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Mainstreaming Disability: Challenges and Strategies Towards Equality and Decent Work in Indonesia

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ABSTRACT

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Keywords: Mainstreaming Disability, Employment Services, Equality, Decent Work This article aims to critically explore the challenges and strategies to mainstream disability in employment towards equality and decent work in Indonesia. Mainstreaming disability is important because Persons with Disabilities (PWDs) have a high risk to face extreme poverty and difficulties getting a chance for employment. Even if they are employed, they tend to earn less and experience discrimination. Using a qualitative approach, this critical analysis highlights the challenges faced by the PWDs including accessibility to employment services, policy implementation, public facilities and mobility, and lack of awareness of disability issues. While the strategies comprise of encouraging the law and policy changes, strengthening the government commitment, redesigning employment service, inclusive education provision, and awareness-raising. These strategies are expected to encourage inclusiveness and accessibility by PWDs so that, they can have decent work in the country.

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INTRODUCTION

Persons with Disabilities (PWDs) are less likely to be employed and when they are, they commonly earn less (WHO & World Bank, 2011). Some empirical evidence supports this statement such as in the United States, PWDs receive poorer employment outcomes, though disability is not the sole factor that influences the employment gap in the country (Sevak, Houtenville, Brucker, & O'Neill, 2015). The pay gap between persons with and without functional limitations emerges early in the adult life cycle (Mann & Wittenburg, 2015). Not only in the U.S., discrimination, and inequality are also experienced by the PWDs in Australia when they are looking for a job or are in the workplace (Milner, *et al.*, 2015). A similar situation is

found across the globe, low and middle-income countries have been found to have a higher prevalence of disability (Mitra & Sambamoorthi, 2014). As a response to this issue, the government in many countries have tried to deliver better employment service, but the result is still far from expectation. For instance, the effort to integrate people with disabilities into the workforce in South Africa is not yet effective because of the employers' lack of understanding about disability and the history of discrimination against PWDs (Maja, Mann, Sing, Steyn, & Naidoo, 2011). A research held in Indonesia, particularly in Yogyakarta, indicates a similar result, as Dewi (2015) reveals that public and private organizations in the region cannot fulfill one percent job quota for those with a disability as stipulated in Government Regulation No. 43 of 1998 about Efforts to Increase Social Welfare of Persons with Disabilities. The reasons behind the limitations are the ineffectiveness of law enforcement, outdated training materials for the disabled, and the society's inadequate awareness about disability (Dewi, 2015).

From the studies above, it can be highlighted that PWDs face several serious issues such as, the difficulty to get a job, discrimination, and inequality while getting a suitable job and then during the work. Indonesia, a country with a significant number of PWDs, also deals with similar problems. According to the National Social Economy Survey (SUSENAS) in 2018, there are 12.29% of Indonesian citizens (around 31.24 million people) considered as PWDs, with 11.12% of them is in productive age (15-64 years old) (Hastuti, Dewi, Pramana, & Sadaly, 2019). In 2016-2018, the median income of PWDs in Indonesia is lower than that of those without disabilities (Tadjoeddin, 2019). The public facilities in Indonesia are also not age-friendly, such as in the case of Depok which has "an abundance of infrastructure deficiencies" (Fatmah, Dewi, & Priotomo, 2019). As the facilities are not age-friendly, they tend not to support PWDs' mobility. The situation shows the urgency of addressing disability issues in Indonesian employment services. To address the employment issue in respect to PWDs, the Indonesian government has enacted Law No. 8 of 2016 about Persons with Disabilities. It aims to protect the rights of the country's citizens with disabilities by, among others, setting a quota policy by 2% and 1% of the total employment in state-owned and private companies, respectively (Article 53). However, the enforcement of the law is deemed not yet effective (Halimatussadiah, Nuryakin, Muchtar, Bella, & Rizal, 2017; Priebe & Howell, 2014) and the causes behind its ineffectiveness need further scrutiny.

