

Angela Malyuha

Head of the Secretariat of the Committee of the Verkhovna Rada of Ukraine on the Organization State Power, Local Self-government, Regional Development and Urban Planning

Nataliia Vasylieva

The Coordinator of the “Model Committee” project of the USAID “RADA: Next Generation” Program, Doctor of Sciences in Public Administration, Professor

**PUBLIC SERVICE AVAILABILITY IN UKRAINE FOR PEOPLE WITH
DISABILITIES**

The paper examines the state policy on realization of the rights to work of persons with disabilities on the example of access to public service in Ukraine. The theoretical and legal basis was established on scientific works and legal acts, which testify to the multidisciplinary of the chosen scientific problem. The paper outlines international documents, which provisions relate to guaranteeing the rights of persons with disabilities, in particular to work. It was found that the state policy is formed under the influence of the model of perception of disability, which dominates in a particular society. In Ukraine, the medical model dominates, which limits the rights of citizens to work. Analytical data on the employment of persons with disabilities in the civil service are given. The state of compliance with the legally established quota of 4% was established on the example of individual state authorities. It is noted about the legislative activity aimed at improving the employment of persons with disabilities. Recommendations for the adoption of inclusive management decisions, which must be implemented.

Keywords: *public administration, persons with disabilities, rights of citizens to work, availability, public service, inclusion.*

Introduction. According to the Constitution of Ukraine, «The human being, his or her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value» (Article 3), «Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, color of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics» (Article 24) (Constitution of Ukraine, 1996).

More than 2 million people with disabilities live in Ukraine. According to Ukrainian legislation, disability has the following types: from childhood; general illness; accident at work: occupational disability or other health damage; occupational disease related to work; injuries, contusions, mutilations and other diseases.

The state should help persons with disabilities exercise their rights on an equal basis with other citizens. Thus, in 2020, in the European Union, almost 50% of people with disabilities of working age were employed, and in Ukraine, more than 70% of such citizens were unemployed. Therefore, the issue of building a barrier-free environment in which persons with disabilities will be able to exercise their rights guaranteed by the Constitution of Ukraine, including to work, is an urgent issue today.

Analysis of recent research and published papers. The theoretical and legal basis was established on scientific works and legal acts, which testify to the multidisciplinary nature of the chosen scientific problem. In particular, Bara Monica Angela's papers examine the issue of employment of persons with disabilities (Bara Monica Angela, 2015); V. Overchuk set out the measures of the state provided for by the legislation to ensure the active position of persons with disabilities in the labor market (Overchuk, 2018); T. Horbashchenko researched the historical stages of development and solving the problems of persons with health disabilities (Gorbashchenko, 2019); K. Roszewska emphasized the realization of the rights of people with disabilities to employment on the basis of the Convention on the Rights of People with Disabilities (on the example of the Republic of Poland) (Roszewska, 2019); M. Kuznetsova highlighted the international legal mechanism for the protection of the rights of persons with disabilities (Kuznetsova, 2020) and others.

The purpose of the paper is to research the state policy on ensuring the realization of the rights of persons with disabilities to work on the example of their access to public service in Ukraine.

Result of the research. Persons with disabilities have an inalienable right to: respect for their human dignity (Declaration on the Rights of Persons with Disabilities, 1975); to obtain, retain, and advance in suitable employment, promoting the social integration or reintegration of such a person (Vocational Rehabilitation and Employment of Disabled Persons Convention No. 159, 1983); independence, social integration and participation in society (European Social Charter (revised), 1996); recognition of their diversity, which indicates the prohibition of the application of various forms of discrimination to such persons (Convention on the Rights of Persons with Disabilities, 2006).

State policy is formed under the influence of the model of perception of disability that dominates the concrete society. Public attitudes towards people with disabilities create mental barriers. Scientists distinguish such models as: moral or "personal tragedy model", charitable, medical or "administrative", rehabilitation, economic and social (Disability and society, 2012). In our opinion, they are interconnected and represent people with disabilities as inferior, with limited opportunities. We will emphasize that such people have special needs and therefore they need to create conditions under which they will be able to exercise their rights on an equal basis with other people.

Accessibility for persons with disabilities involves the removal of a number of barriers, in particular, such as: physical (lack of ramps, elevators, unavailability of elevators, doors, stairs and other structures prevents the free movement and access of such persons to anything that is available to others citizens); communication (speech, visual, tactile, digital for persons with various disabilities); economic (limited opportunities for self-realization and financial support); social isolation (stereotypes and discrimination based on disability), etc.

