

University of Massachusetts Boston

## ScholarWorks at UMass Boston

---

Graduate Doctoral Dissertations

Doctoral Dissertations and Masters Theses

---

5-2020

# When We Tell You We Can Do It, Believe Us: An Analysis of the Legislation and Policies Related to the Employment of Women with Disabilities in the Kingdom of Saudi Arabia

Sarah M. Alem

*University of Massachusetts Boston*

Follow this and additional works at: [https://scholarworks.umb.edu/doctoral\\_dissertations](https://scholarworks.umb.edu/doctoral_dissertations)



Part of the [Disability Studies Commons](#)

---

### Recommended Citation

Alem, Sarah M., "When We Tell You We Can Do It, Believe Us: An Analysis of the Legislation and Policies Related to the Employment of Women with Disabilities in the Kingdom of Saudi Arabia" (2020). *Graduate Doctoral Dissertations*. 580.

[https://scholarworks.umb.edu/doctoral\\_dissertations/580](https://scholarworks.umb.edu/doctoral_dissertations/580)

This Open Access Dissertation is brought to you for free and open access by the Doctoral Dissertations and Masters Theses at ScholarWorks at UMass Boston. It has been accepted for inclusion in Graduate Doctoral Dissertations by an authorized administrator of ScholarWorks at UMass Boston. For more information, please contact [scholarworks@umb.edu](mailto:scholarworks@umb.edu).

WHEN WE TELL YOU WE CAN DO IT, BELIEVE US: AN ANALYSIS OF THE  
LEGISLATION AND POLICIES RELATED TO THE EMPLOYMENT OF WOMEN  
WITH DISABILITIES IN THE KINGDOM OF SAUDI ARABIA

A Dissertation Presented  
by  
SARAH M. ALEM

Submitted to the Office of Graduate Studies,  
University of Massachusetts Boston,  
In partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2020

Global Inclusion and Social Development Program

© 2020 by Sarah M. Alem  
All rights reserved

WHEN WE TELL YOU WE CAN DO IT, BELIEVE US: AN ANALYSIS OF THE  
LEGISLATION AND POLICIES RELATED TO THE EMPLOYMENT OF WOMEN  
WITH DISABILITIES IN THE KINGDOM OF SAUDI ARABIA

A Dissertation Presented  
by  
SARAH M. ALEM

Approved as to style and content by:

---

Dimity Peter, Associate Professor  
Chairperson of Committee

---

Dolly Daftary, Assistant Professor  
Member

---

Dr. Mervat Tashkandi, Executive Director of Strategic Planning  
Dr. Soliman Fakeeh Hospital, Saudi Arabia  
Member

---

Dr. Nada Ali, Lecturer  
Member

---

Kaitlyn Siner-Cappas, Program Director  
Global Inclusion and Social Development Program

---

Sheila Fesko, Associate Dean and Director  
School for Global Inclusion and Social Development

## ABSTRACT

# WHEN WE TELL YOU WE CAN DO IT, BELIEVE US: AN ANALYSIS OF THE LEGISLATION AND POLICIES RELATING TO THE EMPLOYMENT OF WOMEN WITH DISABILITIES IN THE KINGDOM OF SAUDI ARABIA

May 2020

Sarah M. Alem, B.E.S., Dar Al-Hekma University  
M.S., Arab Gulf University  
Ph.D., University of Massachusetts Boston

Directed by Associate Professor Dimity Peter

This dissertation aims at exploring the barriers to the adequate implementation of the legislation, policies and regulations related to the employment of women with disabilities in the Kingdom of Saudi Arabia in the private sector. It uses Article 27 of the United Nations Convention for Persons with Disabilities (CRPD) as an international standard. This dissertation explores the strengths and challenges of Saudi Arabia's Labor Law and regulations in protecting the employment related rights of women with disabilities in Saudi Arabia. It adopts a multi-component analysis by comparing standards (a, b, e and h) of

Article 27 of the CRPD with the relevant policies and regulations adopted by Saudi Arabia and supplements the understanding of the impact of these policies and regulations with data from interviews of with stakeholder. Using a template for examining compliance to the international laws proposed by Frey (2010), the study additionally analyzes the text of the Labor Law, the interpretation of the law, the enforcement of the law and the social norms and conventions that impact their social legitimacy. Finally, the study examines the impact of the legislation and policies on the employment of women with disabilities in Saudi Arabia. This analysis is informed by policy review and interviews of 12 women with disabilities, 7 employers, 11 representatives from relevant government departments from the Western and Central regions which was conducted in the cities of Riyadh and Jeddah. The policy review revealed that the Saudi Labor Law and its regulations align with standards (a, b, e, and h) of Article 27 of the CRPD. The results showed that there is a noteworthy lack of adherence to the policies and regulations related to the employment of women with disabilities. The results indicated that the social norms and social conventions significantly impact the employment of women with disabilities. On these bases, the dissertation recommends that the Ministry of Labor and Social Development promotes awareness campaigns about the rights of persons with disabilities to employment with special attention to the specific needs of women with disabilities. In addition, the dissertation suggests a comprehensive evaluation of the current enforcement processes of legislation and policies related to the employment of women with disabilities.

## ACKNOWLEDGEMENTS

I wish to thank Dr. Dimity Peter, my committee chair for her dedication to reflect on, read, encourage, and most of all patience throughout the entire process of writing this dissertation. Moreover, I would like to thank the rest of my dissertation committee: Dr. Mervat Tashkandi, Dr. Dolly Daftari and Dr. Nada Ali for agreeing to serve on the committee and for their insightful comments and encouragement to widen my research from various perspectives.

Furthermore, I would also like to acknowledge with much appreciation the significant role of my mentor Dr. Mervat Tashkandi, whom continuously inspired me to continue learning and to achieve my goals. Thank you for generously sharing your knowledge and wisdom with abundant love and care.

I would like to acknowledge and thank the participants of this study for allowing me to conduct my research and for sharing their valuable experiences.

My deep and sincere appreciation also goes to my sister Dr. Nermeen Alem and my brothers Captain Ahmad Alem and Dr. Rafat Alem for their love, prayers and care throughout my PhD journey.

Finally, I would like to thank my friends. My completion of this dissertation would not have been achieved without their support. I am blessed to have Rana Zaidan, Rayna Verbeck and Basma Bushnaq by my side during this long journey whom always supported me with great encouragement and emotional support from reading early drafts to giving me

advice on the defense presentation template. Most importantly, they also made sure I never forgot to take a break from writing when I needed, kept me moving forward at all times and stood by my side during every struggle.



## DEDICATION

To the woman who inspired me to become the person I am today... to the woman who instilled in me the love and dedication for helping others... to the woman who always believed in me... to the first person who called me Dr. Sarah even before entering the PhD program.

To the man who calls me mom... to the person who made me believe in miracles from the moment I felt his first kicks... to the person who made me eager to become a better person every day... to the persons who kept checking on me making sure I am still strong and resilient.

To the man who has provided me with invaluable educational opportunities, sincere love and ever-present support of my endeavors towards pursuing my educational goals.

For all the moments I was not home with you, I dedicate this dissertation to my mother:  
Fawzeyya Turkustani (God rest your soul), my son: Bilal Nour and my father: Mohammad  
Saber Alem.

## TABLE OF CONTENTS

ABSTRACT .....	iv
ACKNOWLEDGEMENTS .....	vi
DEDICATION .....	viii
TABLE OF CONTENTS .....	ix
LIST OF FIGURES .....	xiii
LIST OF TABLES .....	xiv
 CHAPTER .....	 Page
1. INTRODUCTION .....	1
1.1 Overview of the Employment Status of Women in Saudi Arabia .....	4
1.2 Employment and Women with Disabilities .....	10
1.3 Persons with Disabilities in Saudi Arabia.....	11
1.4 Barriers to Employment of Persons with Disabilities in Saudi Arabia.....	15
1.5 Conceptual Framework .....	17
1.6 Islam and Disability .....	20
1.7 An overview of Saudi Arabia – the Legislative and Regulatory System, Policies and Government Departments.....	22
1.7.1 Overview of the Legislative Context of the Kingdom of Saudi Arabia.....	22
1.7.2 Basic Laws of Governance in Saudi Arabia .....	27
1.8 Laws and Legislation Supporting Persons with Disabilities.....	29
1.8.1 Saudi Arabia’s Basic Law.....	29
1.8.2 Saudi Labor Law .....	30
1.8.3 The Convention on the Rights of Persons with Disabilities .....	31
1.8.4 Supporting Services for Persons with Disabilities.....	32
1.8.5 The Convention on the Elimination of all Forms of Discrimination Against Women .....	34
1.8.6 The Authority of Persons with Disabilities in Saudi Arabia.....	34
1.9 Significance of the Dissertation .....	35
2. LITERATURE REVIEW .....	37
2.1 Introduction.....	37
2.2 Disability .....	38
2.2.1 Disability in the Arab Region .....	39
2.2.2 Situation of Persons with Disabilities in Saudi Arabia.....	42
2.2.3 Education and Access to Education of Persons with Disabilities in Saudi Arabia .....	47
2.2.4 Employment of Persons with Disabilities in Saudi Arabia.....	50
2.3 Barriers to Employment of Persons with Disabilities in Saudi Arabia.....	53
2.3.1 Barrier (1) Data and Information Management .....	54

2.3.2 Barrier (2): Physical Barriers .....	55
2.3.3 Barrier (3): Attitudinal and Cultural Barriers .....	56
2.3.4 Barrier (4): System Barriers.....	57
2.3.5 Barrier (5) Education, Skills and Training.....	59
2.3.6 Barrier (6): Employers and Employment Programs .....	60
2.4 Policies and Programs Affecting Under-Employment and Unemployment of Persons with Disabilities in Saudi Arabia .....	62
2.5 Issues Arising from the Lack of Adherence to Policies and Legislation..	65
2.6 Women.....	66
2.6.1 Situation of Women in the Region.....	67
2.6.2 Situation of Women in Saudi Arabia .....	67
2.6.3 Education of Women in Saudi Arabia .....	69
2.6.4 Employment of Women in Saudi Arabia.....	70
2.7 Women with Disabilities.....	72
2.7.1 Situation of Women with Disabilities in the Region .....	73
2.7.2 Situation of Women with Disabilities in Saudi Arabia.....	74
2.7.3 Services Supporting Women with Disabilities in Saudi Arabia .....	766
2.8 Theoretical Background.....	80
2.8.1 Feminist Theory .....	81
2.8.2 Human Rights Disability Framework .....	82
2.8.3 Transdisciplinary Research Approach .....	86
2.8.4 Intersectionality Overview.....	87
2.8.5 Institutional Theory Overview .....	89
2.8.6 Intersectionality Theory and Institutional Theory Overview....	93
2.8.7 Globalization.....	95
2.9 Conclusion .....	98
3. METHODOLOGY .....	100
3.1 Background .....	101
3.1.1 The United Nations Convention on the Rights of Persons with Disabilities .....	101
3.1.2 Frey's Framework for Policy Analysis .....	103
3.1.3 Review of Laws, Regulations and Policies.....	108
3.2 Qualitative Interviews.....	109
3.2.1 Design of Study.....	109
3.2.2 Participants.....	110
3.2.3 Data Analysis .....	120
3.3 Methodological Integrity .....	122
3.4 Data Collection .....	123
3.5 Data Analysis .....	126

3.6 Study Limitations.....	128
CHAPTER	Page
4. DATA ANALYSIS AND FINDINGS .....	131
4.1 Introduction.....	131
4.2 Standard (a and b) .....	132
4.2.1 Standard (a and b), Text.....	137
4.2.2 Standard (a and b), Interpretation .....	143
4.2.3 Standard (a and b), Enforcement .....	143
4.2.4 Standard (a and b), Social Norms and Conventions .....	147
4.2.5 Standard (a and b), Other Institutions .....	161
4.2.6 Conclusion .....	163
4.3 Standard (e).....	164
4.3.1 Standard (e) Text.....	168
4.3.2 Standard (e), Interpretation .....	188
4.3.3 Standard (e), Enforcement .....	188
4.3.4 Social Norms and Conventions.....	189
4.3.5 Other Institutions .....	193
4.3.6 Conclusion .....	196
4.4 Standard (h).....	197
4.4.1 Standard (h), Text .....	201
4.4.2 Standard (h), Interpretation.....	204
4.4.3 Standard (h), Enforcement .....	204
4.4.4 Standard (h), Social Norms and Conventions.....	209
4.4.5 Standard (h), Other Institutions.....	221
4.4.6 What Affirmative Action Policies Might Promote the Employment of Women with Disabilities?.....	223
4.4.7 Conclusion .....	226
5. FINDINGS AND RECOMMENDATIONS.....	227
5.1 Introduction.....	227
5.2 Findings.....	233
5.2.1 Standard (a) of Article 27 of the Convention on the Rights of Persons with Disabilities.....	233
5.2.2 Standard (e) of Article 27 of the Convention on the Rights of Persons with Disabilities.....	236
5.2.3 Standard (h) of Article 27 of the Convention on the Rights of Persons with Disabilities.....	239
5.3 Recommendations.....	239
5.3.1. Policy Recommendations.....	240
5.3.2. Practice Recommendations .....	243
5.3.3 Research .....	245
5.4 Conclusion .....	246

CHAPTER	Page
APPENDICES	
A. INTERVIEW QUESTIONS FOR EMPLOYED WOMEN WITH DISABILITIES .....	248
B. INTERVIEW QUESTIONS FOR UNEMPLOYED WOMEN WITH DISABILITIES AND/OR SEEKING EMPLOYMENT .....	250
C. INTERVIEW QUESTIONS FOR KEY INFORMANTS FROM THE MINISTRY OF LABOR AND SOCIAL DEVELOPMENT .....	252
D. INTERVIEW QUESTIONS FOR STAFF FROM THE LABOR OFFICES AND FROM THE LABOR INSPECTION DEPARTMENT .....	253
E. INTERVIEW QUESTIONS FOR PRIVATE SECTOR EMPLOYERS (HR DIRECTOR IN A COMPANY AND/OR DIRECT SUPERVISOR TO AN EMPLOYEE WITH A DISABILITY) .....	254
F. INFORMED CONSENT .....	256
REFERENCES .....	258

## LIST OF FIGURES

Figure	Page
1. Percentage of Saudi Persons With Disabilities in the Kingdom of Saudi Arabia .....	12
2. Barriers to Employment of Persons with Disabilities in Saudi Arabia.....	17
3. Conceptual Framework of Factors Influencing the Employment of Persons with Disabilities and/or Women with Disabilities .....	18
4. Conceptual Framework of Analysis.....	19
5. Global Overview of Disability Policy.....	44
6. Global Overview of Policies Related to the Rights of Persons with Disabilities .....	44
7. Global Overview of Policies Related to the Right to Work for Adults with Disabilities .....	46
8. Summary of Historical Timeline of Saudi Arabia in Special Education .....	79
9. Conceptual Framework of Analysis Updated .....	101
10. Considerations of Methodological Integrity of Data Collection and Data Analysis in Qualitative Research .....	123

## LIST OF TABLES

Table	Page
1. Saudi Population by Sex, and Disability Status.....	12
2. Saudi Female Population Type of Disability and Their Severity .....	13
3. Saudi Female Population (15+ years) with Disabilities by Disability Severity and the Employment Status .....	15
4. Overview of Frey’s Framework.....	108
5. Demographics of the Participants with Disabilities.....	114
6. Government Officials’ Demographics.....	117
7. Private Sector Employers, Positions and Type of Company .....	120
8. Analysis of Legislation, Policies and Regulations in Relation to Standard (a and b) of Article 27 of the CRPD Based on Frey’s Indicators .....	137
9. Analysis of Legislation, Policies and Regulations in Relation to Standard (e) of Article 27 of the CRPD Based on Frey’s Indicators.....	168
10. Analysis of Legislation, Policies and Regulations in Relation to Standard (h) of Article 27 of the CRPD Based on Frey’s Indicators.....	201
11. Number of Registered Male and Female Employees with Disabilities in the General Organization for Social Insurance.....	203

## CHAPTER 1

### INTRODUCTION

This dissertation aims to explore the impact of legislation and policies relating to the employment of women with disabilities in the Kingdom of Saudi Arabia (KSA) in the private sector. Employment in the government sector and self-employment is beyond the scope of this dissertation. Using Article 27 of the United Nations Convention for Person's with a Disability as the international standard, this dissertation explores the strengths and challenges of Saudi Arabia's Labor Law and regulations in protecting the employment related rights of women with disabilities in Saudi Arabia.