This paper critically delves into the challenges which cause the ineffectiveness of employment policy in Indonesia in regard to disability, as well as proposes disability mainstreaming as an important approach towards equality and decent work in Indonesia. Furthermore, the paper proposes several strategies to mainstream disability in employment service. In elucidating the analysis, this paper interprets numerous regulations, reports, and articles from the government bodies and academia. The information taken from these documents is used critically to build the arguments about the challenges behind the ineffectiveness of employment services in Indonesia and the strategies to mainstream disability as the means to achieve equality and decent work in Indonesia.

Mainstreaming Disability

Disability is a complex human condition, and everyone may be disabled permanently or temporarily at some point in their lives, particularly since the difficulty in functioning due to aging is also considered as a form of disability (WHO & World Bank, 2011). Commonly, disability is

a term used to refer to physical limitations, activity restrictions, and the limit to participate in daily lives (WHO, 2018). According to the United Nations Convention on the Rights of PWDs (CRPD), which was signed in 2006 and ratified by 164 nations, PWDs do not actually have medical limitations, but it has been a social construction to define them as ones. Instead, CRPD is focused more on how persons with functional limitations interact with the environment and the barriers they face to participate fully in society. In Indonesia, the phenomenon of disability has similar complexity with that of other countries, as Adioetomo S.M, Mont D, & Irwanto (2014) resumes that when the needs of those with disability are not accommodated sufficiently, their accessibility towards public service is limited, their public participation, particularly in social and economic activities, is low, therefore, they become poor.

Since PWDs have the right to live independently as stipulated in the CRPD, they also have the right to work and support themselves. Adopting the concept of freedom as conceptualized by Sen (2009) into employment service, service shall not only include job creation and work opportunities but, also give PWDs choice and access to those opportunities. Employment service must include decent and adequate training for PWDs so that, they will be 'capable' of making a choice while taking the job opportunity. This idea is in line with what the International Labour Organization (ILO) conceptualizes that PWDs are supposed to enjoy equality of opportunity and treatment in accessing and advancing employment "corresponds to their own choice and takes account of their individual suitability for such employment" (O'Reilly, 2007). Consequently, employment service includes not only job provision and job-seeking assistance, but also all activities to make PWDs able to have and sustain decent work.

In the heart of 'decent work' notion, lies equality, in line with the ILO Declaration on Fundamentals Principles and Rights at Work which aims to eliminate "discrimination in respect of employment and occupation" (ILO, 1998, p. np). Decent work has several substantive elements including adequate earning, decent working time, equal opportunity and treatment at work, and security and social protection (ILO, 2013), therefore: mainstreaming equality in employment service is equivalent to working toward achieving these substantive elements of decent work. The conceptualization of equality cannot be separated from the idea of human rights since it stems from the shared norm that all people have the right to be treated the same way as others without discrimination. PWDs have this right even though in practice, they often face otherwise. In terms of employment, several studies have revealed that PWDs have difficulty in finding jobs and when they get it, they tend to earn less and face workplace discrimination (Dewi, 2015; Maja et al., 2011; Mann & Wittenburg, 2015). Mainstreaming disability is a response to the condition.

Mainstreaming is an approach that is frequently used in the issue of gender (Bacchi & Eveline, 2010), but it can also be implemented as a strategy or approach to address disability issues. The idea of gender mainstreaming is to ensure that gender equality becomes the center of attention for all activities (UN Women, n.d.). Adopting the definition into disability issues, equality mainstreaming means that all activities, including employment service as the focal point of this paper, emphasizes equality for PWDs. The term "mainstreaming", both in gender and disability issues, is often mentioned together with sustainable development or inclusive development because development can only be sustained and inclusive only if PWDs become an integral part of it (see UNCRPD, 2006). Since mainstreaming disability issues become a discourse in international development, the concept is repeatedly used in policy proposals (Marshall, 2012).

In addition, comparable to gender mainstreaming, disability mainstreaming shall not be seen as an 'end' in itself but a 'means' to achieve equality and decent work. It means that mainstreaming is not only the end goal but also the process of making disability and equality become an integral part of decent work.

