



Persons with Disabilities Act 2008: The Economic Promises for People with Disabilities?

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ABSTRACT

People with Disabilities (PWD) remain neglected in many areas including employment. Their unemployment rate is significantly high when compared with those without Disabilities. Severe unemployment and poor wages ended majority of them live in poverty. PWD are suffering discrimination, social exclusion and prejudice. Realizing this fact and the needs for empowering their economy, life, wellbeing and social inclusiveness, PWD's rights has been exclusively acknowledged through the legislation namely Persons with Disabilities Act 2008 (the Act). This paper focuses on the laws and policies of the government of Malaysia in relations to the economic right of PWD that is employment. Special attention is given to the provisions relating to the "access of employment" as elaborated through the provisions of the Act. Discussion is also imparted on the policies and initiatives of government in supporting the position of disabled persons in employment. In examining this right, a doctrinal research approach is utilized whereby descriptive and exploratory studies are undertaken in order to describe the legal provisions and policies, as well as to determine the problems. The authors conclude that some parts of the law need to be reviewed for the empowerment and progress of the PWD. Believing that substantive law alone is inadequate in ensuring economic right of PWD, proper actions and appropriate plans are necessary to further enhance PWD's right and their surroundings.

Keywords: Employment, Economy, Disability, Legislation, Policy, Right

JEL Classifications: K10, K36

1. INTRODUCTION

Throughout history, People with Disabilities (PWD) have been viewed as individuals who require societal protection and evoke sympathy rather than respect. In employment, PWD have always become the victims of discrimination. Commonly, they are not only facing troubles in finding the job but in many cases, being employed with lower income job. Several barriers have been identified as factors that hampering PWD from getting job such as problems in finding suitable jobs, low grade jobs, economic and social pressures, as well as negative perception and misconceptions of employers (Barnes, 1992; Perry, 2002; Khoo et al., 2013; Schur et al., 2016; Lee et al., 2011). While most PWD are facing difficulties in getting job, those who are employed are likely to earn low-paid income and put at lower-level job. They are even struggling for their career advancement and getting promotion.

As a means of living, employment is clearly important to everyone, worldwide, and this is not an exception to the disabled people. Gainful employment is an essential aspect of human life (Ta and Leng, 2013) where it provides meaningful life of independence, can relate with status, self-esteem and dignity of a person (Zhang, 2007; Tiun et al., 2011; Khoo et al., 2013). Like other normal persons and non-disabled, employment for PWD is not only a means for an income but also an opportunity for social participation and inclusiveness (UN Enable, 2007). This makes employment opportunities and human rights interrelated (Bamiwola, 2011). On the other hand, unemployment and poor wages can result in poverty. It is the fact that majority of PWD in the world involve the poverty line. It has been evidenced that PWD are commonly experiencing severe economic deprivation and social disadvantages when majority of them stay marginalized, face social exclusion and live in poverty (Islam, 2015). Therefore,

employment is seen as an effective measure to empower and enable PWD to be economically independent and stay out of poverty (Ang et al., 2013).

The recognition of PWD's right to employment has positively changed the approach from the welfare/charity approach to human rights approach (International Labour Office, 2007). This adjustment has enhanced the position of PWD from being perceived as burden and helpless to those who have potentials in the society. As suggested by Khoo et al., (2013), the disabled are "untapped resources" that are productive and able to contribute to the economy and growth of the nation. According to World Bank, exclusion of PWD in the mainstream society has resulted in an estimated loss to the global gross domestic product of between USD1.37 trillion to USD1.94 trillion where the figures for a medium-income country (like Malaysia) would probably range from USD1.68 to USD2.38 billion dollars (Perry, 2002).

In addressing this economic issue of employment for PWD, this article is discussing the legal framework and policy applicable in Malaysia, particularly the right to access to employment as promised through the Persons with Disabilities Act 2008 (PWDA). Using a doctrinal research approach, descriptive and exploratory studies are undertaken for the purpose of describing the legal provisions and policies, as well as to determine the problems.

2. LITERATURE REVIEW

2.1. International Instrument on Disability

The Universal Declaration of Human Rights (UDHRs) proclaims that, "everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." The right to work is further recognized in the International Covenant on Economic, Social and Cultural Rights which includes the right of everyone to the opportunity to gain living by work and appropriate steps shall be taken to safeguard this right.

