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The situation of the sensory disabled in the field of education and professional activity in the opinion of representatives of deaf and blind people

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The Convention on the Rights of Persons with Disabilities, adopted by the United Nations on December 13, 2006, signed by the Government of Poland on March 20, 2007, and ratified on September 6, 2012, obliges to respect all the provisions contained in this document, including those concerning access to universal education, the labour market and employment. However, from a practical point of view, there are many barriers and problems experienced by different environments of people with disabilities in the enforcement of their rights. Hence, the article includes the opinions of representatives of the deaf and blind people on current restrictions and discrimination, as well as proposals addressed to the education and work and employment spheres of those participating in the debates organized under the project „Convention on the Rights of Persons with Disabilities – a common cause”, the main contractor of which is the Polish Forum of People with Disabilities.

KEY WORDS: disability, sensory disability, hearing impairment, visual impairment, education of persons with sensory disabilities, work and employment of deaf and blind people, Convention on the Rights of Persons with Disabilities

Introduction

The development of civilization defines new tasks for contemporary people, which were unknown in the past, new challenges, requirements as to the type and scope of necessary general or specific knowledge, the scope and level of individual and professional competencies preferred by society. In addition, it also refers to the expected skills, performance, attitudes and behaviours in relation to various areas of personal and collective activity. This means that a person living in the first half of the 21st century is faced with difficult choices and questions that require deep self-reflection and the provision of meaningful answers, taking into account his or her own possibilities and their translation into the reality of existing trends of the contemporary world.

The above-mentioned conditions and tendencies apply to all people, those who formally and functionally fulfil the norms of personal and social competences determined by the development of civilization, as well as those who, due to their somatic, psychophysical and psychosocial disability do not meet and cannot meet those standards. These include human environments that experience the consequences of disabilities, those that have been traditionally present in human development throughout the ages, as well as new disabilities, which appeared as a result of human development.

Similar problems, although more generalised as to their scale, possible strategies, directions and the extent of dealing with current civilization challenges, are experienced by specific societies, states and global populations in general. Hence, given the tasks, goals and historical mission of special education as a discipline of knowledge focused on disability, the need for discourse on the possibility of embracing the new realities in all spheres of human life and the extent, essence, changing personal and social roles attributed to people from a historical or socio-developmental point of view.

Preparing people for self-fulfilment, self-realization, gaining and acquiring satisfaction from their own existence, being valuable and meaningful for the general public, includes activities implemented

in the field of education and socio-occupational activation. That is why not only normative issues, which regulate the generally understood human rights, but also specific solutions for the adaptation of social systems to people's needs and the required standards of their functioning, are so important. In the case of persons with disabilities, this includes opening the education system for students with disabilities and, in the longer term, their way of life, equal access to work, equality of opportunity, taking into account all possible solutions that allow for equal opportunities.

The current provisions of the educational law in Poland provide for equal access for students with disabilities to the public school system, define the scope of necessary adaptations and the entities responsible for their implementation. The same refers to the area of occupational activation. The State Fund for the Rehabilitation of the Disabled (PFRON), appointed under the Act of 27 August 1997 on vocational and social rehabilitation and employment of people with disabilities (Journal of Laws 1997, No. 123, item 776), which is a special purpose fund performing tasks in the area of professional and social activation of disabled persons, with a noticeable focus on occupational rehabilitation, performs, and in any case should perform, the task of introducing disabled persons to the expectations of the present day, creating equal, as in comparison with non-disabled persons, opportunities for personal and socio-professional self-realization. PFRON's financial resources are derived mainly from compulsory monthly contributions from employers who employ at least 25 full-time employees, assuming that the employment rate of people with disabilities is less than 6%. In the case of state and non-state schools, teacher education establishments and care and education centres and rehabilitation centres, the required rate is 2%. Employers with a disability employment rate of at least 6% are exempted from PFRON contributions. Non-profit entities, which conduct activities exclusively in the field of social rehabilitation, medical care or education for persons with disabilities or care for persons with disabilities, are also exempted from the contributions. Another group are employers who are in liquidation or bankruptcy. This

means that the PFRON funds are paid by smaller entities, which do not really have an influence on their spending, in favour of larger entities, from payments made by smaller beneficiaries who decide about their spending.