DISCUSSION

Indonesia has regulations with respect to PWDs including the Constitution, which is regarded as the supreme law in the country. There is also Law No. 4 of 1997 which literally addressed PWDs which is now considered a negative tone, that is as the disabled person (*penyandang cacat*). More than a decade later, the country ratified the Convention on the Rights of Persons with Disabilities (CRPD) by enacting Law No. 19 of 2011 and started using the term PWDs (*penyandang disabilitas*). The term is also used in the newer Persons with Disability Law (No. 8 of 2016) in which PWDs are described as those with "long-term physical, intellectual, mental, sensory limitations so that, they face restrictions to participate fully and effectively with other citizens on the basis of equal rights" (Article 1). This bylaw regulates the equality of employment service in Indonesia as it states that PWDs have the right to have jobs, entrepreneurship, and cooperation, accessibility, public service, independent living, and free from discrimination (Article 5). PWDs must be accommodated by state-owned and private organizations as stipulated in the quota system (Article 53). Another law that is related to the employment of PWDs is Manpower Law (No. 13 of 2003) which prohibits people from terminating employees on the basis of disability (Article 153).

Despite the existence of the policy, the concern about employment service for PWDs is growing. The situation is inevitable since many PWDs in Indonesia are "underemployed, engaged in insecure jobs, and have less opportunity to advance their careers" (Priebe & Howell, 2014, p. 6). The statistics also showcases that PWDs in Indonesia, face employment problems. In the country, 4.30% of the citizens are persons with disabilities (Population Census, 2010, cited in ILO, 2017). Among citizens aged 15 and above, there are 12.15% of people who live with disabilities; 1.87% of them with severe disability and 10.29% with mild disability (SAKERNAS, 2016, as cited in Halimatussadiah et al., 2017, p. 135). Their participation in the labor force is as low as 20.27% (severe disability) and 56.72% (mild disability), much lower than the participation of those without disabilities at 70.40% (Halimatussadiah et al., 2017). PWDs are mostly working in informal sectors with relatively lower take-home pay that Persons Without Disabilities (PWODs) (ILO, 2017).

Since the disability issues are complex, there are a variety of causes and challenges apparent in delivering equal employment services. The authors highlight several challenges that contribute strongly to the current state of PWDs employment. The first challenge is the current state of the employment service in Indonesia which is not comprehensive and accessible enough. There is no single channel to apply for jobs for PWDs, but only the public employment service delivered by Manpower Office of Local Government (MOLG) in 465 regencies and cities across the nation (Hamada, 2009). However, the country has not yet offered unemployment insurance service for Indonesian workers (Hamada, 2009), therefore, PWDs in the country tend to be more vulnerable to poverty (ILO, 2017).

The second challenge appears is how the existing Law No. 8 of 2016 is not being practiced successfully, yet. It resulted in the persisting of employment problems for PWDs, such as the difficulty to get a job and get a higher income, evidenced by how those with disabilities in Indonesia tend to earn below the median income (Tadjoeddin, 2019). In Indonesia, a bylaw must be translated into several more technical policies to support the implementation of the respective law. The policies include those by central government i.e. government regulation and president regulation and those by the local government. However, the law-making is slow in progress, particularly at the regional level. Until the end of 2017, there are only 8 regions that have had regional regulation about disability, namely Yogyakarta, East Java, Central Java, West Java, East Java, Jakarta, Bangka Belitung, Kepulauan Riau, and Bali. The slow law-making process causes the implementation of Law No. 8 of 2016 across the archipelago has resulted in little progress in almost two years.

The third challenge is the lack of public facilities for PWDs. Several cities have developed public facilities to accommodate PWDs, but the accessibility is a different matter. Facilities for PWDs were often useless because they did not meet universal design, in line with what JICA explores that in Indonesia, there are instances where "legally required wheelchair corridors and public facilities cannot be used" (Japan International Cooperation Agency (JICA), 2015, pp. 3–3). In the workplace, PWDs also have "have insufficient facilities and a lower percentage of benefits/securities" (ILO, 2017). The lack of adequate facilities hinders PWDs from mobility and independent work.