The protection of the rights of PWD was never specifically mentioned in any of the United Nations human rights treaties previously (Waterstone, 2010). Even though the UDHRs lays a foundation for the protection of rights of every individual in the aspects of economy, social, cultural, political and civil rights, it is not a legal instrument and has no binding force. It was in 2006 where the United Nations passed the landmark Convention on the Rights of Persons with Disabilities (CRPD). As of June 2013, there are 130 ratifications and 155 signatories (United Nations, 2013). Malaysia becomes the signatories to the CRPD on 8th April 2008 and ratified the CRPD on 19th July 2010.

Before CRPD come into the realization, the declaration relating to the protection for the PWD is the Declaration on the Rights of Mentally Retarded Person. In 1993, the UN adopted the Resolution 48/96, Standard Rules on the Equalization of Opportunities for Persons with Disabilities. It was then in Mexico the negotiations for the Convention (of CRPD) took place in 2001. 5 years later, the UN adopted the Convention, opened for signature in March 2007 and for ratification in May 2008 (Lee, 2009). The CRPD is

regarded as the first human right treaties which is comprehensive and specifically governs the issues relating to the protection of PWD (United Nations, 2013).

2.1.1. CRPD

The CRPD is a comprehensive human rights treaty instrument in the 21st century. It is the purpose of CRPD "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." CRPD guarantees the equal opportunity right of the PWD (as compared to those without disabilities), together with full and effective participation in society in every aspect of their lives which includes accessibility, mobility, health, education, employment, rehabilitation and participation in politics, economy and others. Being a signatory and having ratified the Convention, Malaysia has demonstrated her commitment by introducing PWDA 2008. Furthermore, on ratifying the CRPD, the Ministry of Women, Family and Community Development of Malaysia has targeted two areas, mainly accessibility and employment as priorities for these areas would help PWD to become more independent and also contribute to the country's economic growth (Disability Press, 2010).

CRPD has changed the attitudes and approaches to PWD from the viewing of charity, medical treatment and social protection towards viewing them with entitlement of rights, capable of claiming those rights and making decisions for their lives based on human rights and fundamental freedoms so as to become part of the society. However, CRPD is not an instrument which creates new rights for the PWD. Rather, it is a legal instrument that emphasizes the rights which are already in existence to be promoted, protected and ensured. For example, article 5 prohibits discrimination and promotes measures to guarantee equality where these two fundamental rights have been recognized and regarded as universally accepted principles. It is important to note that the underlying general principles of the CRPD are provided under article 3. These general principles are fundamental to the rest of the articles as well as vital in relation to the implementation of the Convention (Lee, 2009). The principles shall be: (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) non-discrimination; (c) Full and effective participation and inclusion in society; (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (e) equality of opportunity; (f) accessibility; (g) equality between men and women; and (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

These underlying principles are important since the CRPD serves as the impetus and basis for the signatory countries which have little or no framework on the promotion, protection and ensuring the rights of the PWD. The formulation of the CRPD is heavily based on the well-established laws and policies on PWD of the United States, United Kingdom and Australia (Lord, 2010).

Noting the challenges faced by PWD in securing and maintaining employment, the CRPD explicitly provides for the provisions on

employment. Article 27 of the CRPD provides for the detailed provisions when it recognizes the rights of equality to employment. The article further details out that the working environment must be open, accessible and inclusive to PWD clause 27 (1). These include the removal of “barriers” such as physical barriers to places of works which are inaccessible physically, lack of accessible transportation, legislations that discriminates the PWD or do not protecting them, lack of accessible information about employment opportunities and lack of accommodation in facilitating the communication (Lord, 2010). Furthermore, clause 27 (2) provides that the PWD are protected from being held in slavery or servitude, and also protected from forced or compulsory labour.

Apart from article 3, article 8 and 9 support the PWD rights to work. Article 8 supports article 27 in the sense that it addresses the discrimination issue of employment by requiring the States Parties to take immediate and necessary measures to raise awareness regarding PWD, combating stereotypes, prejudices and harmful practices and to promote the capabilities of PWD. Besides, section 9 further reinforces article 27 by requiring the states parties to ensure the accessibility issues of PWD that includes removing barriers that hinder the PWD from enjoying the rights as other persons. For example, article 9 requires the access for the PWD to the physical environment, to transportation and communications and to other facilities open to the public both in urban and rural areas.