Internationally, the rights of persons with disabilities are governed by the provisions of the Convention on the Rights of Persons with Disabilities, adopted by the United Nations (UN) on 13 December 2006. The Polish Government signed the Convention on 20 March 2007, whereas the ratification of the Convention by Poland took place on 6 September 2012.

On the basis of the above reflections, a question arises concerning the real situation of people with disabilities in the field of education and the situation on the labour market, in the perception and opinion of the persons concerned and people directly affected by the problem of disability due to family, private and professional relationships. Before referring to those opinions, reference should be made to the content of the said Convention and to specific articles regulating the activities of states and their governments in the aspect of education and labour market access for persons with disabilities.

Provisions of the Convention on the Rights of Persons with Disabilities in the Perspective of Education and Labour Market Access

The issue of education is regulated by Art. 24, whereas the issue of work and employment of persons with disabilities by Art. 27. Article 24, concerning education, obliges the states, which decided to ratify the Convention, not only to recognize the rights of persons with disabilities to equal opportunity education without discrimination, but also to integration, with the preference of the inclusion system, on all levels of education in the country concerned, including continuing education. The direction of educational activities should take into account the desire to develop the potential of

people with disabilities, their personality, talents, creativity, intellectual and physical abilities to the extent of their capability, their sense of dignity, self-esteem, respect for fundamental human rights, fundamental freedoms, the diversity of human nature, effective inclusion in social life.

These tasks oblige to the non-exclusion of people with disabilities from all existing levels of the national, universal education system, free education system, as long as legal solutions in a given country provide for such possibility, introduce solutions for individualization, the required educational and social support relevant to the needs of disabled learners. They also oblige to specific actions that take into account the difficulties or constraints experienced by disabled learners in the form of, for example, facilitating the learning of the Braille alphabet, alternative writing, supporting and alternative ways, means and forms of communication (e.g. sign language, other methods to facilitate communication and education of the deaf or deafblind), orientation, mobility, peer support, counseling. The measure supporting the said objectives is to employ specialists, train teachers who are already working in the field of disability to improve their skills and the skills to support the professional development of students with disabilities.

Art. 27, concerning work and employment, obliges states and governments which have signed the Convention to recognize the rights of persons with disabilities to work on the same basis as non-disabled people, the right to earn a living within a personally chosen form of employment in an open, inclusive and accessible work environment, to secure and promote the implementation of the right to work in the case of people who acquire disabilities during their existing employment. In view of the above, any discrimination due to disability, concerning the broadly defined issue of employment and work (recruitment, employment, continuation of work, promotion in the workplace, working conditions) is prohibited. Persons with disabilities should, just like non-disabled people, be legally protected at work, treated fairly with regard to their positions, working conditions, remuneration for the work performed, protect-

ed from abuse. In addition, they have the right to adequate remedies for possible abuse related to mobbing, the exercise of labour rights, listen to the opinion of trade unions (s) created by disabled people. People with disabilities also have the right to counselling and professional guidance, training, employment services, lifelong learning. Based on the above assumptions, the states and governments of the states are obliged to assist people with disabilities in seeking, obtaining, maintaining employment, returning to employment, and professional development. In addition, they are obliged to promote self-employment, entrepreneurship, employment in the public and private sectors, on the open labour market, vocational rehabilitation programs, implement rational improvements in the workplace. One of the possible ways of implementing the described laws is to protect the disabled from slave labour, forced labour or compulsory labour. Thus, the provisions of the Convention on the Rights of Persons with Disabilities cover the issues of equal rights and the rights of people with disabilities in the field of education and work and employment.