Historically, the employment of persons with disabilities has not been considered a priority. Services such as education were provided as a form of charity and persons with disabilities were not considered capable of employment (The Office of the High Commissioner for Human Rights, 2019). Consequently, the participation of persons with disabilities, especially women, was limited in the Saudi labor market.

Over the past two decades, the Ministry of Labor and Social Development in Saudi Arabia has developed legislation, policies, and regulations related to the employment of persons with disabilities. This dissertation will compare these legislative developments with



the employment standards outlined in Article 27 of the Convention on the Rights of Persons with Disabilities that was ratified by Saudi Arabia in 2007. Article 27 of the Convention on the Rights of Persons with Disabilities explicitly addresses work and employment. The dissertation explores the enactment, and the impact of Saudi Arabia's Labor Law, legislation, policies, and regulations through interviews with women with disabilities and personnel from the Ministry of Labor and Social Development charged with enforcing Labor Laws.

The employment of women with disabilities in Saudi Arabia has been under-researched. There is a dearth of knowledge around the barriers that jobseekers and employed women with disabilities experience in the Saudi Labor Market (Peter, Alem & Knabe, 2018). The lack of research on this topic highlights the significance of this study. Drawing on the work of Frey (2010), this dissertation examines the legislation, interpretation of the Labor Law and policies, enforcement of the policies, and social norms that shape their implementation, using Article 27 of the UN Convention on the Rights of Persons with a Disability.

This dissertation focuses on the following questions: (1) How well do the Saudi legislation, policies, and regulations align with the standards of Article 27 of the Convention on the Rights of Persons with Disabilities relating to employment? (2) How are the legislation, policies, and regulations interpreted and enforced? (3) What are the social norms and conventions regarding enacting the legislation, policies, and regulations? (4) What impact have these legislation, policies, and regulations had on employment opportunities for women with disabilities in Saudi Arabia?

This chapter sheds light on the Regulatory System in the Kingdom of Saudi Arabia. It will also discuss an overview of the employment of persons with disabilities and specifically women with disabilities in Saudi Arabia and the Arab Region. Chapter two presents research literature related to the employment of persons with disabilities in general and women with disabilities specifically and the barriers they encounter in the labor market. Chapter three explains the methods used to collect the data. Chapter four presents the findings from interviews conducted with female job seekers and employed women with disabilities, key informants from the Ministry of Labor and Social Development and Labor Offices, and employers from the private sector. Chapter 5 draws conclusions from the findings and makes practice recommendations.

In a qualitative study such as this, it is important to discuss my positionality regarding the research topic. In high school, I went on a field trip to an institution for female students with hearing impairments in Saudi Arabia and felt drawn to contribute to the field and work with this population. The public university in my city, Jeddah, did not have majors related to this area. However, I was fortunate to obtain a scholarship to a private university, Dar Al Hekma University, where I majored in Special Education. I worked in a public school as a Special Education Teacher in a resource room. As I was dissatisfied with the services provided for students with Learning disabilities, I went to Bahrain to complete a Master's in Special Education.

I returned to Dar Al Hekma University first as a Teaching Assistant and then as a lecturer sharing my passion for the work with other students. With a desire to expand my knowledge beyond education, I then took a position as a project leader at the Ministry of

Labor and Social Development in Saudi Arabia working with a Team of professional on a newly developed Tawafuq Program (an employment program for persons with disabilities at the Ministry). Here, as a project leader, I gained knowledge about the legislation, policies, and regulations related to the employment of persons with disabilities. My work revolved around promoting and implementing international standards concerning supporting persons with disabilities to become active members of the labor force.

While working for the Tawafuq Program, I was able to expand my knowledge in regard to best practices of employment for persons with disabilities. This position also required that I provide capacity building and policy advice for private and public sector entities regarding the employment of persons with a disability. Additionally, in this role I had extensive interaction with employers, workers' organizations, and civil society in relation to laws and legislation concerning persons with disabilities. My work experience has shaped and influenced my interest in exploring the needs of women with disabilities in Saudi Arabia. However, both personally and professionally, I wanted to expand my skills relating specifically to women with disabilities in Saudi Arabia and have the opportunity in the future to shape policy and practices. This desire led me to the University of Massachusetts Boston to complete a Masters and a Doctorate, with funding from the Saudi Government. This dissertation brings together my passion for the field and desire to improve employment opportunities for women with disabilities.

### **1.1 Overview of the Employment Status of Women in Saudi Arabia**

According to the International Labor Organization (ILO), the workforce participation rates for all working-age women in Saudi Arabia are amongst the lowest in the world (16

percent), Saudi women make up only 20 percent of the Saudi labor force (ILO, 2011). The estimated unemployment rate in 2013 for women in Saudi Arabia was 34.9%, compared to 6% for men (EPD, 2015). The labor force participation for Saudi men in 2016 was 78.3%, while for women, it was 22.2% (ILO, 2019). The ILO reported that the employment-to-population ratio in general for men and women in Saudi Arabia in 2015 is 75.7% and 16.8%, respectively. The unemployment rate in 2016 for men and women is 2.5% and 21.1%, respectively (ILO, 2019).

The employment situation described by the data from the ILO is supported by the Global Gender Gap Report conducted by the World Economic Forum that notes that female labor force participation continues to be low, especially in the Middle East (The World Economic Forum, 2018). Saudi Arabia is a notable example of a country with significantly low rates of female labor force participation compared to other countries. The World Economic Forum data notes that the female labor force participation rate is around 23.4% compared to the male labor force participation rate of around 81.6%, although the tertiary education attainment of Saudi females ages 25-54 is comparable to men at 17.3% and 16.0% respectively. Amongst the 149 countries assessed, Saudi Arabia ranked number 145 in economic participation and opportunities for females in 2018. Saudi Arabia's global gender gap score ranked number 141 (The World Economic Forum, 2018). Globally, women hold only 34% of managerial positions across the 149 countries assessed, while the number stands at below 7% in countries at the bottom of the list, including Saudi Arabia, Egypt, Yemen, and Pakistan.

The cultural context of employment for women in Saudi Arabia is complex and rapidly changing. LeRenard (2014) notes that there are two primary but somewhat conflicting perspectives that permeate Saudi society and influence employment. The first is gender-based segregation, which is recognized as a central component of the Saudi identity as Islamic. This perspective upholds the significant concept of "Islamic femininity" as practices consistent with Sharia Law. Culturally, education and employment of women are acceptable, if it aligns with their "female nature" and domestic commitments and if strict segregation of the sexes is upheld (Hamdan 2005). On the other hand, LeRenard (2014) argues that, young Saudi's are now supported to obtain an education to foster careers in the private sector, and thus participate in the country's national development, a policy called Saudization. Saudi women are not excluded from this discourse, and everyone is encouraged to participate in education and the job market to contribute to the nationalization of jobs, especially professional jobs, replacing non-Saudis with Saudi citizens for the sake of national prosperity (Ministry of Higher Education, 2010). Al-Rasheed (2013) describes this paradox as a "commitment to two sometimes contradictory projects: modernity through education and commitment to the purity of the religious nation" (p.101).

These cultural dichotomies also influence organizational structures and its leaders including employers. According to research, the low employment rate for Saudi women can be explained by gender discrimination in the workforce where employers, typically older males, have a more traditional view about the role of women in the work force (Al-Asfour et al., 2017; Elamin and Omair, 2010). For some employers, hiring women is seen as coming with added costs. For example, employers must provide separate entrances and workspaces

for female employees to maintain gender segregation. Additionally, employers are mandated by the government to provide paid maternity leave and childcare (EDP, 2015). Employers may choose to hire men rather than pay the costs of hiring women.

There may also be familial barriers to employment. Although since 2018, women no longer need the permission of her male guardian to work, there is pressure for the family to ensure that the woman's reputation is not slighted by working in non (gender) segregated employment, or in employment that is not seen as fitting for a woman. The woman herself also needs to be mindful of these considerations in employment, and this may be a deterrent factor to the employment of women.

According to the Saudi Labor Law, discrimination in employment towards males or females, with and without disabilities is not permitted. Royal Decree No. M/134 was issued in 27/11/1440 (July 30, 2019), to amend several articles in the Labor Law that are more specifically focused on female employment. In the latest amended Labor Law version, Article 2 defines a worker as: "Any person - male or female- who works for the benefit of an employer and under his administration or supervision for a wage, even if the employee does not work on the premise." Additionally, Article 3 of the Amended Labor Law prohibits discrimination based on gender: "Work is a fundamental right for every citizen ... citizens have equal opportunities to employment without any discrimination based on gender, disability, age, and or any other form of discrimination, whether during employment at recruitment or advertising job vacancies." Furthermore, Article 74 of the Amended Labor Law states that men and women are equal in terms of retirement age, which is 60 years. Finally, Article 155 of the Amended Labor Law states that: "The employer shall not

terminate the contract or give notice of dismissal to a female worker while she is pregnant or on maternity leave; this includes the duration of illnesses arising in either of the conditions stated and with a certified medical report. The duration of absence shall not exceed 180 days in the year, whether continuous or sporadic."

The government provides many Support Programs to assist female workers. The Human Resources Development Fund (HRDF) initiated programs to empower women to enter the Saudi Labor market. One of these support efforts is Wusool Program, which is a transportation program developed with the aims to enable low income female workers - including female employees with disabilities - in the private sector to optimize their participation in the Saudi labor market. This program helps Saudi women, including women with disabilities, overcome transportation barriers. Despite the existing regulations that permit women driving in Saudi Arabia, many women still face the barrier of transportation to-and-from work. In Saudi Arabia, transportation is a challenge for all women. Public transportation services are limited to both males and females. Before 2018, women needed male drivers to take them to and from their destination outside the household. After 2018, the law has changed, and women are allowed to drive themselves. However, the ability to drive relies on many factors, including their male guardians' permission to drive, permission and funds to take driving lessons, having access to cars, and or purchasing accessible cars. Research studies confirm transportation as a barrier to work form many women (Al-Asfour, Tlaiss, & Khan, 2017). It is not clear if the current policies that permit women driving affect social norms and familial practices that require women to rely on male guardians or to employ a male driver to take them to and from work. The Human Resources Development

Fund provides subsidies with specific criteria to assist low income female employees with transportation costs between their work and home locations to help them maintain their jobs. The Wusool Program operates with licensed service providers that are endorsed by the Ministry of Transportation to provide affordable and feasible services. A monthly subsidy, set by the Human Resources Development Fund, covers 80% of the total cost of each trip between work and home locations, with a maximum of 800 Saudi Riyals (\$213) monthly. The program subsidy period is 12 months. To be eligible to receive the Wusool subsidy, the female worker must be a Saudi National, age between 18 – 65 years, and registered at the General Organization for Social Insurance, with a monthly salary of 8,000 Saudi Riyals (\$2,133) or less. The program is inclusive of women with disabilities.

Another program aiming at empowering female workers in Saudi Arabia is the Qurrah Program, which is a Childcare Support Program. Qurrah is a national initiative funded by the Human Resources Development Fund and supported by the Ministry of Labor and Social Development to promote employment of mothers who currently work or would like to work in the private sector. The program's goal is to empower working mothers to become more productive employees without the challenges of establishing appropriate care for their children. The Human Resources Development Fund subsidizes 80% of the fees for childcare services up to 800 Saudi Riyals (\$213) per month for each child until the age of six. This financial subsidy decreases gradually on an annual basis. To be eligible for the Qurrah Program, the beneficiary must be a Saudi female worker or job seeker whose monthly wage should not exceed 8,000 Saudi Riyals (\$2,133), who works in the private sector and is registered in the General Organization for Social Insurance (GOSI). The children's ages



must range from newborn to six years old, and the subsidy is provided for two children maximum per female worker. The program is inclusive of female workers with disabilities.

## **1.2 Employment and Women with Disabilities**

While it is evident that women in Saudi Arabia have many barriers that they have to deal with in relation to employment, women with disabilities are faced with additional limitations unfortunately because of their disability related conditions. Women with disabilities in Saudi Arabia are under-employed or unemployed (Koyame-Marsh, 2017). Saudi women with disabilities experience more difficulties and restraints than Saudi men with disabilities because of gender-based cultural norms discussed above. The influence of cultural and attitudinal barriers on Saudi women with disabilities and their needs has not been researched extensively (Al Morhabi, Al Bayaa, Khan and Ahmad, 2012).

Understanding the barriers to the implementation of the legislation and policies related to the employment of persons with disabilities in general and the additional variables that impact women with disabilities at work will enhance decent work opportunities for women with disabilities, meet their employment needs, and empower them economically,

There are scant statistics available about the workforce participation rate of women with disabilities in Saudi Arabia. In 2017, a report by the Human Resource Development Fund in Saudi Arabia noted that 92% of the total number of women job seekers are women applicants with disabilities (HRDF, 2017). The same report indicated that women with disabilities in Saudi Arabia face a significant challenge of scarce job opportunities.

Unfortunately, data regarding the workforce participation rate of women with disabilities in Saudi Arabia is not accurate due to the stigma associated with disability. The stigma

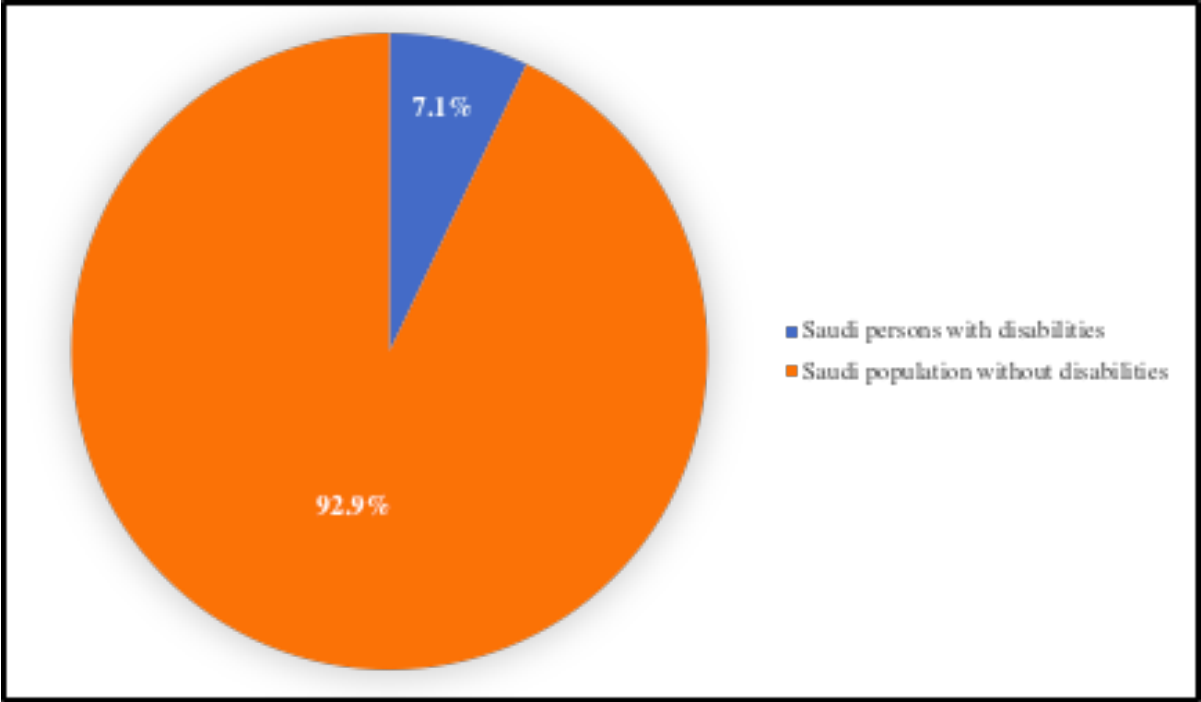
prevents women with disabilities from a range of social activities outside the home, including participation in census activities. It can be inferred that the workforce participation rate of women with disabilities is considerably less than men with disabilities or women without disabilities. However, my interaction with women with disabilities during my work at the Ministry of Labor and Social Development showed that women with disabilities are motivated and keen to find employment.