There is no or little access to support and education for PWDs which is the fourth apparent problem. Statistically, 45.74% of PWDs never attend or finish primary school (Halimatussadiah et al., 2017). Low educational achievements are considered as the major impediment for PWDs to participate in the economy (Japan International Cooperation Agency, 2015). PWDs have a tendency to fall behind other job seekers because of "their inability to compete on the basis of relevant skills or qualifications" (O'Reilly, 2007). The Indonesian Ministry of Manpower and Transmigration actually has a vocational training program for PWDs, with an agreement with local government. The Ministry of Social Affairs also has a social rehabilitation program that helps PWDs to integrate into society. However, the training has not been accompanied by up-to-date adaptive equipment and services (Dewi, 2015). Many PWDs are also unable to access to the existing education and skill training (Priebe & Howell, 2014). Consequently, an improvement in delivering vocational education and additional support is still vastly required.

Moreover, there is a lack of awareness about PWDs and their employment rights. The societal attitude toward PWDs has generally been found to be negative. For instance, PWDs in Indonesia are often addressed as "tuna" (lacking), while those with a mental disability is called "gila" (crazy). Such names are still frequently used and seen as normal within societies. The lack of awareness has also been found within the civil servants since they believe that disability is only the responsibility of the Ministry and Social Affairs and its local offices (Japan International Cooperation Agency, 2015). They do not see PWDs as a part of society to whom they deliver services therefore, it is also their responsibility to ensure that PWDs can access the service without discrimination. The awareness issue is not the last challenge to equal employment services but, the four previous challenges also need attention because they are central factors in shaping the current state of PWD and employment in Indonesia. Without addressing these challenges

properly, it is less likely to mainstream disability in employment service and embodies more inclusive and decent work in Indonesia.

Strategies for Mainstreaming Disability

Disability mainstreaming in the Indonesian government and society can be seen as a strategy to deliver better employment service and build decent work for PWDs. Disability mainstreaming is less explored in development policy and the result is less viable than, e.g. poverty reduction and sector-wide approaches and the result are less viable (Ingdal et al., 2012). Nonetheless, mainstreaming is still important because it directly addresses the core disability issues such as lack of awareness and institutionalized discrimination. Mainstreaming is considered less feasible for a legitimate reason; it is a long process that must be applied in a long period of time (UN, 2001). Moreover, mainstreaming is "where persons with disabilities are included in a wider program targeting a sector, issue or geographical area" (Ingdal et al., 2012). The concept implies that mainstreaming is not simply creating initiatives for PWDs but instead, it includes PWDs in the wider agenda. Thus, mainstreaming is not a single strategy. It is supposed to be several comprehensive strategies that may have wider target groups such as, the poor and women. The key is to include PWDs in the proposed agenda which, in the case of employment service in Indonesia, the authors consider the following strategies as the most significant in tackling the current issues.

Firstly, as disability is also complicated like gender issues, a mainstreaming approach must include integrated strategies. The government has to make regulations to ensure that Law No. 8 of 2016 is properly implemented nationally. Law enforcement is also necessary as Dewi (2015) suggests that it is one of the problems in the failure of implementing a quota system for PWDs. Further, Dewi (2015) argues that there is no clear reward or punishment to the state-owned and particularly private enterprise which does or does not comply with the quota system. Accordingly, many companies do not follow the rule (Dewi, 2015) and in response, a reward and punishment must be created, and the government has to cooperate with private sectors in its enforcement.

Secondly, to make the law-making process accentuate equality for PWDs, the government's strong commitment is necessary. The political climate at the national and local levels must be aware of PWDs and their rights, while the executive and legislative leaders who are in-charge in formulating and enacting regulations must have a concern about disability issues and a strong commitment to resolving them. The same commitment must be shown by bureaucrats so that, they realize that PWDs issues are everyone's responsibility, not solely that of the Ministry of Social Affairs and its local offices. Putting equality in the heart of public service expectedly results in more inclusive employment service delivery. To date, the Indonesian government has put PWDs as a priority in its National Medium-Term Development Planning (*RPJMN*), but the government must take serious actions to implement the plan. Coordination between central and local government is essential to the implementation process and both levels of government have to provide sufficient finance for public facilities and service provision.