The above issue raises another question related to the opinions of the people concerned on the subject and persons affected due to family or occupational relations and other types of interaction with the analysed environment. The opinions will be presented on the basis of voices of people with sensory disabilities (deaf, blind) and persons who work with them, who participated in the so-called program debates carried out under the project „The Implementation of the Convention on the Rights of Persons with Disabilities – A Common Case” (project duration: 2015-2018) in the status of program adviser, in 2016. This project is implemented by the Polish Forum of People with Disabilities, together with four partners: the Warmia and Mazury Sejmik of the Disabled, the Lublin Forum of Organizations for the Disabled – Provincial Parliament, the Academy of Special Education and the Law Firm Domański Zakrzewski Palinka sp. k. The mission of the project is to involve Poland in the international movement of changes beneficiary to persons with disabilities, which are the result of ratification of the Convention. The

debates, constituting the background and sources of the analyses, covered a total of 68 people, including 14 people who participated in the debate concerning the problems of deaf people using sign language (the debate took place in Warsaw) and 54 people who participated in the debate on the problems of blind people (organized in Olsztyn and Poznań). The debates were recorded. A specialized company prepared the transcripts from the debates, and on their basis the so-called substantive expert prepared reports on specific debates.

The situation of the sensory disabled in the field of education and professional activity in the opinion of representatives of deaf and blind people

The first area of analysis is the area of education in the perception of deaf people using only sign language. These people pointed, among other things, to the following problems:

1. Discrimination: a low status of sign language as a means of communication, stigmatising deaf people as worse, less valuable, with lower capabilities and efficiency, including intellectual abilities, the stigma of the only possible level of education which closes at the level of vocational school, segregation of the education system in the existing forms of general education (integration, inclusion), lack of understanding of the need to support a hearing impaired learner with a sign language interpreter, isolation and lack of integration with the hearing community (the hearing impaired are left to themselves), lack or limited and incompetent educational support, lack, even among the deaf themselves, of the awareness of the role of the Polish sign language (PJM) in the education of deaf students.

An example statement of the participant of the debate: *Lack of awareness about education in PJM. Teaching in Polish is like teaching a person with hearing in Chinese or Hungarian. So let's talk about the education of deaf people in sign language. Because if you speak using the grammar of the Polish language, it is not available to deaf people who*

have not yet learned Polish sign language. This is not education. We teach the unknown through the unknown.

2. Factors that cause discrimination: lack of public awareness about the needs and specificities of the functioning of deaf people, lack of adequate funding for deaf education as compared to the actual needs, prejudices of people with hearing against deaf persons, lack of access to sign language education, treating deaf people as worse, stupid, failure to acknowledge sign language, the Polish Sign Language, as a real sign language, as a foreign language, leaving the decision whether or not sign language will be implemented in a given school to the school principal (the principal may allocate hours for such classes, provided that he/she has relevant means).

A statement of the participant of the debate: *Treating deaf people as worse, stupid. If a person is deaf, he/she is stupid. And all other people are smarter.*

3. Expectations on measures to improve the situation of people with disabilities: strengthening, intensifying the introduction of pro-integrative solutions to develop closer relations between people with hearing and deaf people, greater support for sign language, support for rehabilitation equipment, introduction of the obligation to learn sign language in schools for people with hearing, increasing the awareness of the hearing environment about deaf persons, more competent preparation of teachers to work with deaf students, professionalization of the profession of a sign language interpreter (e.g. by introducing higher education in the field).

A statement of the participant of the debate: *Poland needs to do something about the profession of interpreters of sign language. For example, the Netherlands and Belgium have special education programs for interpreters. The Netherlands has approx. 700 sign language interpreters, with diplomas. This was due to hard work and continuous struggle with the government to launch a special field of study or special courses that educate professional sign language interpreters. They must have a diploma.*

4. Suggestions, propositions and recommendations on how to improve the situation (fuller implementation of rights) in a given

area: greater support for sign language education programs, greater support for access to rehabilitation equipment, obligation to learn sign language in schools for people with hearing, increasing the awareness of people with hearing about deaf persons, obligatory training of all teachers on the issues concerning the deaf.