### **1.3 Persons with Disabilities in Saudi Arabia**

KPMG (2012) conducted an in-depth analysis of data about persons with disabilities in Saudi Arabia, which concluded that there is a paucity of information about this population. The available data are scattered between different entities and ministries. Official estimates indicated that out of 28 million, 4,250,000 persons have disabilities, of which the report deemed 1,400,000 capable of working with accommodations. The population of persons with disabilities who are capable of working face difficulties finding and maintaining decent work (KPMG, 2012).

A more recent Saudi census (2017) indicated that the Saudi population increased in the last ten years and reached 32,552,336 (General Authority for Statistics, 2017). The General Authority of Statistics conducted a Disability Survey, which revealed that 7.1 percent of the total population are persons with some disability. The proportion of Saudi men with disabilities is higher in general than women with disabilities (3.7 percent and 3.4 percent, respectively) (General Authority for Statistics, 2017). Amongst Saudi persons with disabilities, 50.9% are males, and 49% are females (General Authority for Statistics, 2017).

Using this data, Figure 1 shows the percentage of Saudi persons with disabilities residing in Saudi Arabia.



**Figure 1: Percentage of Saudi Persons with Disabilities in the Kingdom of Saudi Arabia**

Table 1 below shows a summary of the numbers of men and women with disabilities in the Kingdom of Saudi Arabia.

Men with Disabilities	Women with Disabilities	Total
755,235	690,488	1,445,723

**Table 1: Saudi Population by Sex, and Disability Status (General Authority for Statistics, 2017)**

Table 2 below shows the types of disabilities and their severity within the population of Saudi females with disabilities.

Severity of disability	Type of Disability						
	Visual	Self-care	Auditory	Mobility	Memory and concentration (cognition)	Communication	Total
Mild	255,183	65,894	106,102	262,030	72,713	59,493	821,415
Severe	93,567	32,977	25,344	139,463	23,160	26,767	341,278
Profound	16,221	27,794	10,332	58,013	11,874	23,757	147,991
Total	364,971	126,665	141,778	459,506	107,747	110,017	1,310,684

**Table 2: Saudi Female Population Type of Disability and Their Severity  
(General Authority for Statistics, 2017, p. 54)**

According to the World Report on Disability (2011), Saudi Arabia's estimate of 7.1% of the population with disabilities differs from the World Health Organization, World Report on Disability (2011), that suggests that approximately 15% of the world's population lives with some form of disability. For example, in the US, according to the Census Bureau, in 2010, 19% of the US population had a disability (Brault, 2012). The discrepancy between the percentage of persons with disabilities internationally and in Saudi Arabia may be possibly explained by:

- a. The reluctance of people in Saudi Arabia to report disability in the government census, possibly due to stigma
- b. Data collection practices
- c. Varying definitions of disability
- d. Disability has not received proper attention in Saudi Arabia, and hence there is a dearth of rigorous statistical data on this issue.

The Disability Survey results revealed that within the Saudi population of people who reported having a disability and who are working age (15+ years), 40.8% are male, and 8 percent are females (General Authority for Statistics, 2017). Women with disabilities are significantly under-counted, as the number of women and men with disabilities should be approximately the same. From this data set, of that population, 6.1 percent are males with disabilities seeking work who have never worked before, while 5 percent are females with disabilities who have never worked. On the other hand, 4.4 percent are males with disabilities seeking work who have work experience, compared to 0.2% are females with disabilities seeking work who have work experience, strongly suggesting that women with disabilities do not have the same access to work experience as men. The percentage of unpaid male workers with one disability reached 0.6 percent, with 0.2 percent of females with a disability. For the scope of this research, Table 3 below demonstrates the statistics of the Saudi female population with disabilities (15+ years) classified by disability severity and employment status (General Authority for Statistics, 2017).

Severity of Disability	Paid by an Employer	Employer employs (Self-Employed)	Retired	Housewife/Homemaker	Student	Unemployed Never Worked	Unemployed with Work Experience	Work without pay	Other	Total
Mild	21,852	828	9,819	240,378	22,782	13,632	1,662	319	42,121	353,393
Severe	8,050	0	5,294	114,658	15,289	8,785	0	0	54,677	206,753
Profound	1,431	0	676	26,239	2,045	3,622	0	395	37,267	71,675
Total	31,333	828	15,789	381,275	40,116	26,039	1,662	714	134,065	631,821

**Table 3: Saudi Female Population (15+ years) with Disabilities by Disability Severity and the Employment Status**

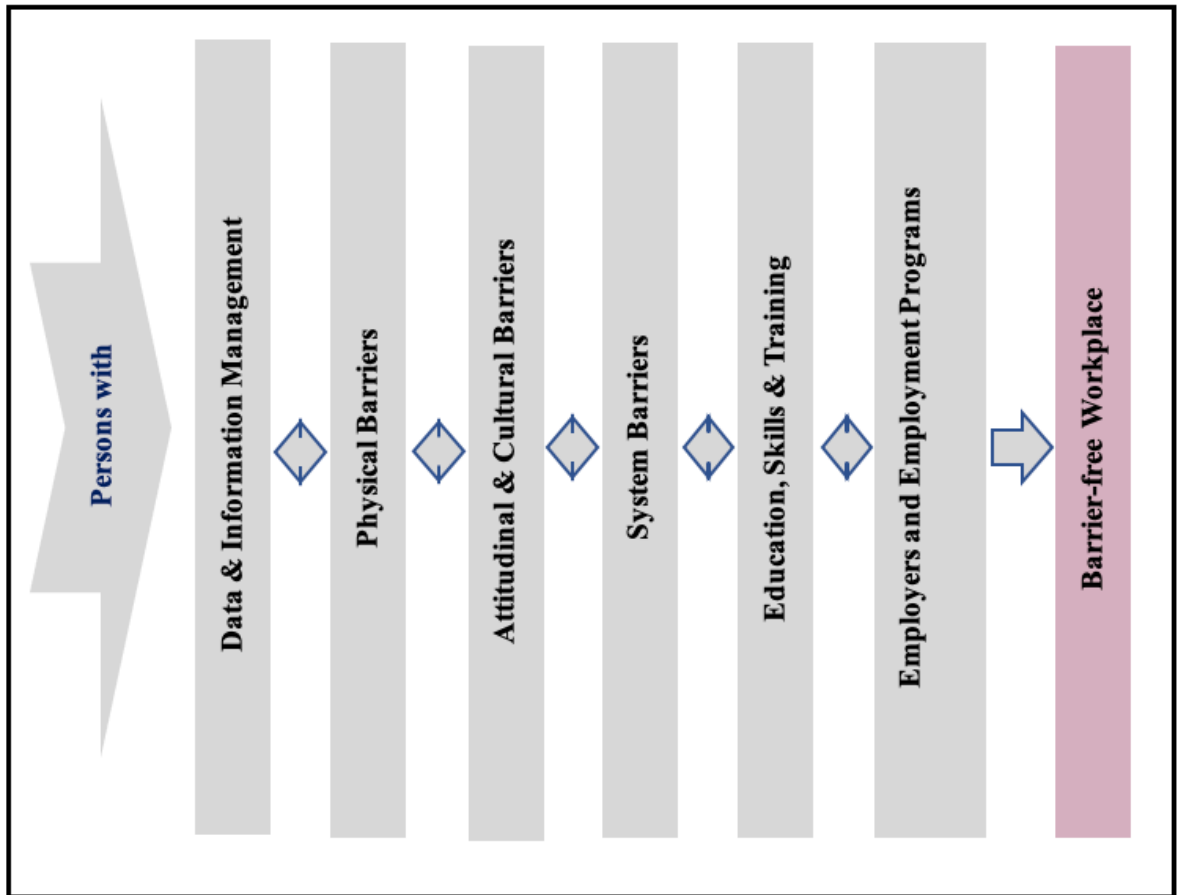
Based on data retrieved from the survey conducted by the General Authority for Statistic (2017), table 3 shows the number of employed, self-employed, retired, unemployed (homemakers), students, unemployed (with and without experience), and unpaid female employees with disabilities disaggregated by the severity of the disability. As shown in the table, around 5% of the total population of women with disabilities are employed. The survey does not clarify the category of "other," who make up around 21% of the total population of females with disabilities. The lack of definition of this group leaves the interpretation of the data unclear. Also, the survey separates the category of unemployed (homemakers), unemployed with experience, and unemployed without experience. If these categories were recognized as one broad group, 65% of women with disabilities are unemployed.

#### **1.4 Barriers to Employment of Persons with Disabilities in Saudi Arabia**

An intense work project by a Saudi Team of experts in disability-related issues and a consultancy team from KPMG conducted an analysis of the barriers to employment for

persons with disabilities. (See Chapter 2 for a more in-depth discussion of this research).

Findings from this project showed that there are approximately fourteen barriers to employment of persons with disabilities in Saudi Arabia. The barriers were interrelated and, therefore, were narrowed down to six main broad barriers, as shown in Figure 2. According to the reports submitted by KPMG, the barriers to the employment of persons with disabilities are Data & information management, Physical barriers, Attitudinal & cultural barriers, System barriers, Education, skills & training, and Employers & employment programs (KPMG, 2012).



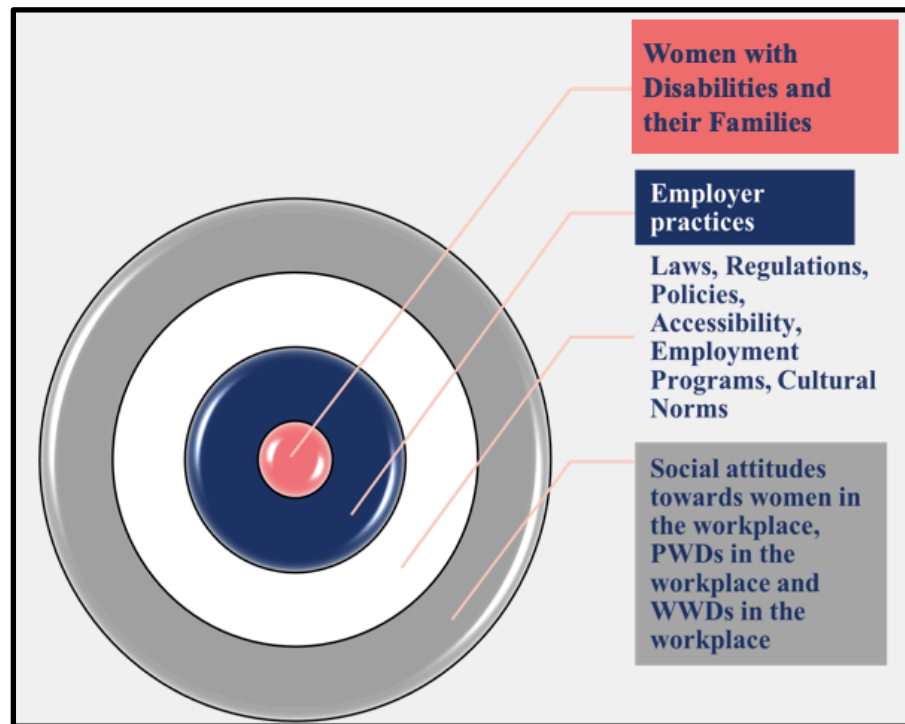
**Figure 2: Barriers to Employment of Persons with Disabilities in Saudi Arabia. Source: (KPMG, 2012, p. 8)**

### **1.5 Conceptual Framework**

Legislation, regulations, policies, and programs serving persons with disabilities are all crucial variables that relate to the challenges women with disabilities face in employment. As discussed earlier, social attitudes influence employers' practices and vice versa. These attitudes and practices determine an employer's willingness to provide women with disabilities with accessible options in the work environment.



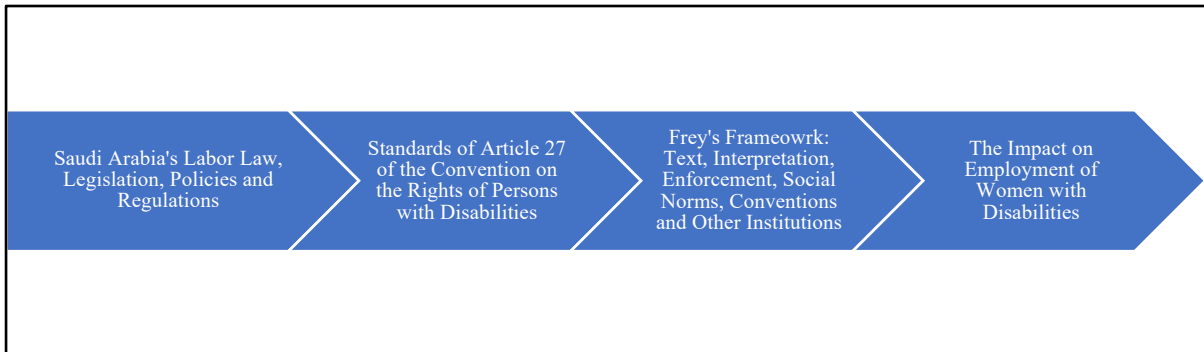
Initial research has depicted several interrelated barriers to the employment of persons with disabilities. The summary of these barriers is presented in the diagram below. Figure 3 below shows the conceptual framework for the dissertation. The diagram explains how these four factors are interrelated.



**Figure 3: Conceptual Framework of Factors Influencing the Employment of Persons with Disabilities and/or Women with Disabilities**

As reflected in Figure 3, based on the previous discussion, several factors contribute to women with disabilities' unemployment, underemployment, social inclusion, and economic empowerment in Saudi Arabia. The woman with a disability and her family attitudes toward employment, employer attitudes and practices toward the employment of women with disabilities, laws and policies regarding persons with disabilities, all of which are influenced by the social and cultural attitudes towards women with disabilities.

The following figure explains the approach that will be used to analyze disability related legislation, policies, and data using Frey's Framework:



**Figure 4: Conceptual Framework of Analysis** 

Figure 4 above explains the process by which Frey's framework is utilized in the analysis of the legislation, policies, and regulations related to the employment of persons with disabilities in Saudi Arabia. The analysis draws upon the standards of Article 27 of the Convention on the Rights of Persons with Disabilities. Each standard will be compared to relevant policies, legislation, and regulations, which will be analyzed according to the six indicators suggested by Frey's framework. Data from interviews with participants with disabilities and key informants from the Ministry of Labor and Social Development and Labor Offices, as well as employers, will support the analysis by providing evidence of the enactment of the legislation and policies along with the real-life employment experiences of women with disabilities described in their interviews.

To uncover and overcome the systemic and attitudinal barriers that contribute to the lack of adherence to the current legislation, policies, and regulations related to the employment of persons with disabilities in Saudi Arabia. It is essential to understand the Legislative and Regulatory context in Saudi Arabia.

## 1.6 Islam and Disability

Saudi Arabia is an Islamic country that bases its rules and regulations on the Quran and Sunnah. Therefore, it is important to understand disability within the Islamic context. In Islam, the existence of disabilities was reconciled by early and modern-day scholars with the concept of a "merciful God" (Ghaly, 2008). According to Ghaly (2008), researchers searched ways to enable persons with disabilities to live productive and respectful lives while keeping Islam as the dominant reference point. Discussions on disability-related research and issues focus on the theology of 'ilāhiyyāt' or 'nazariyyāt' (speculative theology). 'Ilāhiyyāt' is the most fitting to disability-related issues because it focuses on the following:

1. The existence of God/Allah and his attributes, and
2. The actions of God/Allah.

Fates and predestination, or 'al-qadā' wa al-qadar,' the main principle focuses on God/Allah predetermining courses of events and adversities, hardships, and misfortunes people experience. Creation is an essential part of this predestination, which falls under a 'hikma' (a wise purpose). Disability first discussed as 'hikma' is usually discussed as 'musiba' (affliction or calamity), which is not to be mistaken for punishment for sins.

A recent study, "Disability in Islamic Law" by Vardit Rispler-Chaim from the University of Haifa, stated that it is not proclaimed that a disease or disability is predestined by Allah so that the afflicted person has an opportunity to repent, or that diseases/disabilities are punishments for sins. Nowhere in the Qur'ān, Sunna or Fiqh is a clear causality established between Allah and the onset of a disease and/or disability in a believer.