Whilst solid foundation has been laid down by the CRPD in promoting, protecting and ensuring the rights of PWD as a whole, and the rights of employment and work in specific, it is now the matter of implementation of these provisions that really matter to us.

2.2. Employment of PWD: A Legal Framework in Malaysia

As far as the employment right of PWD is concerned, two legislations are pertinent to the discussion: Federal constitution (FC) and PWDA 2008.

2.2.1. FC

There is no explicit constitutional provision offered for PWD. Nevertheless, as Part II of the FC sets out for the fundamental liberties in Malaysia, the constitutional right to equality which is one of them is implicit and should also apply to PWD. Enshrined under Article 8, equality as a noble idea is commonly associated with law and justice. To treat people equally is to deny unjust and inequitable treatment towards them. All people, citizens or non-citizens of the federation (Mohamad, 1976), disabled or non-disabled, are equal before the law and shall entitle to equal protection of the law.

There are two features identified in clause 8 (1): Equality before the law; and equal protection of the law. Equality before the law implies the treatment of the same law to all persons regardless of their status; thus no one can claim special privileges because the law can neither favor nor disfavor anyone. On this account, equality denotes the law must operate alike on all persons under like circumstances (Public Prosecutor v Khong Teng Khen [1976]

2 MLJ 166). Thus, similar cases shall be treated similarly. Yet, it is almost impossible to generalize all persons in a situation. As opined in *Datuk Haji Harun bin Haji Idris v Public Prosecutor* (1977) 2 MLJ 155, “equality can only apply among equals and in real life there is little equality,” and “while the concept of equality is a fine and noble one, it cannot be applied wholesale without regard to the realities of life.” One therefore needs to look into the practicalities and realities of life.

As such, laws must be equal in their applications; for good and bad, rich and poor, advantaged and disadvantaged, etc. Suffian LP in *Datuk Harun* stated that: “While idealists and democrats agree that there should not be one law for the rich and another for the weak and that on the contrary the law should be the same for everybody, in practice that is only a theory, for in real life it is generally accepted that the law should protect the poor against the rich and the weak against the strong.” Having said this, the disability-specific law is unquestionable for it is seen to be in line with the concept of equality in its substantive sense so as to meet the realities of life. For the PWD, the explicit law itself is constitutional and the equality right should be equally applicable to them.

It is indubitable that employment has certain fundamental constitutional rights (Karean, 2007; Ram, 2007; Bhatt, 2004 and 2006; Lobo, 1996). Other than Article 8 that preserving the equality right, right to employment is essentially recognized through judicial reviews when the court construed Article 5 on the right to life to include the right to livelihood. Malaysia has recognized right to means of living as an important aspect of right to life by virtue of the judgments by the Court of Appeal (*Tan Tek Seng v Suruhanjaya Perkhidmatan Pendidikan* [1996] 1 CLJ 771; *Hong Leong Equipment Sdn. Bhd. v Liew Fook Chuan* [1996] 1 CLJ 665) and the Federal Court (*R. Rama Chandran v The Industrial Court of Malaysia & Anor* [1997] 1 CLJ 147).

In *Tan Tek Seng*, Gopal Sri Ram JCA had adopted the interpretation to the expression of “life” - ... the expression “life” appearing in Article 5 (1) does not refer to mere existence. It incorporates all those facets that are an integral part of life itself and those matters which go to form the quality of life. Of these are the rights to seek and be engaged in lawful and gainful employment and to receive those benefits that our society has to offer to its members.

The Honourable Judge had referred to the Indian Supreme Court’s judgments whereby in *Olga Tellis v Bombay Municipal Corporation* AIR (1986) S.C. 180, Chandrachud CJ construed that the right to life is wide and far reaching to include the right to livelihood “because no person can live without the means of living, that is, the means of livelihood”. In another case, namely *Delhi Transport Corporation v DTC Mazdoor Congress & Ors* (1991) Supp. 1 SCC 600, Satwant J also opined that the right to life shall include the right to livelihood, whereby “income is the foundation of any fundamental rights, when work is the sole source of income, the right to work becomes as much fundamental.”

