qualified persons specifically 3% of vacancies in public services and public companies were allocated for them. This was further expanded to the private and semi-governmental services too in 2004.

Other than this, Social Security Board Act (1996), national health policy (1996), and Ranaviruseva Act (1999) also contained supportive content towards the wellbeing of disabled persons (Campbell, 2013). In 1997 the government placed a decision to provide opportunity to study in ordinary classrooms for the disable children as well. Since the education directly affects for the employment, this government decision also connects with research problem. But since there was mismanagement in finding exact groups of disable persons who need extra care and advantages within the schemes and policies above mentioned, it was found difficult. As a solution to these issues Protection of The Rights of Persons with Disabilities Act No 28 of 1996 was enacted.

As a result of the contribution of the council, a National Policy on Disability was implemented. This was corresponding with the global developments. Accessibility for disable community, developed technological devices, barrier free atmosphere, active participation in private and public sectors, activating non-governmental organizations to protect rights of the vulnerable disable people in every aspect inclusive of their employments were some policies in it. In 2006, public places and public buildings were decided to be made as accessible to the whole community of disables by the government (Jayawardena D. , 2015) but this was also not successful as it can be clearly seen that most of the buildings and public places do not give easy access to the disabled community even at this moment.

The other influential factors that can be considered as deficient in the nature of disability friendly employing atmosphere are the difficulty of transportation and lack of qualifications as they are not entitled for a similar training as ordinary people that also affect to the workplace environment of the disabilities. Due to this negative frame of mind, disabled people are reluctant to employ themselves and employers' attitude is that they have to bear extra expenditures to facilitate them and they are unenthusiastic towards recruiting disabled people as their employees because of the above. This must be turned back and efforts must made to make the disabled people and their families comfortable in workplaces by implementing better human resource management practices while not making them feel vulnerable and by providing a friendly and warm workplace environment (Zulmi, 2021). Most importantly disabled community becomes unsafe in the topic of accessibility to the workplace. For an instance, the people on wheelchairs are very rarely facilitated to enter into buildings since most of the workplaces do not provide wheelchair friendly paths other than steps. The transportation has become the other major barrier as the public transport such as buses and trains do not contain adequate boarding facilities with disability friendly system unlike the other developed countries. Also, most of the working environments do not perform an alternative way for disabled people such as visually impaired to read over necessary documents in their work places. Technologically developed devices have been introduced to the foreign market but Sri Lanka does not perform well in those areas yet. These barriers are very strong and there should be solutions to such barriers via implementing proper laws and regulations in the country which can be practically enforced.

Other than the above analyzed legal enactments, Sri Lanka has taken steps to encourage self-employment assistance (Mendis, 2003), providing Rs.25, 000 for promoting the self-employment practices within the disabled community. In addition to that, the government has drawn their attention to the private sector which allows the people with disabilities for employment and appraising them on their good work. Legal and policy barriers for human resources management practices and workplace accommodation for the disabled people were further raised up in the period of Covid-19 pandemic. Curfew was imposed often and even though curfew was lifted the government did not allow functioning of the businesses in the usual manner. Transportation was also difficult for disabled people who were suffering from low income due to low business hours. The government made a scheme to register a payment of Rs.5000 for the people with lower income and people with disabilities who also had the opportunity to register for this scheme but there was no difference

since the disability income payment was also the same as above and the registering process was also very frustrating due to inconveniences that occurred in public administration and transportation issues.

### **Limitations of the study**

This study would be curtailed to the context of Sri Lankan laws and policies governing the area of employment and labour force participation. Therefore, some of the internal circulars which are highly confidential in nature and the institutional practices and the organizational policies of the private conglomerates which would affect this area of research were not evaluated due to the inadequate information and the corresponding that lacked.

### **5. Conclusion**

According to the above analysis, disabled or infirmed persons have been disregarded as one of the economically inactive categories in Sri Lanka even though there are many legal enactments. They have become unnoticed due to various reasons. The Constitution of the country also provides the right to equality but the disabled people have not been mentioned in the grounds of non-discrimination unfortunately. So, the legal barriers and policy barriers are very common in the context of Sri Lanka, making the disabled community insecure in workplaces. Human resource management practices are also not implemented effectively towards the benefit of disabled people as per the data compiled above. This critical analysis shows the necessity of Sri Lanka to implement new laws and economic policies or review existing laws or economic policies of the country relating to disabled community to make them worth and bring an outstanding output from their capabilities.

### **6. Recommendations**

According to the opinion of the author, the laws and policies must be revised and reviewed with a thorough understanding of the inclusion of people with disabilities regarding their employments and arranging reasonable accommodations for them. Starting from the governmental economic policy planning which is in conflict with the rights of disabled persons, the consideration of disabled ones or infirmed ones as economically inactive population in Sri Lankan economy that have the ability to work should be relaxed. Effective existing laws must be enforced and implemented with a strong mechanism of reviewing the complaints. The employment quota for the disabled people must be leveled up by using alternative ways such as training disabled people, conducting workshops focusing them and entering into agreements which promote their recruitment (Nations, 2021).

Further, the requirements for benefits at workplace must not make a difference between disabled and normal people since they feel insecure by doing this. Other than that, this vulnerable category of people must be coached by experts, making access so much easier for employment (WELFARE, 2003).

Disabled people should have the opportunity to be trained the sign language according to their necessities since some of them require the skill of sign language for the purpose of making their lives comfortable (CSCS, 2017). Furthermore, the author recommends that the proper equipment for judicial proceedings in courts must

be supplied in order to make the disabled people actively participating in those proceedings.

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