Blind people signalled the following issues:

1. Discrimination: lack of access to specialists (psychologists, educators, typhlo-pedagogists – educators working with the blind or visually impaired), barriers to employing such specialists (essentially financial barriers), lack of an individualized approach to planning the education pathway for children and youth with visual impairment, insufficient conditions of education at all levels of education (lack of adjustment to the needs and possibilities, e.g. architectural, urban, lack of facilities), lack of parental guidance and help in deciding on the most appropriate form of child education, limited access to an integrated education system on all levels, especially in small towns and in the countryside, limited access and unsuitable methods of language learning, methods of education in inclusive and public schools which do not take into account the specificities of visual disability, low educational subsidy, the difficulty of transferring educational subsidies from one province to another, full transfer of responsibility for education to local authorities, inappropriate adjustment of extra-curricular activities proposed by the school to the students (classes organized according to the so-called key, pro forma, i.e. classes the school is able to implement, not the ones that are really needed by the child).

A statement by a participant of the debate: *The financing of children's education is problematic. There is something called an educational subsidy. The educational subsidy is higher in the case of children with disabilities. Of course, the amount depends on the type of disability. The problem is the flow of funds. The educational subsidy goes to the municipal budget and is then transferred to the schools. The question is why is not passed directly to the school where the disabled child learns? Moreover, the flow of money itself is very complicated and unclear. Another situation is when children from one province are educated at a school in another*

province. This situation becomes even more problematic. The money goes to one province. Then it is transferred to another province. And I think this matter should be discussed in some way and arranged for the benefit of children with disabilities.

2. Factors that cause discrimination: lack of specialized and comprehensive support for families with a child with visual impairment, lack of assistants supporting children in the education system, lack of teachers-specialists in public education and the current limitations in integration education, lack of adaptation of educational facilities to the needs of such students and the required teaching aids, lack of adaptation of curriculum content and teaching methodology of particular subjects, hidden, informal, in spite of equality, limitations in the access to different levels of education, spending education subsidies for children with disabilities on other needs, also related to the maintenance of the facility.

A statement by a participant of the debate: Parents of children with disabilities have no support in schools. There are no assistant teachers supporting disabled children.

A statement by a participant of the debate: There are funds for the education of children with visual disability, but often schools use these resources to buy something else, such as coal for the school. Parents are complaining.

3. Expectations concerning the measures to improve the situation of people with disabilities: informing parents about the opportunities for child development, educational opportunities and the most appropriate system of child education, introduction of blind children's assistants, adaptation of school work organization, methods, methodology, curriculum content to the needs and abilities of students with visual impairments, equipping schools in modern teaching aids, employment of specialists, training of teachers in the field of the specifics of visual impairment, employing more assistant teachers in all institutions in which children with a given type of disability are educated, introducing the educational path of the child and his/her educational tasks into the broader perspective of personal and social life in adulthood.

A statement by a participant of the debate: *Children grow and they do not know how to live. This is the problem. They may not be able to cope in the future in dealing with various important matters*

4. Suggestions, propositions and recommendations on how to improve the situation (fuller implementation of rights) in a given area: improving or even reforming existing diagnostic and decision procedures (including procedures concerning the decisions for the need of special education), education on the rights of parents and children, introduction of systemic, lifelong support for people with visual impairment, real adaptation of public education and integration education to the needs and abilities of visually impaired students (e.g. in the field of language learning through the use of good practices), introduction of opportunities offered by modern technology (e.g. place of work, individually adjusted lighting, possibility of using electronic notes), elimination of architectural, urbanization barriers, preparing captions in Braille for facilities, actual observance of the rights of persons with disabilities included in the Convention.

Another area of analysis is the area of work and employment of people with disabilities (Art. 27 of the Convention on the Rights of Persons with Disabilities). Deaf participants of the reported debates pointed to the following difficulties in this field of human activity:

1. Discrimination: lack of access to work and promotion at work, lower wages, incomprehensible regulations concerning recruitment and employment (e.g. health and safety regulations), problems with preparing a CV, stereotypes in perceiving the deaf person's potential as a candidate for an employee and possible employee, communication difficulties, low educational attainment of deaf people, lack of sign language interpreters in the workplace and limited access to professional, competent career counselling, work assistants, inadequate spending of funds on creating work positions and employment of deaf people or spending funds on matters not related to the needs of the deaf people (for example, there are funds to buy laptops, hearing aids, intercoms, and not for other needs), lack of in-

formation about employment opportunities for deaf people and their rights.