In Ukraine, the medical model dominates, which limits the opportunities of persons with disabilities to fully develop their potential, including in the field of employment. Disability and disability group are determined by the medical and social expert commission. Permission to exercise the right to work is granted to a person with

a disability on the basis of individual rehabilitation programs and on the recommendations of a medical and social examination or examination of professional suitability. On the one hand, expert opinions protect employers from future lawsuits in the event of cases that may worsen the employee's health, and on the other hand, they limit the employee's freedom of choice in the field of employment (Code of Labor Laws of Ukraine, 1971).

We believe that one of the spheres of employment of persons with disabilities should be public service. We can note that, in general, the public service is available to citizens from the point of view of their employment in state authorities. Ensuring public service availability is an important component of a democratic society, as it ensures equal access to state management and the opportunity for citizens to participate in the processes taking place in the country. Public service availability is ensured by observing the following principles:

1. Openness and transparency, i.e. hiring is based on the results of the competition, which ensures equal opportunities in access to civil service regardless of origin, gender, religion, nationality and other factors.
2. Equal opportunities for all candidates when their knowledge, professional qualities and experience are assessed.
3. Fighting corruption, as it affects the professionalism of personnel on the one hand, and, on the other hand, prevents availability to the civil service for persons who are not in the system, etc.

In 2019, 9,608 people with disabilities worked in the civil service (5.6% of the actual number of civil servants), in 2020 – 10,560 or 6.4% (NAUCS). The civil service should become a barrier-free platform for the realization of the rights to work of persons with disabilities, which corresponds to the National Strategy for the creation of a barrier-free space in Ukraine.

It should be noted that the Law of Ukraine "On the Basics of Social Protection of Persons with Disabilities in Ukraine" establishes a quota of 4% for the employment of persons with disabilities from the average registered number of full-time employees per year (Table 1). For example, in 2020, a significant number of persons with disabilities work in the Office of the General Prosecutor and the Supreme Court of Ukraine. In the executive branch of power, the tendency to observe the quota is mainly

observed. But among the ministries, the quota of 4% was observed only in six ministries:

- Ministry of Veterans Affairs of Ukraine - 21.0;
- Ministry of Internal Affairs of Ukraine - 6.9;
- Ministry of Defense of Ukraine - 5.2;
- Ministry of Energy of Ukraine - 4.7;
- Ministry of Social Policy of Ukraine - 4.5;
- Ministry of Health of Ukraine - 4.4.

Among regional state administrations, the quota was not observed in Dnipropetrovsk, Luhansk, Mykolaiv, Sumy, Kherson, Chernivtsi regions and in the Kyiv City State Administration (NAUCS).

To improve the accessibility of public service for persons with disabilities, the National Agency of Ukraine for Public Service has approved the Methodology for providing persons with disabilities with reasonable accommodation. This technique makes it possible to take into account the needs of such persons when holding a competition for vacant positions. According to their needs, appropriate conditions should be provided. The substantive part of the tasks of the competitive test must also be adapted to the special needs of such candidates.

On the way to becoming a member of the European Union, work is ongoing in the country to bring the provisions of national legislation to European standards, including regarding the implementation of citizens' rights to work. In Ukraine, laws are adopted that contribute to improving the employment of persons with disabilities. For example, settlement of labor relations issues, conclusion of collective agreements and contracts; ensuring the rights of persons with disabilities to work; activation of the use of Ukrainian sign language in professional activities, etc.

The actual number of civil servants, including with disabilities, persons

Name of the state authority	Actual number					
	working persons		persons with disabilities			
			2019		2020	
	2019	2020	persons	%	persons	%
State bodies ensuring the exercise of the powers of the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine	2120	1948	59	2,8	59	3,0
Ministries	25394	23722	1058	4,2	1116	4,7
Central bodies of executive power	69758	71693	4122	5,9	4607	6,4
Central bodies of executive power with special status	2730	2520	109	4,0	116	4,6
Collegial bodies	1073	1219	33	3,1	32	2,6
Local state administrations	28985	27277	1717	5,9	1987	7,3
Other state bodies	22250	19788	1937	8,7	1880	9,5
Bodies of the judiciary and the prosecutor's office	6154	5411	65	1,1	238	4,4
Courts of special jurisdiction	4620	4341	179	3,9	169	3,9
City, district and city-district courts	8385	7503	329	3,9	356	4,7
<i>Total</i>	<i>171469</i>	<i>165422</i>	<i>9608</i>	<i>5,6</i>	<i>10560</i>	<i>6,4</i>