Relying on these judicial explanations, deprivation of one’s life is a deprivation of one’s livelihood, for the plain reason that,

no one can live without the means of living. This stance was concurred in *Hong Leong Equipment* when the Court of Appeal confirmed that expression “life” is wide enough to encompass the right to livelihood which “is one of those fundamental liberties guaranteed under Part II of the Federal Constitution.” The Federal Court in *R. Rama Chandran* had adopted the same when *Eusoff Chin CJ* agreed that the word “life” should include the right to be engaged in lawful and gainful employment. It is noteworthy to mention that the Federal Court in *Pihak Berkuasa Negeri Sabah v Sugumar* (2002) 3 MLJ 72 has obiter when disproved the extension of the right to life beyond the context of Art 5. However, it has been viewed that *Sugumar* had just mentioned the relation of the expression “personal liberty” in Art 5 and did not touch on the right to livelihood as applied in *Tan Tek Seng*.

At this point, the recognition of the right to employment as a fundamental constitutional right shall encompass everyone who is eligible. It therefore shall be extended to PWD without exception, for the sole reason that no one can live without the means of living. As citizens of the Federation, PWD are entitled to this basic right which must be respected by everyone.

2.2.2. PWDA 2008

PWDA 2008 is a disability-specific legislation in Malaysia. Came into force in July 2008, it has legally recognized the rights of PWD. It is the objective of the Act, not only to acknowledge the human rights of PWD but to provide for the true implementation of those rights for their full integration in society. Specifically, PWDA 2008 is an Act “to provide for the registration, protection, rehabilitation, development and wellbeing of persons with disabilities, the establishment of the National Council for Persons with Disabilities, and for matters connected therewith.” Thus, the law is exclusively dealing with people and matters that relate to disability.

The passage of this law is positively seen as a move from the previous charity-based to the subsequent rights-based. Generally, the Act was enacted to recognize the potential contributions of PWD to the society as a whole, to admit the importance of accessibility in enabling PWD to fully and effectively participate in society, to realize the significance of equal opportunity and to acknowledge the importance of co-operation between the government and the private sector and non-governmental organizations (NGOs) in matters relating to the PWD. Through this law, PWD are anticipated to enjoy on an equal basis with persons without disabilities in the areas of, among others, education, employment, transportation and accessibility to public places. Moreover, a special government department is also established, namely the Department for the Development of Persons with Disabilities that responsible for the registration, protection, rehabilitation, development and wellbeing of PWD.

PWDA 2008 has its preliminary section under Part I. Part II provides for the establishment of the National Council for PWD, its functions, powers, meetings, members and committees. Under Part III, the appointment and duties of Registrar General, Registrar and registration of PWD are spelled out. Promotion and development of the quality of life and wellbeing of PWD are stated

in Part IV which is divided into five chapters: Chapter 1 provides the accessibility which includes access to public facilities, amenities, services and building; access to public transport facilities; access to education; access to employment; access to information, communication and technology; access to cultural life and access to recreation, leisure and sport; Chapter 2 is about habilitation and rehabilitation; Chapter 3 is on access to health; Chapter 4 deals with protection of persons with severe disabilities; and Chapter 5 is on situations of risk and humanitarian emergencies. The last part which is Part V contains general provisions.

The Act defines PWD as “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society.” In other words, anyone with any of the listed impairments that limits his/her ability to carry out normal day-to-day activities in society fulfills this interpretation and comes under the protection of the PWDA 2008, provided he/she has been duly registered as a person with disability under the Act. It is therefore a requirement for the PWD to register at the Department of Social Welfare.

Employment as a right and basic need of an individual is assured to the PWD through s 29. Clause 29 (1) says that, “persons with disabilities shall have the right to access to employment on equal basis with persons without disabilities.” It is fascinating to see that this right has been expressly uttered in the Act. The legal provision does not simply guarantee the right to employment but promise for the right to access to employment on the equal basis with those without disabilities. This assertion is very much appreciated though its implementation and practicality is arguable owing to the right to hire that belongs to employers, whom, after all, have final say on the selection. Without appropriate understanding and cooperation of employers, this provision is doubted to be realized.