A statement by a participant of the debate: *The problem is the CV of the deaf person, as compared to the CV of a person with hearing. We know that here we don't have a chance. The employer will choose a person with hearing because of easier communication. In this respect we are discriminated, as people with hearing don't even want to write text messages to us.*

2. Factors that cause discrimination: lack of knowledge about deaf culture, stereotypes, fears and avoiding interaction with a given environment, avoiding such contacts, difficulties in communication, lack of interpreters and the command of Polish by deaf persons, transferring to the employers the obligation to provide a sign language interpreter (PFRON does not pay for this full time, a deaf person may apply to PFRON for reimbursement of the funds spent on translation, but only for 20% of the amount spent), the Act on Sign Language includes a provision concerning an assistant supporting communication, but not a sign language interpreter, poor sign language skills among interpreters themselves due to the lack of specialization in translation, discrimination in work due to disability, inadequate legal regulations.

A statement by a participant of the debate: *PFRON gives one thousand one hundred and twenty five zlotys for a disabled person, a deaf person, with a moderate degree of disability. And what is the situation? What is the purpose of this payout? If the employer employs a person with a disability, generally disabled, this sum, one thousand one hundred and twenty five zlotys, is to compensate for his loss incurred by employing any other person. For example, to screw in the screws, that kind of work. But I have no manual skills and perform such work very slowly. The employer gets a refund of one thousand twenty five zlotys. And if the deaf person quickly performs piecework then he gets less and the employer benefits. Deaf people usually do basic work. They have no chance of promotion, personal development. Even if they are qualified to perform the job. Very often the deaf have better qualifications than people with hearing. They are educated. And those with hearing are not. But they always have priority in choosing the job, getting a job and promotion.*

A statement by a participant of the debate: *Lack of knowledge of deaf culture. A lot of people live and think according to stereotypes, they are afraid of the deaf. And often avoid them. So people with hearing do not want to get to know the deaf and their culture. They just prefer to avoid them. They feel safer that way.*

3. Expectations concerning the measures to improve the situation of people with disabilities: adaptation of the style, the language of the law to the deaf person's abilities, greater availability of translation specialists and competent sign language interpreters, opening of the labour market and of employers to hearing impaired persons, change of attitudes and stereotypes; reform of education and counselling with regard to the specificities of the deaf, education of society and employers on hearing impairment.

A statement by a participant of the debate: *The deaf, just like people with hearing, have a need to explain the rules to them using a simple language. Because, as we know, legal vocabulary is very complicated. Deaf people should also be activated to try to access the interpreter. If they do not have access to an interpreter, they still won't have access to information. It's a vicious circle. If a deaf person received a decision on disability before 2003, they have a disability pension. Nowadays, young people sometimes have pension, but usually not. Is it profitable for the state budget if the deaf sit at home for seven hundred or eight hundred zlotys? Or if they go to work and pay taxes? Well, which option is more profitable? Thanks to work, also the work of deaf people, the economic growth could be bigger.*

A statement by a participant of the debate: *A long time ago in the Netherlands, when the deaf worked as carpenters, locksmiths or mechanics, there was no work for these people. At that time the government paid them benefits. The deaf thought that they didn't need to work, because they had money. So they got money. Then the government announced it was enough and they should go to work. It was a very positive step when they told deaf people to go to work, started motivating them to work.*

4. Suggestions, propositions and recommendations on how to improve the situation (fuller implementation of rights) in a given area: combating stereotypes, development and improvement work-

shops for interpreters, training of interpreters at academic level, special workshops for employees with disabilities, for employers on the specificities of hearing disability, introduction of systematic support at various stages of life, different spheres of activity and the social roles that people perform.