The wise purpose or 'hikma' could be one of two closely intertwined purposes, gaining rewards and gaining an elevated rank in Paradise. Considering disability as a form of hardship and misfortunes could mean that accepting these afflictions will help attain a rank in paradise unattainable by good deeds only. Another interpretation is as a test of faith. In the Qur'an, testing faith is referred to in words such as 'fitna' and 'mihna,' the primary meaning is proofing one's faith. This is the most common analysis provided by modern and early Muslim scholars.

Many scholars agree that God/Allah is perfect; the existence of disabilities does not affect the Divine and his creations. The paradigm shift is that Muslim scholars interpreted disability as a sign of God's love. Islam is a holistic religion that covers all aspects of daily life; scholars have attempted to answer how persons with disabilities can best provide for themselves and participate in society. According to Ghaly (2008), "In principle, persons with disabilities can be employed in any job as long as their disabilities do not affect the quality of the work they are required to do, and that society has an important role in improving the work and living conditions for persons with disabilities."

Bazna and Hatab (2005) conducted a study examining Qur'anic texts. It concluded that the term 'disadvantaged people' was being used to refer to those with special needs. It is depicted in the Quran that society has a responsibility to improve the lives of persons with disabilities, and families have a religious and moral obligation to protect and care for the person.

## **1.7 An Overview of Saudi Arabia – the Legislative and Regulatory System, Policies and Government Departments**

### **1.7.1 Overview of the Legislative Context of the Kingdom of Saudi Arabia**

In order to understand the legislation, policies, regulations, and executive orders related to the rights of persons with disabilities in the Kingdom of Saudi Arabia, it is essential to understand the legal system of the country. Saudi Arabia is an Islamic State. The King is the Monarch, the highest superior figure in the country, he is the guardian and the leader, though the King is not above the Sharia (the Islamic Law). The King is the primary reference and head of all state authorities and the commander in chief of the armed forces (Al-Qahtani, 2011). The King derives all his commands and decisions from the Book of Allah (Quran) and the Sunnah of His Prophet (peace and blessings of Allaah be upon him) (Al-Qahtani, 2011). The King undertakes the responsibility of preserving the faith in Islam, its principles, and rituals. He rules the nation under the rules governed by Islamic law (Sharia), applies the provisions of these laws, oversees the application of regulations, and the application of the general policy of the country, in addition to protecting and defending the country (Al-Qahtani, 2011).

The King's authority revolves around him as custodian of the religion and manager of the worldly affairs on both levels (Al-Qahtani, 2011). The King has the authority to manage worldly affairs of the country as Head of State and Head of the Council of Ministers. The King has the right to create, arrange, and cancel ministries and establish regions and provinces. He has the right to appoint public servants of the state/country, including those at the rank of a minister, such as heads of universities, heads of public services, and Vice

Ministers (Al-Qahtani, 2011). The King also has the right to issue regulations setting the administrative and executive regulations and necessary legislation under the Basic Law of Governance, and releases royal directives in any matter related to the direction and supervision of the country's public policy and well-being. According to Al-Qahtani (2011), the King serves as Prime Minister and has internal authoritative powers called "The King's Authorities," which are as follows:

1. Presidency of the Council at its meetings.
2. Appointing a Deputy Prime Minister and Ministers and relieving them by Royal Decree.
3. Planning and supervising the interests of the state and ministries.
4. Implementing and continuing the regulations issued by the Council.
5. Issuing the internal regulations of governmental bodies such as the Control and Investigation Board.
6. Overseeing independent governmental bodies such as the Board of Grievances (Diwan AlMazalim).

A detailed discussion of the Saudi legal system is a specialist area of legal research that goes beyond the scope of this dissertation. However, this section of the literature review will present a high-level discussion of the relevant legal instruments. This discussion is presented to assist the reader in understanding the foundations of the legal instruments that are discussed and to better illustrate their relevance to the advancement of the rights and protection of persons with disabilities.

The Basic Law of Governance provides the base for Saudi Arabia's legal system (Royal Decree number A/90, dated 27/08/1412 AH, corresponding to 01/03/1992 AG). This serves as the Saudi constitution. Article 1 states that the principles of the *Quran* and the *Sunnah* (traditions) of the Prophet Muhammed, peace be upon Him, governs the legal system. As a monarchy, it is essential to note that the branches of government in Saudi Arabia are not strictly separated. The legislative (law-making) and executive (administrative) branches of government are effectively one branch with multiple functions, and the judiciary is independent (Article 46, Basic Law of Governance).

The King serves as the head of state (the executive) and the Chairman of the Council of Ministers. Another central constitutional legal instrument governs the Council of Ministers, the Law of the Council of Ministers (Royal Decree No. A/13 dated 03/03/1414 AH, corresponding to 20/09/1993), which works alongside the Basic Law of Governance as one of the key constitutional foundations of Saudi law. The Council of Ministers is the main legislative body in Saudi Arabia. It has the primary legislative authority to propose, draft and present laws and regulations to the King in his capacity as Chairman of the Council of Ministers. The Council of Ministers is comprised of all Ministers presiding over the various government executive ministries, as well as government advisors and civil servants with the rank of minister. It functions as the upper chamber of a parliament would in other systems of governance.

The role of the Council of Ministers is complemented by the Consultative Council (the *Shura* Council, as it is known in Arabic). The Council of Ministers was created and is governed by the *Shura* Council Law (Royal Decree number A/91 dated 27/08/1412 AH,

corresponding to 01/03/1992). The Shura Council is effectively the parliamentary lower chamber equivalent in the Saudi legislative structure. It has 150 members all by royal appointment, representing a cross-selection of Saudi society (a fifth of which, by law, must be women) who are tasked with proposing and advising on legislation.

Laws and regulations in Saudi Arabia can take on a number of forms of legal instruments that feature in the Saudi legal system: *Al-Amr Al-Malaki* (Royal Order), *Al-Marsom Al-Malaki* (Royal Decree), *Al-Amr Al-Sami* (High Order), *Qarar Majlis Al-Wuzara* (Council of Ministers Resolution), and *Al-Qarar Al-Wizari* (Ministerial Decree). Their function and ranking are as follows:

1. *Al-Amr Al-Malaki* (Royal Order): an official instrument that expresses the Monarch's sole and direct will. It is typically issued in a standardized format, affixed with the Monarch's sole signature. Such features render it the highest and most robust of legislative instruments
2. *Al-Marsom Al-Malaki* (Royal Decree): an official document that expresses the will of the Monarch approving a matter previously considered by the Council of Ministers and the Shura Council, whereby the Council has made its determination on the matter. Most Royal Decrees serve the function of approving a proposed regulation, law, or the ratification of an international treaty or agreement.
3. *Al-Amr Al-Sami* (High Order): an official document typically not having a specific language format, which expresses the will of the Chairman of the Council of Ministers or one of his deputies (the Crown Prince for example). Its principal



benefit is its flexibility and the fact that it may be issued by the head of the Council of Ministers, be that the King or any of his deputies

4. *Qarar Majlis Al-Wuzara* (Council of Ministers Resolution): an official document that is denoted by its agreed and standardized language and formatting expressing the will of the Council of Ministers. This (?) is one of the most significant legislative instruments, not in terms of its strength but because it is the most issued of instruments and the one that exhibits the most widespread impact on day-to-day policy administration. Council of Ministers Resolutions have a legal, regulatory, and executive language format, issued at meetings of the Council of Ministers.
5. *Qarar Majlis Al-Shura* (*Shura* Council Resolution) is an official document expressing a decision of the *Shura* Council on a new proposed regulation or amendment to an existing legal instrument or legislative study. They are procedurally raised to the Monarch under Article 23 of the *Shura* Council Regulations.
6. *Al-Qarar Al-Wizari* (Ministerial Resolution) is an official document issued by a Minister as the mandated authority in an area of executive policy-making and as a matter of practice coming within the individual Ministry's mandate as empowered by a particular statute.

In practice, a law, such as the Saudi Labor Law, is issued by Royal Decree and based on a decision of the Council of Ministers (in this case Royal Decree No. M/51 dated 23/08/1426H, corresponding to September 27, 2006G, and Council of Ministers Resolution

No. 219 dated 22/08/1426AH, corresponding to September 26, 2005, AG). Once the law is passed, the law would typically delegate the responsibility to the relevant ministry, within whose mandate this area of the law would fall (in this example, the Minister of Labor) to issue what is known as an Implementing Regulation. Implementing the regulations effectively expands the details of the law and provide more operational detail as to how the law itself will be implemented and have the same authority as the law.

The Royal Decisions have two additional forms:

1. Sovereign Ordinance:

The will of the King in his capacity as President of the Council of Ministers, in matters of internal state/country affairs, which is declared in verbal or written form.

2. Royal Directives:

The will of the King relating to the general policy of the state/country. It can be expressed orally or in writing as the head of the executive authority.

### **1.7.2 Basic Laws of Governance in Saudi Arabia**

Governance in Saudi Arabia derives its functions from the six primary Principle Documents. The Three relevant to this dissertation include:

#### ***1.7.2.1 The Basic Law of Governance***

It is the primary document for government rule in the Kingdom of Saudi Arabia. It includes nine sections and eighty-three governance articles. It is the guarantor of the rights, duties, and grounds on which the country was founded, and sets the country's identity and the tasks of the state bodies and agencies.

#### ***1.7.2.2 Law of The Council of Ministers***

This document states that the Council of Ministers shall be responsible for drafting and implementing the policies of the state/country under the chairmanship of the King and assisting the members of the Council of Ministers appointed by royal decree. The term of service in the Council is limited to four years renewable by appointment of the King. The Council has many functions, and this law defines the council and its functions, list the membership conditions, and prohibited activities and practices of members while in office, among many other laws. The Law of the Council of Ministers states that the King has regulatory authority to preside over the Council of Ministers. Moreover, meetings of the council are overseen by the president of the council, the King himself, or one of the King's appointed deputies. The Council of Ministers' resolutions become finalized upon the King's consent.

Council Members are appointed by royal order. A minister is the direct head and has the full authority to run the ministry's affairs. The minister's role includes carrying out his duties in conformity with the requirements of the Law of the Council of Ministers and other laws and regulations. Resolutions council's majority approval. According to the Basic Law of Governance and the Shura Council Law, the Council of Ministers must formulate the internal, external, economic, financial, educational, and defense policies in addition to the general affairs of the state. This body must also oversee policies' implementation.

The Council of Ministers has the executive authority and final authority in both the financial and administrative activities of all ministries and other governmental branches. According to the Shura Council Law, the Council of Ministers reviews laws, treaties, and

international agreements, which must be issued and amended by Royal Decrees. Every minister has the right to submit a draft law or regulation related to the affairs of his ministry. The Council of Ministers is the direct executive authority and has complete authority over all executive and administrative affairs, including monitoring the implementation of laws, regulations, and resolutions.

#### ***1.7.2.3 Law of Shura Council***

The Law of the Shura Council governs the internal procedures and functions of the Council. The Shura Council is constituted of one hundred and fifty full-time members appointed by the King, including the positions of President, Deputy President, and Secretary-General. Thirty members of the Shura Council are women. The Council holds regular meetings with its procedures. The members come with different expertise and specialties. They have to study systems and regulations. They then express their opinions on the general policies, discuss and review laws and regulations, international treaties and conventions and concessions, and provide suggestions.

### **1.8 Laws and Legislation Supporting Persons with Disabilities**

#### **1.8.1 Saudi Arabia's Basic Law**

The Basic Law of Governance serves as the constitution in Saudi Arabia. According to the 27<sup>th</sup> article of the Saudi Basic Law of Governance, "The State shall guarantee the right of the citizen and his family in emergencies, sickness, disability, and old age, and shall support the social security system and encourage institutions and individuals to participate in charitable work." (Royal Decree No: A/90 dated: 27/8/1412 H Corresponding to March 1<sup>st</sup>, 1992). A Disability Code was established in 2000 in Saudi Arabia to qualify persons with

disabilities for full access to free and decent medical, psychological, social, educational, and rehabilitation services through public entities (Al-Jadid, 2013).

### **1.8.2 Saudi Labor Law**

The Saudi Labor law is mandated by the Ministry of Labor and Social Development and overseen accordingly by the Minister of Labor and Social Development. The Labor offices within the Ministry of Labor and Social Development are administrative authorities that control labor affairs as assigned by the Minister. The Labor Law ensures work as a fundamental right for every citizen equally. According to the Saudi Labor Law, there is no discrimination in employment opportunities based on gender or disability. The law specifies conditions for employing persons with disabilities to ensure their safety and security and to ensure no discrimination based on gender and/or disability.

Article (28) of the Saudi Labor Law (Royal Decree No. M/51 23 *Sha'ban* 1426 / 27 corresponding to September 2005) requires that each employer employing twenty- five workers, or more, must have 4% of workers with disabilities. Companies fulfilling this requirement receive a financial incentive set by the Ministry of Labor and Social Development in the Nitaqat Policy number 1/1/4624/E. Companies that do not abide by this policy can be fined.

Persons with disabilities, as defined under the law, are eligible for special services and accommodations to enable them to work (Ministerial Order No. 1982, 06/28/1437 corresponding to April 7<sup>th</sup>, 2016). Similarly, a disability should not be a primary reason for denying employment, promotion, or receiving professional development opportunities within a company (Ministerial Order No. 1982, 06/28/1437 corresponding to April 7<sup>th</sup>, 2016).

Additionally, the Labor Law regulations state that workers with disabilities have the same rights and privileges as other workers (Ministerial Order No. 1982, 06/28/1437 corresponding to April 7, 2016). According to this same Ministerial Order, Article #10 was newly instated to ensure the implementation and enforcement of Article #28 of the Labor Law, which includes 12 sub-articles in support of provisions for suitable employment of persons with disabilities. Some of these sub-articles are a new definition of disability and employment, reasonable accommodation, accessibility to the work environment, equal pay, and equal employment opportunities.

### **1.8.3 The Convention on the Rights of Persons with Disabilities**

According to UN General Assembly (2007), on December 2006, the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol were adopted at the United Nations (UN) Headquarters in New York. On 30 March 2007, The CRPD was opened for signature. Saudi Arabia signed and ratified the Convention on the Rights of Persons with Disabilities and its optional protocol in 2008. The Convention aims at facilitating positive attitudes towards persons with disabilities, ensuring their rights, and viewing them as active members of the society who are capable of advocacy.

The Convention on the Rights of Persons with Disabilities is considered a human rights instrument that focuses on social development. Furthermore, the Convention on the Rights of Persons with Disabilities includes a broad categorization of persons with disabilities and grants them equal human rights, fundamental freedoms, and protects them from being discriminated against based on their disabilities. As a signatory to this convention, Saudi Arabia is obliged to adopt legislation and administrative measures to

promote the human rights of persons with disabilities, including all policies and programs; adopt legislative and other measures to abolish discrimination; ensure that the public and private sector respects the rights of persons with disabilities, and; consult with and involve persons with disabilities in developing and implementing legislation and policies, as well as in decision-making processes that concern them.

#### **1.8.4 Supporting Services for Persons with Disabilities**

The Ministry of Labor and Social Development has been developing programs to align with the aims of the CRPD on the employment platform. The Ministry established the Tawafuq Program in 2014 to ensure suitable employment processes for persons with disabilities. The program's main objective is to expand employment opportunities for persons with disabilities in the private sector. The program focuses on two main areas:

1. Legislations and Policies
2. Employment Processes

Since 2014, the outcomes of the Legislation and Policies area have focused on reviewing and improving existing legislation and policies. There were three primary outcomes:

1. Established a new Definition of Disability and Employment
2. Established a new Policy (Ministerial Order #3245 dated 9 Rabi Al-Awal H1438 corresponding to 9 Dec 2016) to ensure that Giant and Large companies are certified according to the eight newly created 'Mowaamah' Standards for Disability Confident Work Environments.

3. It established the Business Disability Network 'Qaderoon' on Feb 2014, which is a nonprofit network that focuses on advocacy for increasing employment of persons with disabilities in the private sector. Qaderoon Network also offers consultation to companies on issues related to the employment of persons with disabilities and strategies to design disability confident work environments. The Network offers guidance on the Mowaamah Certification Process.
4. Developed four manuals related to the employment of persons with disabilities
  - a. Manual of the Labor Law Articles explaining the rights and responsibilities of employers and employees in terms of disabilities
  - b. Manual for the Stages of Employment
  - c. Manual for the Workplace Accommodations for persons with disabilities
  - d. Manual for HR Personnel in employing persons with disabilities according to civil service's employee regulations

The outcomes of the Employment Processes area focused on reviewing and improving existing employment channels. The main outcomes were:

1. Establishing a Job-Seeker Journey for persons with disabilities
2. Establishing a Work Capabilities Assessment System – WCAS
3. Improving human resource development employment channels
4. Equipping the Employment Centers 'Taqat' with trained staff on the employment processes for persons with disabilities



### **1.8.5 The Convention on the Elimination of all Forms of Discrimination Against Women**

In 1979, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was adopted by the UN General Assembly. The CEDAW is a UN instrument that protects the rights of women, protects them from being discriminated against, and grants them their fundamental freedoms (UN General Assembly, 1979). Saudi Arabia signed and ratified CEDAW in 2007.