PWDA 2008 also, through clause 29 (2), requires the employer to “protect the rights of persons with disabilities, on equal basis with persons without disabilities, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, protection from harassment and the redress of grievances.” This section encompasses various protections that relate to employment in order to ensure proper safeguards to the PWD in terms of their rights to equal opportunities, just and favorable conditions of work, and so on. This may include fair treatment and just terms and conditions of employment for achieving the decent work. Like other provisions formerly, this also needs further elaboration particularly that the conditions at the workplace, equal opportunities and equal remuneration for work of equal value are concerned. To promise for equal opportunities is worthy but again questionable in its execution.

Another point to highlight here is, this provision is deemed to be significant for the “employed” PWD due to the imposition of these rights is meant for the employer; whereas the fundamental issue is about the readiness of employers to employ the PWD.

Clause 29 (3) further says, “the employer shall in performing their social obligation endeavor to promote stable employment

for persons with disabilities by properly evaluating their abilities, providing suitable places of employment and conducting proper employment management.” This provision benefits the PWD when it promises a “stable” employment yet debatable when the employer is the one to assess the PWD’ abilities and capabilities of doing work. Providing suitable places of employment and conducting proper employment management are other obstacles. The writers believe that employers are commonly aware of their social obligation but are reluctant to fulfill this due to the abovementioned reasons, namely perceptions on PWD and the cost to be involved.

2.3. Policy Framework on Employment of PWD

Other than legal framework established for the protection of the PWD, policy framework is also significant. This part will discuss few policies related to the PWD.

2.3.1. National social policy

The National Social Policy was officially launched by the Malaysian government on 19 August 2003. Generally, this Policy promotes a significant action by the government in providing the equal right for the PWD in Malaysia. It must be viewed as important agenda in line with the vision of Malaysia to become a developed country by 2020. The main ingredients of the policy are to emphasise on various social development agenda including social development right for disabled person. The policy becomes the main pillar to support Vision 2020 and to indicate the national commitments towards the international requirement.

The main goals of this policy is to ensure that all Malaysian society, including disabled person, have the opportunity to achieve social integrity and stability, national fortitude and well-being for a progressive and established Malaysian society (Department of Social Welfare, 2009). Generally, the main objective is to ensure that every individual, family and community, regardless of ethnic group, religion, culture, gender and political belief as well as region is able to participate and contribute to the national development as well as enjoy continuous contentment in life (Department of Social Welfare, 2009). Other objectives are focusing on developing and empowering humans for life and to consolidate and develop the social support system and services respectively. These objectives can be classified as a significant agenda that bringing the disabled persons for better empowerment through employment by providing a suitable social support systems, for example infrastructure and education or training. Lastly, the objective of National Social Policy is to generate multi-sector synergy, by encouraging cooperation and collaboration among various fields or background in public, private and voluntary sectors. In other words, the philosophy of social development is the collective responsibility of all Malaysian society. This description describes that the right of equality in social development for disabled persons are undeniable. Further to this policy, the policy of person with disability had been introduced in 2007.

2.3.2. Persons with disability policy

The policy of PWD intentionally provides the basic statement on equality right and opportunities for disabled persons to fully and effectively participate in society. The policy assists the PWD in

terms of enabling them to live independently. The objectives of the policy are as follows (Department of Social Welfare, 2009): (1) To provide recognition and acceptance of the principle that disabled person have the same rights and opportunities for full participation in society; (2) to ensure that disabled person enjoy the same rights, opportunities and equal access under the law of the country; (3) to eliminate discrimination against any person on account of incapacity; and (4) to educate and raise public awareness about the rights of disabled people. This policy has clearly reflected on the government’s commitment to increase awareness and promote better rights for disabled person and this should cover employment of the disabled persons.

In terms of its implementation, this policy must be realistic with specific mechanism and programmed that will coordinate the disabled and the society (public, private and non-governmental sectors). To recognize the execution of the policy, support from government, public and private sectors are required. As for the government, proper programs are expected in order to attract more participation of the private sector employers towards employing the disabled. For example, since 1981 government has provided special tax exemption for those who are employing disabled persons.