Note. Compiled by the author based on the data of NAUCS

Conclusions. In our opinion, it is expedient to implement an inclusive model in Ukraine, which contributes to the development and adoption of barrier-free management decisions, including employment in the civil service. Therefore, it is

1. To overcome physical, informational, digital, educational and other barriers, conduct a gender audit of availability. This approach will make it possible to identify the problems faced by people with various types of disabilities and promptly correct them. Gender audit should not be limited only to the first floor of the administrative building or the premises of the administrative service center and the area adjacent to this building. As part of the gender availability audit, gender sensitivity studies of management decisions (policies and procedures) should also be conducted.

2. In order to create a barrier-free space in the field of employment, it is appropriate to implement "dialogue platforms" with the broad involvement of different segments of the population, to conduct monitoring and public opinion polls in order to understand and form the responsible attitude of all citizens to the creation of comfortable and safe conditions in every public authority, the construction of public spaces, etc.

3. To improve the motivational and staffing mechanism by conducting monitoring in order to quickly identify problems and respond to challenges related to improving motivation (motives, needs, values) in the employment of citizens in the field of public administration, and the formation of inclusive competence among civil servants and civil society as a whole. This is important not only for working effectively with different people, but also for creating a fairer and more equal society.

4. In Ukraine, more than 100 higher educational establishments train specialists in "Public management and administration". Graduates of these higher educational establishments should form the basis of staffing of state authorities and local self-government bodies. It is important to stimulate the enrollment of veterans, as well as to take into account the issues of gender equality and inclusion in educational programs, to introduce the practice of teaching special training courses on the creation of barrier-free spaces in public authorities.

References:

1. Konstytutsiia Ukrainy, 28.06.1996 № 254k/96-VR
<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
2. Bara Monica Angela (2015). Employment of Persons with Disabilities. *Procedia – Social and Behavioral Sciences*. 191: 979-983.
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3. Overchuk V. (2018) Normatyvne rehuliuвання reabilitatsii ta pratsevlashtuvannya osib z invalidnistiu v Ukraini. Pryazovskiy ekonomichnyi visnyk. 5(10): 310-315.
4. Horbashchenko T. (2019) Teoretychni pidkhody do problem osib z obmezhenyimi mozhlyvostyami zdorovia. Naukovyi chasopys NPU imeni M. P. Drahomanova.8(53): 27-38. [https://doi.org/10.31392/NPU-nc.series12.2019.8\(53\).03](https://doi.org/10.31392/NPU-nc.series12.2019.8(53).03)
5. Roszewska K. (2019) The Implementation of the Rights of Persons with Disabilities to Employment on the Basis of the Convention on the Rights of Persons with Disabilities (CRPD). *Białostockie Studia Prawnicze*. 24(2): 91-100. <https://doi.org/10.15290/bsp.2019.24.02.04>
6. Kuznetsova M. (2020) Mizhnarodno-pravovyi mekhanizm zakhystu prav liudei z obmezhenyimi mozhlyvostyami. Yurydychnyi naukovyi elektronnyi zhurnal.7: 109-112. <https://doi.org/10.32782/2524-0374/2020-7/26>
7. Deklaratsiia pro prava invalidiv, 09.12.1975 https://www.un.org/ru/documents/decl_conv/declarations/disabled.shtml
8. Konventsiiia pro profesiinu reabilitatsiiu ta zainiatist invalidiv № 159, 20.06.1983 https://zakon.rada.gov.ua/laws/show/993_065#Text
9. Yevropeiska sotsialna khartiia (perehlianuta), 03.05.1996 https://zakon.rada.gov.ua/laws/show/994_062#n3
10. Konventsiiia pro prava osib z invalidnistiu, 13.12.2006 https://zakon.rada.gov.ua/laws/show/995_g71#Text
11. Invalidnist ta suspilstvo: navchalno-metodychnyi posibnyk / za zah. red. L. Yu. Baidy, O. V. Krasiukovoi-Enns. Kyiv, 2012.
12. Kodeks zakoniv pro pratsiu Ukrainy, 10.12.1971 r. № 322-VIII <https://zakon.rada.gov.ua/laws/show/322-08#Text>
13. Materialy Natsionalnoho ahentstva Ukrainy z pytan derzhavnoi sluzhby