### **1.8.6 The Authority of Persons with Disabilities in Saudi Arabia**

The Council of Ministers approved the formation of the Authority of Persons with Disabilities according to Resolution No. 266 dated 27/05/1439H (corresponding to February 13th, 2018). It defines terms such as disability, a person with a disability, services, and governmental entities supporting the authority. Moreover, the resolution specifies the services that shall be provided for persons with disabilities which include healthcare, education, vocational, rehabilitation, access to social, media, sports, and job opportunities as well as any other services declared by the authority and the Bureau of Experts at the Council of Ministers.

The Authority is overseen by the Ministry of Labor and Social Development. The president of the Authority is the Minister of Labor and Social Development and it has an appointed CEO. According to the executive regulations related to the Authority of Persons with Disabilities, the board of directors shall include acting members representing the Ministry of Health, Ministry of Labor and Social Development, Ministry of Finance, Ministry of Economy and Planning, Ministry of Municipal and Rural Affairs, and Ministry of

Education. Also, the board of directors shall include two members with disabilities and two parents of persons with disabilities.

### **1.9 Significance of the Dissertation**

The Convention on the Rights of Persons with Disabilities is a human rights instrument with a significant social development aspect. It includes a broad group of persons with disabilities and assures that all persons with different types of disabilities are entitled to human rights and fundamental freedoms. Saudi Arabia signed and ratified the Convention on the Rights of Persons with disabilities and accessioned to its Optional Protocol in 2008. As a signatory to the Convention on the Rights of Persons with Disabilities, Saudi Arabia must adhere to the articles of the convention and its standards. Moreover, the country signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women in 2000. However, Saudi Arabia has reservations that: "In case of contradiction between any term of the Convention (CEDAW) and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention." (United Nations Committee on the Elimination of Discrimination against Women, 2007, p. 8). Therefore, as a signatory to the Convention on the Elimination of All Forms of Discrimination against Women and having ratified the Convention on the Rights of Persons with Disabilities, Saudi Arabia is legally bound to eliminate discrimination against women in all its forms and manifestations.

The commitment of the Kingdom of Saudi Arabia to both these Conventions supports the direction and significance of this dissertation, which is the consistency of the research with the principles of equity and justice. Public policymakers face challenges in defining fairness and justice when it comes to designing gender and disability-inclusive policies. It is

important to understand if the current policies related to the employment of persons with disabilities and affirmative action programs are effective. Additionally, it is important to understand if and how policies provide social justice for persons with disabilities and in particular, women with disabilities? According to Velasquez, Andre, Shanks & Meyer (2014), justice refers to providing everyone with what he/she deserves — in other words, providing everyone with what helps them obtain the same outcomes.

This dissertation focuses on employment of women with disabilities in Saudi Arabia because of its significance role in social inclusion, social justice, combating poverty and its recognition of the rights of women and persons with disabilities, which Saudi Arabia has committed to by signing and ratifying the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women.

As noted in the conceptual framework, multiple factors are influencing the employment of persons with disabilities and or women with disabilities. This dissertation will discuss the existing legislation, policies, regulations, and programs serving persons with disabilities. Social attitudes influence employers' practices and vice versa. Consequently, these attitudes and practices influence an employer's willingness to provide women with disabilities with accessible and suitable employment options. The analysis of the disability-related legislation, policies, regulations, and programs will be based on Frey's Framework that will be discussed in chapter two.

## CHAPTER 2

### LITERATURE REVIEW

#### **2.1 Introduction**

There is a notable lack of research specifically investigating the experiences and opportunities of women with disabilities in the Kingdom of Saudi Arabia. This chapter presents a literature review that will place the few existing studies in the context of research about disability broadly, disability as it applies to education and work, women's experiences in education and work in Saudi Arabia, and studies of women in the region.

To understand the research on persons with disabilities, and women specifically, it is important to first define and discuss stigma. Stigma, the inaccurate, negative beliefs about a group which become widespread, is at the root of exclusion and discrimination against persons with disabilities (DeKock, 2018). Negative attitudes toward disability can exist from the level of the individual person with a disability to the family, schools, the workplace and society at large. There are variations in how persons with disabilities experience discrimination and stigma depending on their other identities, gender, socioeconomic status and cultural background (DeKock, 2018).

As per a report by UN Women (2015, p.1), "For far too long, women and girls with disabilities have been invisible, both to the advocates of women's rights and of disability rights, and this has increased their vulnerability." According to Malik (2018), women are nearly 50% more likely than men to have or acquire a disability. There are various causes for the disparity, including impacts of gender discrimination in nutrition and marriage age, as well as longer life expectancy for women. Disparities of opportunity based on gender amongst persons with disabilities start early in life. Girls with disabilities are less likely to have access to education and appropriate health care. As they age, disparities continue. Women with disabilities' employment rates are 30% lower than men with disabilities (ESCWA, 2017). Women with disabilities in the Middle East often face overprotection and less access to rights from the combined gender and ability stigmas (Rioux & Pinto, 2014). These realities set the context for persons with disabilities' experiences in the studies discussed in this chapter.

## **2.2 Disability**

In a comparative study between Finland, Sweden and Norway, countries which shifted from cash transfers to providing rehabilitation services for persons with disabilities, the study aimed at discovering the barriers to improving welfare policy (Scharle & Váradi, 2013). The study revealed that budgetary limitations, historical adherence to equal rights, policy making ability, and consolidation are significant aspects of policy change. According to the authors, although some of these factors are out of the policy makers' control, other factors are adjustable and can be enhanced by governments who wish to better their welfare

systems sustainably (Scharle, & Váradi, 2013). Some of the adjustable factors governments can control include budget prioritization and capacity building among policy makers.

Scharle and Váradi (2013) noted that there is a significant correlation between labor force participation and the number of people applying for disability benefits. A rise in disability benefit recipients raises concerns when it is coupled with a permanent decline in labor force participation. When an increasing share of working age population leave or never enter the labor market, the government collects less tax revenue while at the same time increases government spending on cash transfers to persons with disabilities. Monetary benefits for persons with disabilities often face the common challenge of welfare systems: how to reduce poverty among working-age citizens without discouraging employment. The cash transfer systems for persons with disabilities often have onerous provisions or qualification metrics that prevent some persons with disabilities from pursuing employment for fear of losing essential resources. At the same time, rehabilitation and job search programs are less available and underdeveloped (Scharle & Váradi, 2013).

### **2.2.1 Disability in the Arab Region**

A study conducted by the Economic and Social Commission for Western Asia (ESCWA, 2018) using methods of measuring disability recommended by the Washington Group on Disability Statistics, their report revealed that the prevalence rate of disability in the Arab region (countries under study include Bahrain, Egypt, Iraq, Jordan, Oman, Kingdom of Saudi Arabia, Palestine, Yemen, Mauritania, Qatar, Morocco) ranges from 0.2% to 5.1% in Qatar and Morocco respectively (ESCWA, 2018). The prevalence rates in these two countries are significantly lower when compared to other countries. This can be explained

by several factors including methodological issues of data collection and the fact that the demographics of the population in the Arab region are relatively young and hence less likely to experience or be affected by disabilities.

Moreover, the fact that some Arab countries under study have a large number of migrant workers could also explain the low prevalence rates of persons with disabilities (ESCWA, 2018). The data reveals that women in the young age bracket have low prevalence rate of disabilities, unlike in the older persons where the prevalence of women with disabilities is high. Furthermore, the report indicates that the literacy rate is relatively lower amongst individuals with disabilities than individuals without disabilities (ESCWA, 2018).

Population of persons with disabilities in the Arab Region have lower rates of educational attainment, specifically within secondary and tertiary education (ESCWA, 2018). Students with disabilities have lower attendance rates compared to students without disabilities in the area under study. Other factors that impact disability are gender and location. The report indicates that females with disabilities in rural areas have the lowest literacy levels as well as school attendance and educational attainment (ESCWA, 2018).

In regard to employment, according to the report the employment rate for persons with disabilities in the studied region is significantly low and their economic inactivity and unemployment prevalence are high (ESCWA, 2018). In fact, the report states that being a female in addition to having a disability creates compounded barriers since women in the Arab countries are less likely to be employed. According to the report, Saudi Arabia has an extreme discrepancy between the unemployment rate for women with and without disabilities, where women with disabilities have unemployment rates that is 2-3 times higher

than those of the same gender who are not disabled (75.3% vs. 32.8% respectively).

Additionally, taking the case of Morocco, the general employment rate for women is 6.7% for those with disability and 15.9% for those without (ESCWA, 2018). The data reveals that the difference between the rate of unemployment for women with and without disability is narrower when compared to men under the same consideration.

In the example of Egypt, the unemployment rate for women with disabilities is 90.5% and 75.8% for those without disabilities (ESCWA, 2018). In comparison to the figures for men, where the unemployment rate for males with disabilities is 57.4% and 27% for males without disabilities. The report argues that the discrimination and marginalization of the persons with disabilities is deeply rooted within the society (ESCWA, 2108). Persons with disabilities are still one of the most marginalized groups in society in spite of governmental initiatives and commitment to protect their rights.

Furthermore, there is a dearth of information about the socioeconomic status of persons with disabilities, which consequently creates barriers to the implementation of inclusive policies. The correlation between disability and factors of vulnerability such as economic inactivity and low educational attainment level can help researchers and policy makers discuss such social injustices (ESCWA, 2018). The intersectionality between disability and other societal dimensions increases the exclusion of persons with disabilities. An example of such dimension is gender. Gender, in this case female gender, has been proven to aggravate the situation as indicated by the ESCWA report (2018).

According to a needs assessment report carried out by the Arab Forum for the Rights of Persons with Disabilities, the needs of the population with disabilities are rarely



recognized and hence making it difficult to meet them (ESCWA, 2018). The social-relational approach acknowledges the societal barriers that changes a person's impairment into a disability and restricts his/her participation within the society. Therefore, it's the role of the society to identify and eliminate such barriers through initiatives like legal formal recognition of such marginalized groups, providing inclusive education to all groups, providing workplace accommodations for employees with disabilities and designing suitable environments to All inclusive of persons with disabilities (ESCWA, 2018).

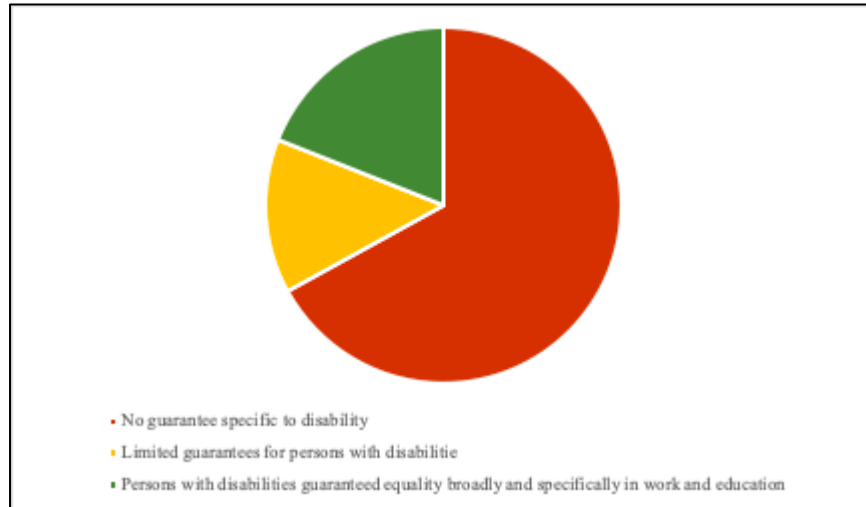
Due to such alarming statistics, many countries in the Arab region have established employment quota systems for persons with disabilities in the private and government sectors. Regardless of the existing legislation supporting the rights of persons with disabilities, these legislations are not fully adhered to (ESCWA, 2018). The report suggests reducing the low literacy and educational levels amongst persons with disabilities to ensure that they're equipped with the essential skills needed to compete in the labor market. Social assistance framework as well as insurance structures in some Arab countries connected disability benefits to being unable to work, which in a way is a disincentive to labor force participation. Most importantly, one should note that employment rates do not indicate whether the jobs held by individuals with disabilities are decent or not.

### **2.2.2 Situation of Persons with Disabilities in Saudi Arabia**

Despite the global interest that persons with disabilities have attracted, research regarding the employment experiences and opportunities of women with disabilities in the Arab world is minimal. Persons with disabilities are considered one of the world's largest minority populations (World Policy Analysis Center, n.d.). Despite this fact, this particular

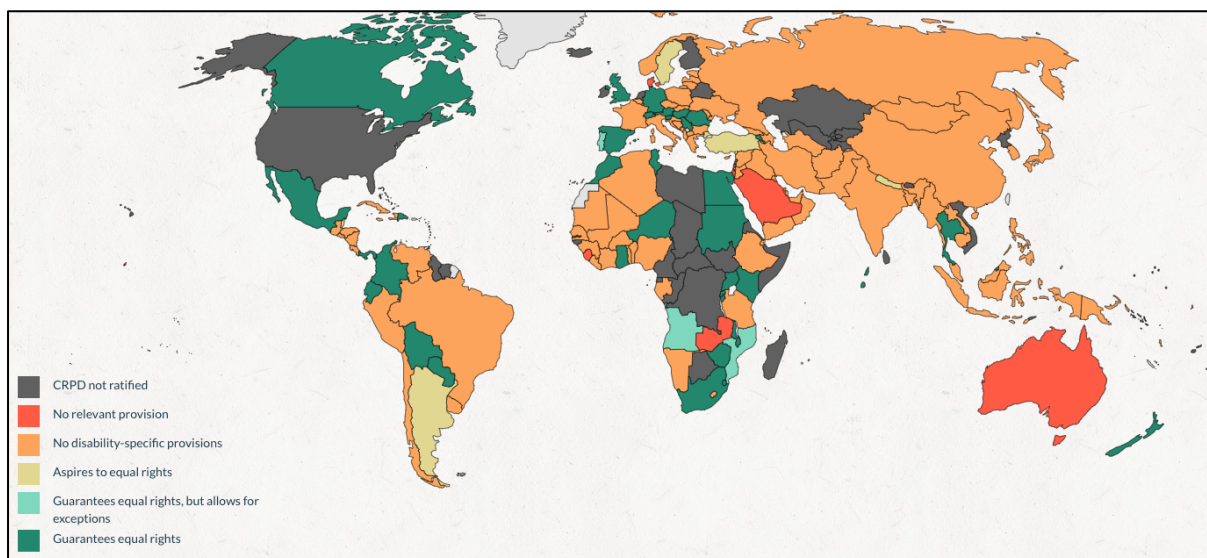
population encounters significant barriers in almost all aspects of life in high- and low-income countries (World Policy Analysis Center, n.d.). Persons with disabilities face difficulties in obtaining and maintaining meaningful and competitive employment. Furthermore, children with disabilities in some countries do not have access to adequate education (World Policy Analysis Center, n.d.). According to the same resource, accessibility of the physical environment is another barrier that persons with disabilities. In addition to all of the barriers listed, persons with disabilities have limited opportunities to fully participate in social and political life. Regardless of the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD), by Saudi Arabia and many other countries, as well as the progressive efforts of the disability rights movement, extensive global actions regarding the services and policies related to persons with disabilities must take place to ensure social inclusion of this population (World Policy Analysis Center, n.d.). The World Policy Center collected data from different countries around the world in order to investigate the recognition of the rights of persons with disabilities constitutionally. Furthermore, their data analyze the inclusivity of countries' educational systems and the services provided to persons with disabilities and their families including financial assistance.

Figure 5 illustrates the findings of the World Policy center regarding the constitutional guarantee of fundamental rights of persons with disabilities including general equality, protection from discrimination at work, and the right to inclusive education.