There are 15 areas that cover the strategies for implementing and achieving the policy’s objectives (Department of Social Welfare, 2009) with three strategies are identified as relevant with employment for the disabled, namely:

1. Accessibility: To ensure the provision of barrier-free environment including those in and out of buildings, workplaces, neighborhoods and public spaces, to improve the provision of public transport facilities and disabled-friendly and to encourage the provision of and access to information and communication technology.
2. Employment: To open up more job opportunities and encourage employment of disabled people in all sectors of employment, and to encourage self-employed disabled people and self-reliance.
3. Human Resource Development: To develop capacity and provide adequate trained human resources as well as providing services to the disabled, to develop the capacity of NGOs representing the interests, and to increase the participation of disabled people in planning and decision-making process.

2.3.3. One percent rate of PWD in public and private sector employment

Another important policy that was introduced by the government is the implementation for recruiting one percent disabled person in the public sector. The policy was implemented under Services Circular no. 10/1988 by Public Service Department (JPA) since 1988. This policy has been reinforced in 2008 to be in line with the national policies on human capital development and caring society (Public Service Department, 2013). Yet, it is understood that the rate is still below the target because of two main barriers: First, the problem of qualification to match with the job specification; and secondly, the problem of proper infrastructure at the workplace that hinders the disabled from performing their duties. The number nevertheless has shown an

improvement with approximately 33 government agencies are recorded in 2012.

The government in 1990 has also introduced the Code of Practice for the Employment of PWD in the Private Sector (the Code). This Code is cordially welcomed as private sector may provide more places and employment opportunities for PWD. Again, it is sad to note that the quota is still far from being filled. The implementation of this employment policy is far from satisfactory when a lot more PWD are still unemployed although some of them are well-educated.

As the policy-maker, the Malaysian Government never fail to extend their commitments and concern in formulating and improving the policy, programme and activities related to ensure that disabled people receive equal rights and opportunities for full participation in the society. Another example is the "Return to Work" program that enables people with occupational injury-related disability to return to full-time employment by coordinating rehabilitation services and welfare support. However, the implementation of these policies should have an integration and collaboration amongst the agencies, ministries, departments and private bodies.

3. DISCUSSION

In general, laws and policies applicable for PWD in Malaysia are comprehensive enough to preserve and safeguards their rights. The most critical issue however is the effectiveness of the legislation especially when so far the law itself has never been tested. Comparable to countries like UK and US that impose a duty-bound on the employers not to discriminate PWD in employment and enforce penalty for their noncompliance, this is not the case in Malaysia when PWDA 2008 simply provides for general protection for the PWD. Having said this, again its effectiveness is debatable.

As vital implementation tool, the National Council for Persons with Disabilities (the Council) is very significant holding the important functions to oversee the implementation of the national policy and national plan of action relating to PWD as well as those relating to CRPD; and to make recommendations thereof to the Government. The Council, that is to meet at least three times a year, should have more frequent meetings in order to be effective because the success of the Act is highly dependent on the effective role of the Council.

The apparent problem so far is about the willingness of employers to take up PWD to work with them especially when considering the perceptions of employers on the PWD' abilities, potentials and capabilities to execute the tasks given. This visible problem is almost unresolved when the decision to hire or not to hire is given to the employer to decide. As a matter of fact, to employ or not to employ workman is a management right which is incontestable. Having said so, this right-based legislation is seemingly reversed to be the welfare-based.

Having all the legislation and policies alone are insufficient. They must be implemented with effectiveness. It is the task of

the government to ensure an inclusive system at all levels aiming for strengthening the PWD' rights, protecting their wellbeing, respecting for the diversity so as to recognize their fullest potential to be included in the society through employment.

4. CONCLUSION

Generally, the PWDA 2008 is the answer to the issue of PWD in Malaysia. Pertaining to the employment of PWD, it is an established fundamental right of every human person. While the legal and policy measures undertaken are indubitably good, the employers' perceptions and treatments are the major hurdles. On top of that, to ensure the execution of equal opportunities and right of employment to the PWD, the accessibility issue must be firstly resolved. The problems with the built environment such as an access to and within the workplace, public transportation, suitable infrastructure, are all must be put to an end.

The surroundings must be disabled-friendly and supportive to enable PWD to have pleasant working environment. As mentioned earlier, substantive law alone is insufficient without proper implementation to further support the surrounds particularly in terms of movement and accessibility. Indeed, understanding, assistance and cooperation from the society at large, especially the employers, is significant to support and improve the PWD' contributions, rights and wellbeing so as to make a living and be included in the community.

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