Thirdly, strategic planning must be undertaken in redesigning employment services in Indonesia. This is to answer how the present time employment service in the country is still limited to general provision predominantly delivered by Manpower Office of Local Government. ILO (2007) recommends three strategies to make employment service friendlier toward PWDs, those are the

creation of formal channels to apply jobs for PWDs, make use of technology development to assist PWDs in job-seeking or performing their work, and disclose job vacancies for PWDs to the public. Other options include provisions such as, creating more accessible social protection system and provide more support and assistance. The government can adopt such a program or design its own employment service, but essentially, when they do so, they shall aim for inclusion.

Besides low education and lack of vocational training, the cause of low participation of PWDs in the workforce is their low self-confidence and self-esteem (Japan International Cooperation Agency, 2015). The condition requires a strategy, that is, fourthly, to provide more inclusive education and ensure that it empowers PWDs. Careful planning and strategies are required, such as, providing adequate facilities, creating an inclusive curriculum, designing teaching methods that enhances practical skill and encouraging PWDs to be more confident as a part of the society. Since the challenge to empowerment is the lack of capacity (Devandas, 2013), education is supposed to bring positive contributions to the empowerment of PWDs.

Fifthly, raising awareness about PWDs is a necessity for improving employment service, particularly given that society tends to view PWDs in a negative light. Normalizing disability is necessary so that, PWDs are not seen as "others" (Andriani, 2017), but a part of the society. The target of the disability awareness campaign includes everyone, from the family of PWDs to stakeholders of employment service. Such a campaign has been undertaken in many countries and the main goal is to break the stigma about disability and promote equality (Devandas, 2013). In terms of employment in Indonesia, the campaign must include the rights of PWDs in employment as stipulated in Law No. 8 of 2016, while the campaign steps can be adopted from previous experiences in Indonesia or elsewhere. For instance, adopting the Disability Awareness in Action (1993), an awareness-raising campaign can be separated into two major actions based on the target audience and resource. The first action is "short-term campaign or focused campaign" which has the public as the target audience. The campaign is normally commenced within certain timeframes such as a week or a day and, if possible, is repeated annually. The example of such a campaign is the campaign during the International Day of Disabled Persons once a year. The second option is the long-term campaign which includes, changing laws, policies, and services and targeting the leaders and bureaucrats of the country.

Through these mainstreaming strategies, employment service in Indonesia is expectedly improved and citizens, including PWDs, can have decent work in the country. Admittedly, these strategies are not a panacea for equality. The process to achieve equality and inclusion requires participation from everyone. It is also likely that the result can only be visible after several years, particularly if the expected result is the change in an informal institution such as, social awareness and changing perspective on disability. Despite the limitation, mainstreaming shall be considered positively as an approach to employment service.

Mainstreaming disability has a direct relationship with the core of employment issues such as discrimination and inequality. The strategies proposed in this paper highlight the importance of integrating disability into formal institutions in Indonesia, such as employment policies and service delivery. As executing such strategies is a challenge for the Indonesian government and societies with an inadequate understanding of disability issues, awareness-raising becomes an important strategy. It is by making people understand the rights and issued encountered by PWDs

in terms of their employment and mobility to live independently that they can address employment issues more seriously. Additionally, mainstreaming is an approach that is focused more on inclusion and, if undertaken carefully in employment services, the beneficiaries are not only PWDs but, also other target groups across Indonesia, such as the poor and minorities.

CONCLUSION

Employment service in Indonesia does not yet reflect equality for PWDs, mainly because of the weak law enforcement, poor employment service provision, insufficient adaptive equipment, accessible public facilities to support their mobility and workability, and low awareness about disability issues. Mainstreaming disability is one of the strategies to make employment services more inclusive by putting PWDs as an integral part of the employment issues and policies. Mainstreaming requires a strong commitment from the government, both central and local, to not only enforce Law No. 8 of 2016 but also to deliver more improved employment service. Civil servants must be involved in mainstreaming disability by aiming for more inclusive service provisions, while PWDs must have access to public facilities and empowerment opportunities. Normalizing disability issues is also a mandatory step to mainstream equality in the country's societies such as through awareness-raising campaigns.

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