A statement by a participant of the debate: *In many European countries people with hearing and deaf people work on the same level. They live on the same level. The Netherlands, Finland, Norway, Sweden, all Scandinavia are well developed countries. We know it is time for change also in other countries. Previously, deaf people did basic work. They were carpenters, locksmiths, bookbinders. But thanks to education they work in services, they can be business owners. They can influence the development of society.*

The opinions of blind people concerning work and employment in relation to the provisions of Art. 27 of the Convention on the Rights of Persons with Disabilities:

1. Discrimination: reluctance of employers to employ people with visual impairment, stereotypes in thinking about the abilities of such persons, discriminatory, when implemented directly, employment regulations, complex legislation language, bureaucratization of the labour sector, low competences of the officials, deficiencies in the preparation for work at the level of education, lack of counselling, professional pre-orientation, difficulties in interpersonal relations with employers and non-disabled colleagues, employment inadequate to the competencies held, generally in positions requiring physical work, change of the retirement age – earlier retirement, difficulties in commuting to work and limited access to guides, difficulties in professional promotion, architectural, urban planning barriers, lack of adjustment of the work position to the possibilities.

A statement by a participant of the debate: *The employers are unaware of the possibilities of blind people. As long as there is an employer market, the employer always has a choice, and he will rather employ a non-disabled person than a disabled person. The provisions concerning subsidies for a particular work position are unclear for many employers. And employers are simply afraid of bureaucracy, unclear regulations and therefore often do not employ disabled people.*

2. Factors that cause discrimination: the situation on the labour market, the attitudes of employers and non-disabled employees, bureaucracy, the lack of adaptation of legal regulations to the needs concerning the employment of blind people, the presence of hidden barriers, i.e. postulates concerning equality and problems with their realization in the social reality, the family situation of many people with visual disability impedes their active and effective work, low wages, limited access to information on recruitment, career and work-related counselling, limited requalification opportunities, insufficient job search assistance, the feeling of discrimination among disabled people, continuous changes in the laws.

3. Expectations for improving the situation of people with disabilities: creating opportunities to improve professional qualifications, providing more access to guides, job assistants, higher subsidies for employers employing disabled people, reducing working time to 7 hours a day, addressing the problem of access to information on recruitment opportunities, training, requalification, removal of architectural and urban barriers, adaptation of the workplace to the capabilities of the disabled, greater access to career counselling, specialized training concerning job search and behaviour at work.

4. Suggestions, propositions and recommendations on how to improve the situation (fuller implementation of rights) in a given area: creating a system for educating guides, assistants for the visually impaired, changing the legal provisions to increase the focus on hiring people with disabilities, reforming regulations on self-employment, monitoring the labour market and the needs of the labour market, including the employment of people with disabilities, the education of employers and non-disabled employees on visual disability, the use of modern media, modern methods of communication and modern technologies to provide information on job opportunities, creation of separate special-purpose funds, independent of government funds (as is the case in other western countries) targeted at the employment and work of people with disabilities (e.g. additional funding for adapting the workplace), combating stereotypes, creating a system of rehabilitation and psychological assistance for the unemployed and the working population.

Summary

In summary, there is generally one main conclusion: that in many areas of human life, legal regulations, even universal in nature (such as those included in the Convention on the Rights of Persons with Disabilities), do exist (i.e. they are physically there, because that is how it should be), whereas in real life, their actual implementation and declarative status is going a different way than that postulated. The realization of the rights of people with disabilities, depending on the dimension, encounters specific difficulties, limitations, sometimes is not even possible, and is related to the capabilities of a particular country or particular social environment. In the case of persons with sensory disability, there exist specific problems with the enforcement of both the right to education within the general education system, as well as the rights concerning work and employment. The signalled problems can be solved by listening to the opinions of the interested parties themselves, concerning the experienced barriers, their causes, and suggestions for modifying, reconstructing or building strategic, system and organizational solutions based on the rationalization of their needs. and current social opportunities (including financial possibilities).

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