**Figure 5: Global Overview of Disability Policy (World Policy Analysis Center, n.d.)**

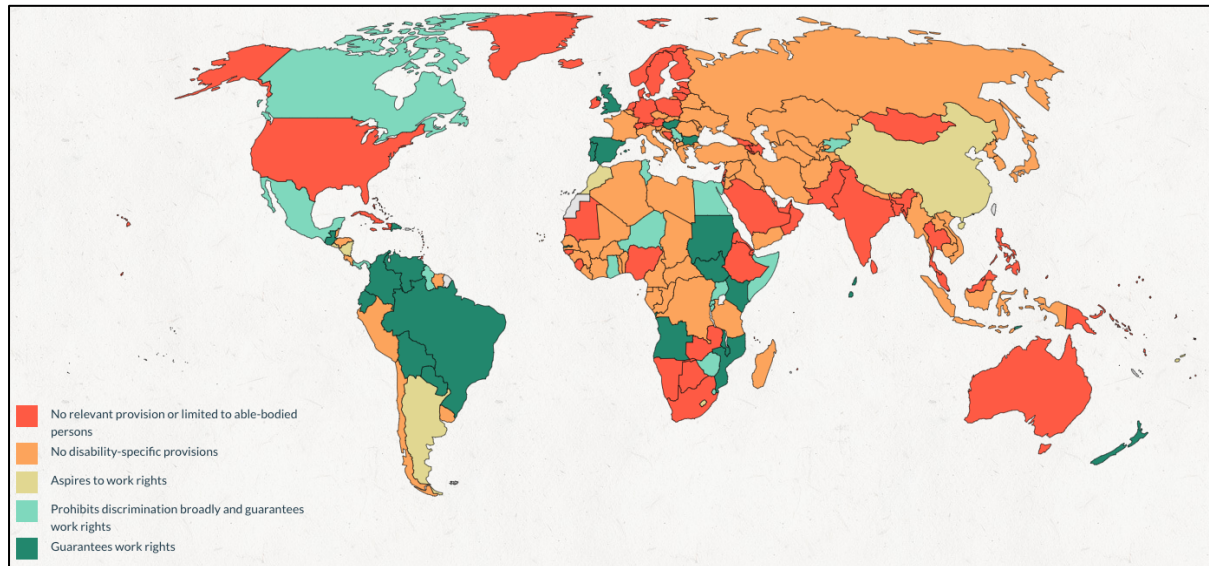
On a global level, Figure 5 above shows that around 67% of the countries under study have no constitutional guarantee of fundamental rights of persons with disabilities, 14% have limited guarantee while only 19% have constitutional guarantee specifically in work and education (World Policy Center, n.d.).



**Figure 6: Global Overview of Policies Related to the Rights of Persons with Disabilities (World Policy Analysis Center, n.d.)**

Figure 6 shows whether countries include standards to advance equal opportunities for persons with disabilities in their constitutions or not. As the map shows in Figure 6 the Kingdom of Saudi Arabia's constitution has no relevant provision. According to the World Policy Analysis Center (n.d.), no relevant provision indicates that "the constitution does not explicitly mention the right to equality for persons with disabilities. This does not mean that the constitution denies this right, but that it does not explicitly include it." However, the Saudi Constitution briefly mentions explicit disability rights in Article 27.

Figure 7 illustrates the inclusivity of standards to protect the right to work for persons with disabilities in the constitutions of different countries. The right to work affects children as well as adults. It impacts adults with disabilities access to employment to provide for their children with or without disabilities as well as career ambitions and prospects for children with disabilities. It is important to note that legislative protections are not included and thus not reflected on the map.



**Figure 7: Global Overview of Policies Related to the Right to Work for Adults with Disabilities (World Policy Analysis Center, n.d.)**

The map in Figure 7 indicates that Saudi Arabia has no relevant provision related to the right to work for adults with disabilities or the provision is limited to able-bodied persons. According to the World Policy Analysis Center, this signifies that “the constitution does not explicitly protect the right to work for persons with disabilities, or explicitly limits the right to work to “able-bodied” persons, those “able to work,” or those “capable of working” (n.d.). The findings of the World Policy Analysis Center focus primarily on the inclusivity of the country's constitution. The Saudi Labor Law addresses the rights of employees and job seekers with disabilities, which will be discussed in-depth in chapter 4.

According to Alsaif (2009), the main concern of the international law is the rights and duties of each state agreeing upon different treaties. One of the main international laws is the International Law of Human Rights. Thus, members should sign and adhere to its conventions and treaties. This significantly includes treaties of the protection of human

rights in respect of disability and women. Saudi Arabia, amongst other member states of the international society assert commitment to the principles of the Convention on the Rights of Persons with Disabilities (CRPD) as well as The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Alsaif (2009). Saudi Arabia signed and ratified CEDAW in 2007 and ratified the CRPD in 2008.

According to a survey conducted in Saudi Arabia by Alsaif (2009) on a sample of 500 persons with disabilities, approximately, 84% of the participants reported that they had experienced discrimination in Saudi Arabia in terms of education, employment and architectural barriers (Alsaif, 2009). Alsaif claims that 69% of persons with disabilities are illiterate. He argues that None of the special education legislation prohibit discrimination against person with disabilities, this exclusion plays a significant role in the prejudice against the rights of persons with disabilities in education (Alsaif, 2009). Moreover, Alsaif's study revealed that 89.7% of the participants with disability do not know about their right to employment. This is due to the lack of awareness about persons with disabilities rights to employment and the perception about employment as a social responsibility instead of viewing it as a right. The survey results indicated that 68.3% of his sample were rejected from job applications on the basis of their disabilities. In addition, 75.3% of the participants expressed their struggle with accessibility.

### **2.2.3 Education and Access to Education of Persons with Disabilities in Saudi Arabia**

According to Al-Ahmadi (2009), the objective of education for persons with disabilities in Saudi Arabia was instituted in 2001 by establishing the Rules and Regulations

of Special Education Programs (RRSEP). RRSEP states the rights of students with disabilities to have access to special education programs. In 2005, further legislation was passed to enhance the inclusion of children with learning disabilities into general education classrooms (Al-Ahmadi, 2009). Since then, there have been a range of special education programs in general education schools for students with minor disabilities which include: resource room programs, self-contained classroom programs, itinerant teacher programs, teacher-consultant programs, and follow-up programs. They all fall under the principle of mainstreaming children with disabilities into general education schools established and followed by the Ministry of Education (Al-Ahmadi, 2009).

Battal (2016) estimates that 63,000 (a combination of male and female) students attend special institutes for their education. These institutes, which are predominantly philanthropic, focus on students with specific types of disabilities, such as visual impairments, hearing impairments, physical impairments and intellectual disabilities. It should be noted that these institutes do not provide the same curriculum as mainstream schools (Alquaraini, 2011).

According to a study conducted in Riyadh city in Saudi Arabia by Alothman (2014), principals of schools that are including students with hearing impairments in their educational system lack the awareness about the importance and effectiveness of inclusive education. Consequently, this lack of knowledge negatively impacted the principals' attitudes towards inclusion of students with hearing impairments in the general education system (Alothman, 2014). Alothman's study revealed that teachers of students with hearing impairments showed more knowledge and positive attitudes towards inclusion of students

with hearing impairments in the general education system. The negative attitudes of the principals yield to their unsupportiveness to adapting classroom materials to accommodate the needs of students with hearing impairments (Alothman, 2014).

According to Alothman (2014), parents of students with hearing impairments lack the awareness about the benefits of inclusive education for their children. Moreover, the authors study revealed that the parents are not included in the educational policy for students with special needs and thus, not influencing those policies. The absence of participatory policy development significantly affects the effectiveness of inclusive educational policies. In addition, the scarcity of training programs for schools' staff. Other inhibiting factors for inclusive education for deaf students included insufficient facilities and resources, lack of training courses and lack of collaboration among school staff and between staff and parents of deaf students (Alothman, 2014).

Alquaraini (2013), described frequent violations of the policies meant to provide inclusion for students with disabilities in general education classrooms. Despite the existence of policies that aim at protecting their rights to education, students with disabilities and their families do not have a process to request that the policies be enforced. The number of girls with disabilities who are not participating in any educational services is difficult to calculate because of lack of documentation or efforts to track these numbers (Alquaraini, 2013). According to Alquaraini (2013), socially, it is perceived as shameful for families to have a child with a disability particularly daughters.

The standards of the educational programs for persons with disabilities are not equivalent to the standards for general education (Al Morhabi et al., 2012). Additionally,



available vocational training programs for persons with disabilities do not meet market demands. In many cases, students with disabilities face difficulties entering higher education because most public universities are not equipped in physical space nor trained personnel (faculty or staff) to accommodate the needs of students with disabilities (Knabe et al., 2015). These factors also contribute to the challenges persons with disabilities encounter while competing in the job market as many are under-privileged and do not have the opportunity to pursue a college degree.

Based on the evidence on the challenges that persons with disabilities encounter in their processes of obtaining a high quality education, it is clear that there is a need to allocate resources to increase inclusive educational opportunities that will have a positive long-term impact on job opportunities for persons with disabilities.

#### **2.2.4 Employment of Persons with Disabilities in Saudi Arabia**

Alkhouli (2015) argued that the environment of the workplace as well as the societal attitudes towards persons with disabilities in Saudi Arabia significantly affect their underemployment and/or unemployment. She also noted employers' lack of concerns towards the needs of persons with disabilities in both government and private sectors. Her study revealed that the ineffectiveness of the current policies related to employment of persons with disabilities results in low job expectations of this particular group. Alkhouli (2015) discussed the significant relationship between lack of adherence to accessibility requirements and underemployment and/or unemployment of persons with disabilities. She explained that the high costs of employing persons with disabilities results in marginalizing them in the Saudi labor market. In her discussion, she emphasized the effect of employers'

lack of experience in hiring and communicating with persons with disabilities in the workplace. She also discussed employer's inaccurate perception of low productivity levels of employees with disabilities. Alkhouli (2015) showed that the jobs employees with disabilities obtained were below their qualifications and/or abilities. She discussed that employees with disabilities are marginalized and the quality and quantity of tasks do not match their abilities and capabilities.

Alkahtani (2016), investigated teachers' perceptions of the transition services from school to work for students with hearing impairment in Saudi Arabia. His study focused on discovering the effects of current vocational training practices provided to students with hearing impairments in Saudi Arabia on post school success (2016). His study revealed that teachers of students with hearing impairments have low awareness regarding transition services. Moreover, teachers of students with hearing impairments have low expectations of their own readiness to plan and implement transition services for their students. Alkahtani (2016) showed that teachers of students with hearing impairments have low understanding of the challenges associated with implementing the transition services (2016). The study revealed that there is no significant correlation between the individual traits of teachers of students with hearing impairments and low perception of school transition services.

One of the major challenges that interfere with the employment of persons with disabilities in Saudi Arabia is training and readiness to enter the workforce. Alkahtani (2016) mentioned that although transition programs for persons with disabilities exist in Saudi Arabia and are forced by law, these programs are ineffective. According to Alkahtani (2016), vocational and technical programs are offered for students with disabilities including

students with hearing impairments. These programs offer vocational skills to enable those students to enter the workforce and live independently. These programs are offered by the Ministry of Education in Saudi Arabia. They include subjects such as graphic arts, ceramics, hair dressing, cooking and so forth (Alnahdi, 2013). In addition, there are many special education schools in Saudi Arabia. Those schools provide vocational training curriculum for students with disabilities including technical secondary schools, and thus graduate with an intermediate school certificate so that they can theoretically be employed with in technical fields (Ministry of Education of Saudi Arabia, 2012). Alkahtani (2016) emphasized on the fact that some students with hearing impairments have parents who are also hearing impaired. He also mentioned that those students receive education from teachers who are able to hear. This may cause communication problems for students with hearing impairments as they depend solely on their vision (Hindley & Van Gent, 2002; Marschark & Hauser, 2008). According to Alkahtani (2016), the number of students with hearing impairments who have completed school is significantly higher than the number of employees with hearing impairments in Saudi Arabia, despite the governmental efforts through the Ministry of Education to encourage employees to hire this particular group. Alnahdi (2013) looked at the low levels of both employment and achievements of persons with disabilities. Alnahdi argued that despite the governmental efforts in Saudi Arabia to increase the participation of persons with disabilities in the labor market, the number of employees with disabilities is still low (2013). Moreover, employees with disabilities face the barrier of underemployment and working in jobs that are less than their skills level (Alnahdi, 2014).

Limited research has been done on the area of transition experiences of students with hearing impairments in Saudi Arabia (Alkahtani, 2016). According to the Ministry of Education in Saudi Arabia, persons with disabilities including persons who are hard of hearing encounter barriers to employment and thus are not able to fully participate in economic activities (Ministry of Education of Saudi Arabia, 2012). Particularly, persons with hearing impairments face the challenge of receiving inadequate education, limited vocational training, a shortage of sign language interpreters, the dearth of knowledge about disabilities and needs of persons with disabilities by employers and accessibility barriers (Ministry of Education of Saudi Arabia, 2012).

A study by Al-Mousa, Al-Saratawi, Al-Abuduljabbar, Al-Batal and Al-Husain (2008) found that persons with disabilities face increased barriers in the workplace because of challenges interacting with colleagues. Although special education services and vocational programs created for persons with disabilities are meant to provide people with skills to enter the workforce, some of the implementation of these programs are lacking (Al-Mousa et al., 2008). One of the barriers found in the study comes from cultural perceptions, including from teachers. Some teachers in a school-based vocational training program for students who are deaf or hard of hearing had negative perceptions of transition programs (Al-Mousa et al., 2008).

### **2.3 Barriers to Employment of Persons with Disabilities in Saudi Arabia**

Although as argued above, access to education and transition services to employment are a barrier to education, KPMG (2012c) have identified five further barriers to the employment of persons with a disability: Data and information management, physical

barriers, attitudinal and cultural Barriers, system barriers, and employers and employment programs.

### **2.3.1 Barrier (1) Data and Information Management**

According to KPMG (2012a), the first barrier to facilitating the employment of persons with disabilities in Saudi Arabia is the lack of accurate data and information management. According to Yousef (2019), reporting data and statistics about the prevalence of disability in any given country depends on the definition of disability, which consequently might exclude some individuals from those reports. The Saudi General Authority for Statistics (2016) defines persons with disabilities as “individuals who suffered disability by genetic and environmental factors that resulted in a physical or mental impairment that makes it difficult for them to successfully carry out business or physical and mental activities which might be made by normal persons.” (GSTAT, 2016, p. 18)

GSTAT (2017) Disability Survey defines the population of persons with disabilities as “Every individual who has a deficiency in any body function or structure, who cripples [sic] his ability to participate due to environmental and personal factors. Therefore, the term "difficulty levels" has been used to reflect the limitedness of the body functions and structure, while shying away from using the term "difficulty" as it carries a stain that - most probably - leads to denial. According to the Washington Group classification for difficulty, the three degrees of difficulty are measured by (mild - severe - extreme (cannot do))” (GSTAT, 2017, p. 12-13). The report uses (difficulty levels) as a way to measure the severity of the disability. Yousef (2017) highlights the notion that Saudi Arabia’s definition of persons with disabilities recognizes the medical and social models of disability.

KPMG (2012a), reported that data on persons with disabilities are scattered amongst different entities and ministries in Saudi Arabia without collaborative communication between these entities, which results in scarcity of a comprehensive information about this population. According to the KPMG, reports about the percentage of persons with disabilities in Saudi Arabia is 10-20 times lower than prevalence reported in developed countries. One of the reasons of the under-reported cases of disability in Saudi Arabia is stigma associated with disabilities and the tendency of some families to hide and not report cases of their children or family members with disabilities, especially in rural areas.

The scarcity of data on the prevalence of disabilities in Saudi Arabia is considered a barrier to the employment of this population as the existing statistics do not capture the extent of the need for services and supports to address this pressing issue. Consequently, persons with disabilities do not receive the proper services including employment services.

### **2.3.2 Barrier (2): Physical Barriers**

The second barrier to employment identified by KPMG (2012c) was the issue of accessibility. “Accessibility” refers to the ability of a person to physically access the workplace. According to the Saudi Building Code, “minimum requirements to be considered in public and residential buildings as well as public facilities to enable easy and smooth access by persons with disabilities” (SBC, 2007, Chapter 9, p. 4). This code contains the general requirements of design of new buildings and the requirements to be satisfied in existing buildings and outside space to facilitate free access by persons with disabilities (SBC, 2007). In addition, the provision no. 7/h/1402 (dated 21/01/1402 H, corresponding to 18/11/1981G) affirms that: “All departments are obliged to provide persons with disabilities

with all necessary services by observing the construction condition for accessibility when issuing construction permits (these services will include internal and external) ramps, parking, paths, roads and routes, public facilities that exist at the public and private buildings such as doors, windows, lifts, pass ways and any other equipment” (Riyadh Municipality, 2007, p. 16).

Mulazadeh and Al-Harbi (2016) argued that the Saudi Disability Law has fallen short in maintaining the equal rights of accessibility by wheelchair users in Saudi Arabia. The authors mentioned that the Saudi accessibility policies are ineffective, inactive and fail to resolve the environmental accessibility problem in Saudi Arabia.

A qualitative study showed that Saudi women with disabilities encounter physical accessibility barriers, which consequently prevent them from achieving their full potential and thus well-being (Knabe, 2015). The participants expressed the need for physical accommodations in both educational and workplace settings. It is likely that this issue applies to all persons with a physical disability.

### **2.3.3 Barrier (3): Attitudinal and Cultural Barriers**

The third barrier identified by KPMG are the attitudes, stereotypes and cultural norms regarding persons with disability in Saudi Arabia. Limited research looked at the effects of social attitudes about disability in Saudi Arabia (Al-Gain & Al-Abdulwahab, 2002). Al-Gain and Al-Abdulwahab argue that the Saudi society’s perception of persons with disabilities includes viewing them as helpless, dependent, being home-bound, have low quality of life and unproductive (2002). According to KPMG (2012b) reports, in Saudi Arabia, persons with disabilities are perceived as “incapable”. The reports indicated that some employers are

willing to hire employees with disabilities but do not have the knowledge around the bodies that can help with facilitating the employment process (KPMG, 2012b). KPMG's reports highlighted the fact that many persons with disabilities are not aware about their rights to employment and grievance procedures (2012b). According to KPMG reports, the following: "Lack of awareness in the workplace about regulations; lack of awareness among colleagues working with persons with disabilities about how to deal with them resulting in uncomfortable work environments; limited number of participants in many vocational training programs due to lack of interest in various employment programs for people with disabilities; people assume that there are no jobs suitable for persons with disabilities, and their skills and abilities are often overlooked; there is a cultural barrier around asking for one's rights, even when people do, they tend to ask for personal favors instead of using the system; Disability is often looked upon as a stigma, and therefore many families try to hide a child with a disability from society resulting in isolation; many families do not register their children in the Ministry of Labor and Social Development due to cultural issues, same applies to the census and some special education programs; society usually deals with people with disabilities with sympathy" (2012, c, p. 16).

#### **2.3.4 Barrier (4): System Barriers**

The fourth barrier to employment for persons with disabilities identified by KPMG are system barriers. A fundamental problem exists in the enforcement of the laws and regulations, as there is some manipulation of the system (KPMG, 2012c). According to the same report, there is a significant need for systemic and collaborative change to empower persons with disabilities on both a policy and executive levels. KPMG report (2012c)



indicated that the current employment regulations and the Labor Law may not be supporting a disability strategy and need to be reviewed to accommodate the special needs of persons with disabilities. The report highlighted systemic barriers related to the employment of persons with disabilities that needs to be addressed: “Minimum wage remains an issue for people with disabilities, fraud employment needs to be tackled, lack of anti-abuse and anti-discrimination laws in the work place, health and safety regulations are not properly enforced, employers must make necessary adjustments for people with disabilities, lack of implementation mechanisms for the different disability laws and regulations, as well as proper incentives and sanctions and accessibility regulations that are not implemented and remain a huge barrier in the employment of people with disabilities” (KPMG, 2012c, p.17).

The apparent deception leads to under-employment or unemployment of many persons with disabilities. In keeping with Article 28 of Saudi Arabia’s Labor Law, a number of companies hire persons with disabilities to meet the 4 percent private sector quota (Royal Decree M/51 dated 23/8/1426H corresponding to 26/9/2005). Some, as noted previously, document hiring persons with disabilities but do not actually hire them or pay them smaller salaries than documented and ask them to stay at home (also called “phantom hiring”).

A former Advisor to the Minister at the Ministry of Labor and Social Development in Saudi Arabia stated that when the Labor Offices receive complaints about the practice of ‘phantom hiring/employment, they are required to investigate, and they often send a representative to analyze the situation and determine whether any disciplinary action is needed (Personal Communication, February 15, 2017). She explained that unfortunately, in many cases negotiations take place between Labor Inspectors and the companies and the

matters are closed without penalty (Personal Communication, February 15, 2017). As noted, this “gaming of the system” leaves many persons with disabilities out of the workforce, without employment or resources. The problem is significant because not only are the laws not being implemented effectively, but society is denied the advantages that accrue when persons with disabilities are part of the workforce.

### **2.3.5 Barrier (5) Education, Skills and Training**

According to KPMG (2012b), the quality of educational opportunities for persons with disabilities in Saudi Arabia is a significant barrier to employment. This finding is affirmed by the discussion above regarding education for persons with disabilities. Moreover, the existing vocational training programs offered to persons with disabilities do not match the labor market demands. In addition, many students with disabilities find barriers to obtain higher education because many Saudi universities are not prepared and are not well equipped to provide educational services for students with disabilities. A study by Yousef (2018) revealed that many students with disabilities are excluded from the educational system in Saudi Arabia. He argues that many students with disabilities have limited opportunities to access higher education. Some students with disabilities attend vocational training institutes, which the author describes as a challenging environment. These centers are government-run special education centers that provide students with disabilities with education and with the skills needed for daily living. The downside of receiving education at these centers is that students with disabilities end up being segregated from the society (Yousef, 2018).

The insufficiency of educational and training opportunities for persons with disabilities creates a barrier to employment as they are not well-equipped with the qualifications and skills required to enter the labor market (KPMG, 2012c).

### **2.3.6 Barrier (6): Employers and Employment Programs**

The Ministry of Labor and Social Development incentivizes private companies to hire persons with disabilities through the Nitaqat system. The quota and reward systems to count one person with a disability as equivalent to 4 Saudi employees without disabilities has had unintended negative consequences. The KPMG report noted that there is narrative evidence about systemic fraud and phantom hiring (2012c). The consultants mentioned that many persons with disabilities are registered in the companies' systems, while unfortunately staying at home and receiving smaller salaries than what is stated in their contracts, while other persons with disabilities are registered by companies as employees without their knowledge and/or consent.

According to KPMG report (2012c), many private companies hire persons with disabilities as part of their corporate social responsibility programs, while others avoid taking the responsibility of hiring persons with disabilities. According to the same source, persons with disabilities face difficulties finding jobs because of the lack of vocational service providers in Saudi Arabia, although with the recent development in disability related programs, this may be changing.

The report indicated that some companies are eager to hire persons with disabilities, but they lack the knowledge about the entities that can facilitate and provide support in hiring persons with disabilities (KPMG, 2012c). Moreover, the report revealed that most

companies do not have clear job descriptions for persons with disabilities. There are no tailored services provided for persons with disabilities to place them into suitable jobs, and no customized channels for employment (KPMG, 2012c). The report indicated that the current referral mechanisms for job seekers with disabilities are not clear. There are no clear structures to match candidates' skills and experience of job seekers with disabilities with suitable jobs (KPMG, 2012c).

According to a study conducted by Mansour (2009), out of 27 employers, only 11 were aware of laws, legislations and policies related to employment of persons with disabilities, 10 employers only expressed a favorable attitude towards employment of persons with disabilities, and 5 companies reported having an internal policy related to employment of persons with disabilities. The results of the study confirm that employers' attitude is a barrier to employment of persons with disabilities. The study revealed that employers didn't consider hiring persons with disabilities within their long-term plans claiming that the reason behind this is the availability of a large non-disabled skilled workforce in the labor market. In addition, the study results indicated employers' concerns over the high expenses of occupational health and safety of employees with disabilities. They also expressed their concerns over the anticipated higher rate of absenteeism of employees with disabilities (Mansour, 2009). Employers also reported the anticipated low productivity as the most significant concern for not employing persons with disabilities. The stereotypes about work performance/quality and the lack of necessary job skills/experience come after as the highest concerns for employers for not hiring persons with disabilities. Employers noted financial costs, appearance, attendance or punctuality, community image, and turnover and retention

as low concerns or reasons for not hiring persons with disabilities (Mansour, 2009). The study concluded that employers' attitudes affect employment of persons with disabilities significantly.

## **2.4 Policies and Programs Affecting Under-Employment and Unemployment of Persons with Disabilities in Saudi Arabia**

In 2002, a report from the Japan International Cooperation Agency noted that health care services for persons with disabilities are given more attention in Saudi Arabia than educational and training services. According to the same source, insufficient resources were given to vocational services and helping persons with disabilities to find decent jobs.

Since that time, Saudi Arabia has implemented several employment support programs for persons with disabilities. His Excellency, Engineer Adel Fakeeh, Minister of Labor and Social Development from 2010 to 2015 approved an initiative to encourage and promote the employment of persons with disabilities in the private sector called the “*Tawafuq* Program for Empowerment of Employment of Persons with Disabilities” (AKA “*Tawafuq*”).

The main objective of *Tawafuq* program was to ensure the rights of persons with disabilities to employment, and to increase the number of employees with disabilities in the private sector. *Tawafuq* aims to build a fully inclusive private sector economic system at the national level (Zero Project, 2017). To promote decent and sustainable employment opportunities for persons with disabilities, *Tawafuq* strives to develop and implement labor legislations and policies, pre-employment and employment services, vocational training, and data tracking (Zero Project, 2017).

An international consultant was contracted to work alongside a team of local Saudi experts in the area of disability to analyze the current problems related to under-employment and unemployment of persons with disabilities and recommend solutions through benchmarking with best practices in UK, USA and other Arab and Gulf countries. *Tawafuq* program's mission is to "modify and develop legislation to ensure the rights to employment for persons with disabilities and to increase the employment rate of persons with disabilities," while the vision of *Tawafuq* program is "to have an inclusive work environment for persons with disabilities" (KPMG, 2012, p. 10).

Based on the analysis that KPMG reported, the consulting company and local Saudi team proposed several "tasks." These included mapping the population with disabilities in Saudi Arabia, identifying international best practices, and documenting current disabled employment experiences in Saudi Arabia, review existing policies, rules and regulations, and employment initiatives. The tasks also included target setting, recommendations on environmental and contextual issues, identifying quick wins, and an overall implementation approach (Barnes & Al Morhabi, 2011).

*Tawafuq* Program was awarded the Zero Project Certification amongst eleven other programs for its innovative policies (Zero Project, 2017). Zero Project is an Austrian organization that focuses on the rights of persons with disabilities globally. It recognizes international innovative policies and practices for creative work on improving the lives of persons with disabilities (Zero Project, 2017).

One of the quick wins suggested by KPMG and the local Saudi team and approved by the Ministry of Labor and Social Development was establishing a business and disability

network that was named *Qaderoon*, which can be translated as “capable people.” It was established with the purpose to raise awareness amongst employers in Saudi Arabia about the advantages of including persons with disabilities as equal and effective members of the workforce. It offers scientifically-based strategies and hands-on guidance to employers through benchmarking with best local and global practices on disability inclusion in the workplace.

*Qaderoon*’s vision is to “enable employers to include persons with disabilities as equal effective members of the workforce,” while its vision is to “Provide guidance, advice, training and best practice to employers to recruit, retain and include employees with disabilities, through inclusive work environments and favorable policies.” (Mission and vision statement, n.d.). The objectives of *Qaderoon* included raising awareness on reciprocal business advantages of including persons with disabilities in the workforce; providing advice, training and information on best practices around sustainable disability inclusive workplaces through an appropriate and culturally competent work environment, and advocating for persons with disabilities’ right to inclusive decent work in collaboration with relevant stakeholders, including government and non-government organizations.

Qaderoon Network translated and published an Arabic version of “Guide for Business on the Rights of Persons with Disabilities”, a tool guide which was developed in partnership with the UN Global Compact and the ILO. The guide helps employers to include and provide inclusive employment opportunities for persons with disabilities by recommending specific actions and measures.

## **2.5 Issues Arising from the Lack of Adherence to Policies and Legislation**

According to Alsaif (2009), Royal Decree No. 41418 dated 18/7 1956 was issued to regulate the social care system for workers. In 1970, social security officially started to function in its role of caring for the poor and persons with disabilities in Saudi Arabia. Many other decrees and executive orders were amended later to grant rights to persons with disabilities. Despite the existing disability legislation and policies in support of the rights of persons with disabilities, they still encounter different forms of discrimination and exclusion, varying from the denial of equal educational and employment opportunities to segregation and isolation due to physical and social barriers (Alsaif, 2009). According to Alsaif (2009), Saudi Arabia's disability legislation is generally ineffective. Additionally, the author highlighted the absence of practical norms and enforcement systems to address the needs of persons with disabilities. The author suggests that persons with disabilities' rights are viewed as objects of charity rather than requiring justice and human rights (Alsaif, 2009).

Because of the lack of legislation enforcement, many employers reject applicants with disabilities because of their conditions (Arab News, 2008). According to the same article, it is possible to sue employers who discriminate against persons with disabilities in Civil Court under Saudi anti-discrimination laws. Nevertheless, these lawsuits are lengthy and complicated - persons with disabilities with legitimate claims may choose not to endure the cost and stress of a legal process with an unknown outcome.

KPMG (2012) reported that many policies are not followed. The KPMG report argues that many Saudi companies manipulate the policies to receive governmental incentives by registering persons with disabilities as employees in their companies while



asking them not to attend work. Consequently, those companies report flawed information to the Ministry of Labor and Social Development to receive incentives. News reports confirm this manipulation stating that some companies manipulate the system by ‘phantom hiring’ persons with disabilities (also known as ‘ghost employment’) to receive benefits from the Ministry of Labor and Social Development without providing legitimate employment opportunities to persons with disabilities (Arab News, 2016).

Consequently, persons with disabilities who are registered in companies as employees encounter the disadvantage of losing the government benefits and social insurance payments, they would otherwise be eligible for (Arab News, 2016). The article reported the experience of two persons with disabilities who accidentally realized they were registered as employees of a contracting company. According to the same source, both individuals recognized this manipulation of the system after they were denied the social security aid provided by the government. Their complaints to the official failed, the article noted: “He filed a complaint with the Labor Office and the Social Security Department, but they did not respond. He said the Labor Office did not offer any solution to his case and told him to take legal action.” (Arab News, 2016).

## **2.6 Women**

In this section will be a literature review of the situation of women in the Arab region, a discussion of women in the KSA, and an examination of the education and employment of women in the KSA.

### **2.6.1 Situation of Women in the Region**

Despite the increased interest in research on Arab women, the majority of research is focused on certain countries like Lebanon and the United Arab Emirates (Tlaiss and Dirani, 2015; Tlaiss, 2014b) and (Tlaiss, 2013, 2014a). Little research has been done on women in Saudi Arabia (Al-Asfour et al., 2017). It is important to avoid generalizing the experiences of Arab women. Although there are similarities between the Arab and Gulf countries, each country's unique characteristics warrant independent studies to gather knowledge about the distinct contexts (Sidani and Gardner, 2000), including in particular the experiences of women with and without disabilities in each country.

### **2.6.2 Situation of Women in Saudi Arabia**

Le Renard (2014) mentions that, "There are two primary but somewhat conflicting discourses that pervade Saudi society and influence employment. The first is gender-based segregation, which is promoted as a central element of the Saudi identity as Islamic." In the first discourse, the Kingdom of Saudi Arabia follows the law of Islam (sharia'a), in which gender segregation is enforced, the notion of "Islamic femininity" which means that employment is permitted if it is consistent with their "female nature" and domestic obligations and if strict segregation of the sexes is maintained. Complexity is added when regardless of the above young Saudis, including women, are urged to build careers in the private sector, and thus participate in the country's national development - a policy called Saudization after obtaining the required educational degree. "Everyone is encouraged to engage in education and the job market, including in the private sector and to participate in the nationalization of jobs, especially professional jobs, replacing non-Saudis with nationals

for the sake of national prosperity” (Ministry of Higher Education, 2010). And yet women's family and male guardian determine her employment and educational access.

While women throughout the world experience gender inequality, women in Saudi society encounter some unique elements (Hamdan, 2005). Gender inequality is built into the traditional structures of society. Saudi women have the unusual position of being present in public life, while also being invisible. This practice is normalized through education, starting at the primary level. Doumato describes this as a system in which, “...girls were taught enough to buy into an assigned role, a role in which they were subordinate to men, but not enough to challenge it” (2000, p. 93). Entering the workforce, women face similar barriers. As with many societies, there is a glass ceiling to women’s achievements. Women’s training and education, according to Smith (1987), “ensure that at every level of competence and leadership there will be a place for them that is inferior and subordinate to the positions of men” (p. 34). Workplace opportunities, or lack thereof, temper women’s achievements in education as they will often be subordinate in the public and private sectors to men who may have inferior qualifications. According to Hamdan (2005), Saudi women develop their own unique strategies to overcome gender inequality and gain social justice in all life aspects including education and employment in the midst of the complex issues and concerns related to women in “Third World” Islamic patriarchal societies.

The study “Reassessing cultural capital: Access to employment for women with disabilities in Saudi Arabia” quotes AlRasheed (2013) who described this paradox as a “commitment to two sometimes contradictory projects: modernity through education and commitment to the purity of the religious nation.” It should be noted that the Kingdom of

Saudi Arabia has signed the United Nations Convention on The Elimination of All Forms of Discrimination Against Women that calls for, amongst other things, equal economic opportunities.

### **2.6.3 Education of Women in Saudi Arabia**

The Kingdom of Saudi Arabia follows its interpretation of the law of Islam (sharia'a), in which gender segregation is enforced in the educational system. In Saudi Arabia, the journey towards women's education has moved forward rapidly in the past 20 years. According to Smith & Abouammoh (2013), "The current national development policies of Saudi Arabia encourage its citizens to pursue education from early childhood to higher education by providing access to schools and universities, at almost no cost"

The geography, culture and economic circumstances of Saudi women's families shape their access to education (Hamdan, 2005). Family support is crucial.

Al- Rasheed (2013), notes that "arguments in favor of women's education rarely invoked education as a path to economic contribution, employment or a career... Writers commenting on women's education were still endorsing the view that this education should be geared towards making Saudi women better mothers and wives rather than economically active citizens."

Another obstacle higher education graduates, both male and female face, is the emphasis on rote learning and memorization rather than problem solving, communication and analytical skills which are vital for the workplace. according to (Smith and Abouammoh, 2013) "The labor market is saturated with graduates in the humanities, and the

social sciences, especially religious studies and there is a dearth of qualified graduates in the science, technology, engineering, and mathematics (STEM) fields."

#### **2.6.4 Employment of Women in Saudi Arabia**

The number of unemployed Saudi women with a post-secondary degrees in 2015 was approximately 68 percent (Koyame-Marsh, 2017). The overall Saudi female unemployment rate is 33.8 percent, and the female labor participation rate is 17.3 percent, among the lowest in the world. Contrary to the Saudi male unemployment rate, which is 5.3 percent, and the labor participation rate is 61.4 percent (Koyame-Marsh, 2017).

Major issues facing women with disabilities obtaining employment in the Kingdom of Saudi Arabia are based in educational experiences and access (Peter, Alem, & Knabe, 2018). In the study, "Cultural capital and the educational experiences of women with disabilities in Saudi Arabia," all of the participants demonstrated eagerness towards learning and education. The women overcame many barriers, including negative stereotyping, to achieve their educational goals with the emotional support of their families and social networks (Peter et al., 2018).

Like education, most employment in Saudi Arabia is segregated by gender. One of the barriers to women working identified is the lack of family-friendly working conditions, which leads to a strong preference to part-time work or flexible working conditions that enable a better balance of family and work (Alselaimi and Lord, 2012; Al-Asfour et al., 2017).

For various reasons, including the segregation of education between males and females in Saudi Arabia, female employment is concentrated in the education sector (77%),

followed by health services (11%) and clerical/general administration (6%) (EPD, 2015). Recently some of the inequalities were addressed by the Saudi government. The government have made attempts to improve female employment disadvantages by editing some language in the labor law that previously restricted women's work to certain fields "suitable to their nature." Also, a noteworthy change by the government is that a male guardian's permission to work is no longer demanded of women (Human Rights Watch, 2016). Additionally, a major government initiative is providing incentives for employers to hire women. Saudi women have been permitted recently to work in retail, hospitality, and law. However, it is evident from the statistics that more policy development is required. Transportation has also been identified as a hindrance to work (Al-Asfour et al., 2017) although recent changes have permitted women to drive, it is unclear if this will change family practices.

EDP (2015), states that "Existing research suggests a range of explanations regarding Saudi employers' unwillingness to employ women including the perception of a lack of appropriate skills, higher employee costs, and discrimination." Oxford Strategic Consulting (2014), research suggested that "employers perceive women lack the "soft" work skills such as communication skills, teamwork, and understanding of work responsibilities."

Additionally, there are many obligations and requirements enforced by the government when hiring women that might hinder employers from hiring women which include requirements for separate workspaces and building separate entrances for male and female employees. The government also requires employers to provide generous paid maternity leave entitlements and mandatory employer-provided childcare (EPD, 2015).

Saudi socio-cultural values produce a set of norms and beliefs that shape organizational structures and employers, including the norms and beliefs on the view of women's primary role as homemakers, which cause gender discrimination when hiring. (Al-Asfour et al., 2016; Elamin and Omair, 2010). It should be noted that these values are not consistent with the emerging direction of Saudi labor policy which is encouraging the employment of women.

Al-Asfour, Tlaiss, Khan, & Rajasekar (2017) discussed the societal, organizational structure and attitudinal barriers Saudi women encounter to obtain and maintain decent work. The authors listed other barriers that limit the Saudi women from advancing in their careers. Among these barriers is the prominence of gender fixed ideas, discrimination based on gender in the workplace, dearth of opportunities for professional development, extreme workload resulting from the absence of work-life balance, and the perceptions about pregnancy related difficulties women face at their workplaces (Al-Asfour et al., 2017). These obstacles would likely impact women with disabilities more severely. The importance of the authors' study comes from the scarcity of research on women in Saudi Arabia (Al-Asfour et al., 2017), not to mention the scarcity of knowledge about women with disabilities.

## **2.7 Women with Disabilities**

In this section there is a review of the literature regarding women with disabilities in the region, and the women with disabilities in the KSA including a discussion of services supporting women with disabilities.

### **2.7.1 Situation of Women with Disabilities in the Region**

According to Nagata (2003), many women with disabilities in different regions of the world including Arab countries struggle from discrimination that is based on gender and disability. The literacy rate of women with disabilities is significantly low compared to women without disabilities and men with and without disabilities in different Arab countries such as Syria and Bahrain (Nagata, 2003). The compounded status of disability and gender had a significant impact on women obtaining higher education, as the percentage of women with disabilities who completed higher education in both countries is very low compared to men with disabilities. In regard to employment, the labor force participation of women with disabilities in Arab countries such as Kuwait, is significantly low compared to women without disabilities and men with and without disabilities (Nagata, 2003).

In a study conducted in Yemen, results showed that poverty is a significant additional status influencing the well-being of women with a disability (Ingstad, Baider, & Grut, 2011). The study showed that poverty lessens people's access to healthcare services and preventive measures, education and money to afford nutritious food and medicines. Consequently, poor people are more likely to develop impairments. Moreover, persons with disabilities in Yemen have less access to education, social services and employment (Ingstad et al., 2011). According to the authors, gender-related issues of gender segregation and the male-dominated culture of Yemen have a significant effect on marginalizing girls/women with disabilities and thus becoming less advantaged than boys/men with and without disabilities (Ingstad et al., 2011).



According to Alsaif (2009), persons with disabilities in the region, as well as in Saudi Arabia, encounter different forms of discrimination and marginalization despite the current existing laws, policies and legislation that grant their rights. Alsaif argues that the current disability laws are insufficient considering their failure in functioning as tools that grant respect and protection of the rights of persons with disabilities. Accordingly, the basic rights of persons with disabilities in Arabic and Islamic countries are considered acts of charity. These beliefs negatively impact opportunities for quality education and work for persons with disabilities. Alsaif explains that because of this base view of rights for persons with disabilities, discrimination against them impacts many aspects of their lives. In other words, the current disability laws are inadequate. Accordingly, those laws must be evaluated and reformed (Alsaif, 2009).

### **2.7.2 Situation of Women with Disabilities in Saudi Arabia**

While the education of women in the kingdom is under a spotlight nationally and internationally, the education of women with disabilities still faces many obstacles to reach the highest quality. Few research studies have been conducted on the educational experiences of girls and women with disabilities in Saudi Arabia.

Although there are provisions for the education of women with disabilities, many girls cannot access mainstream schooling and are forced to seek an education in special education or rehabilitation centers.

Historically, the data suggests that women encounter discriminatory practices in the workplace and women with disabilities seem particularly disadvantaged, thus, women with disabilities could face multiple forms of discrimination (Alsaif, 2009). Prior research

confirms this notion. Saudi women with disabilities face discrimination for both of their identities: as women and as a person with disabilities. This reflects attitudes that are deeply rooted in the culture of Saudi Arabia (Knabe, Alem and Peter, 2015). The research study Knabe et al. (2015) conducted showed that Saudi women with disabilities face the barriers of stigma, low expectations and over-protection. In addition, the study indicated that many disability services personnel and professionals in charge of implementing the policies around providing services for persons with disabilities in Saudi Arabia neglect to follow the laws, regulations, and policies. The grounds for their behaviors may be attitudinal, but a substantial factor could be a result of a lack of knowledge on ways to include persons with disabilities.

In-depth interviews revealed that Saudi women with disabilities aspire to improve their situation in regard to better educational possibilities, career opportunities and societal status (Knabe et al., 2015). The women interviewed expressed their interest in raising awareness to change the societal attitudes towards persons with disabilities and the societal view of women with disabilities as being helpless. Furthermore, they highlighted the importance of advocacy for better opportunities for women with disabilities but lacked the knowledge about how to advocate for themselves or connect with resources.

Peter et al. (2018) highlight that “There is no extant research or policy literature regarding employment and women with disabilities in Saudi Arabia,” (p. 265), thus there is much more to uncover regarding how women with disabilities face disadvantages in employment within the Saudi Arabian society.

The lack of research about access to employment for women with disabilities and how they navigate organizational and social structures in the Arab world is not only a barrier for the women but also for employers. While there is a lack of research into women with disabilities in Saudi Arabia navigating societal structures, there is some relevant research into the status of human resource management applied to Saudi women in general. The lack of knowledge about access to employment for persons with disabilities negatively influences improvement of HRM in the region (Tlaiss and Dirani, 2015), which is already less developed than other regions. With more HRM development, companies could do more to create workplaces that are optimized for women, including more female-friendly workplaces, policies and procedures. Scholars have noted this lack of understanding in human resources and responded by calling for more empirical studies into Saudi women's careers at various levels of society (Al-Asfour and Khan, 2014). The small number of studies looking at Saudi women's careers in general demonstrate the minute amount of research attention directed towards women with disabilities in Saudi Arabia. Studies are needed to explore the barriers women with disabilities face at the cultural, structural and institutional levels (Tlaiss, 2013).

### **2.7.3 Services Supporting Women with Disabilities in Saudi Arabia**

The status of women in Saudi Arabia had attained attention nationally and internationally, focusing on the role of women in the country on many fronts, most importantly education and employment. Unfortunately, the employment for women with disabilities did not get its needed attention, it still remains absent from the main discussions regarding education and women employment.

According to a country profile on disabilities compiled in 2002, rehabilitation facilities in Saudi Arabia are segregated by gender with no statistical justification for the number nor the distribution of those facilities and there does not appear to be any changes in these policies since the report was written (Japan International Cooperation Agency, 2002). The same source reported that there is a discrepancy between societal demands and the resources allocated and that the vast majority of vocational rehabilitation trainers are male, who are unable to provide training services to women with disabilities who are, according to the report, the majority of social rehabilitation targets. This inadequate distribution of resources indicates the existence of a hidden barrier for women with disabilities to receive vocational rehabilitation services.

In spite of this lack of public attention to women with disabilities, there are existing programs in place designed to support persons with disabilities in Saudi Arabia. Al rubiyea (2010), mentioned that Saudi Arabia addresses the right of persons with disabilities to employment. Through the Saudization policy, which is designed to place more Saudi nationals in the labor market and replace foreign labor with Saudi nationals, the Ministry of Labor and Social development amended a decree (Decree No. 12898/4 on 30/06/1425), that each person with disability is equal to 4 Saudi employees within the Saudization calculation percentage within the private sector. This quota incentivizes employers to hire more persons with disabilities. In addition, the Saudi Labor Law draws attention to the right to work of persons with disabilities. According to the Labor Law, any private company that has 25 and more employees should have 4% employees with disabilities (Al rubiyea, 2010).

The Ministry of Labor and Social Development (MLSD) provides rehabilitation services for persons with disabilities through a unit within the ministry (Al rubiyea, 2010), which is mandated by Decree no. 1355. The unit is responsible for monitoring the rehabilitation centers as well as providing welfare services for persons with disabilities. the welfare program provides persons with disabilities with monthly stipends as well as other financial supports (Al rubiyea, 2010).

According to Al rubiyea (2010), there are five types of institutional welfare programs in Saudi Arabia. These programs include vocational rehabilitation centers. social rehabilitation centers, comprehensive rehabilitation centers, day care centers. and care institutions for paralyzed children.

The Ministry of Education established an institution for persons who are blind and/or visually impaired (Al-Noor Institution), an institution for people who are deaf and/or hard of hearing (AL-Amal Institution) and an institution for persons with intellectual disabilities in 1964 (Al rubiyea, 2010). According to Aldabas (2015), special education services for persons with disabilities in Saudi Arabia have undergone many transforms since 1958. It has made significant progress since then. The figure below illustrates the dates and special education services that were provided for persons with disabilities since 1958.

Year	Type of Disability	Placement	Note
1958	Blindness (men)	Private Place/ nonprofit group.	A blind man started to learn to use the Braille System. Small group training in Braille
1960	Blindness (boys)	Special Day School.	Sponsored by Ministry of Education. Special school for blind males (Al-Noor Institute) various ages.
1962	-	-	Administration of Special Education established by Ministry of Education
1964	Blindness (girls)	Special Day School.	Sponsored by Ministry of Education- Administration of Special Education Special School for blind girls (Al-Noor Institute) various ages.
1964	Deafness (boys)	Special Day School.	Sponsored by Ministry of Education- Administration of Special Education. Special Schools (Al-Amal Institute) various ages
1964	Deafness (girls)	Special Day School.	Sponsored by Ministry of Education- Administration of Special Education. Special Schools (Al-Amal Institute) various ages
1971	Intellectual disabilities	Special Day School. Residential School.	Sponsored by Ministry of Education- Administration of Special Education
1974	-	-	Ministry of Education
Between 1960-1987	Blindness, Deafness, Intellectual Disabilities	27 Institutes special day schools and some residential schools.	10 for deaf; 6 males/4 females. 10 for blind; 7 males/3 females. 7 for mental retardation; 4 males/3 females
Between 1987-1990	Blindness, Deafness, Intellectual Disabilities	54 special day schools and some residential schools.	Sponsored by Ministry of Education- Department of Special Education
Between 1990-2000	Mild and moderate Intellectual Disabilities , Autism, hard of hearing, Hearing Impairments	Full-time special education classrooms in public schools	Sponsored by Ministry of Education- Department of Special Education
Currently	Mild to Moderate Learning Disabilities	General education classrooms with resources rooms' assistance.	Sponsored by Ministry of Education- Department of Special Education
Currently	Moderate, Profound and Severe Disabilities including Intellectual Disabilities, Autism, Deafness-Blindness, multiple Disabilities. Physical Disabilities	Special day schools.	Sponsored by Ministry of Education- Department of Special Education. Ministry of Social Affairs

**Figure 8: Summary of Historical Timeline of Saudi Arabia in Special Education**

**(Aldabas, 2015, p. 1159)**

As shown in Figure 8, the history of special education services in Saudi Arabia have progressed significantly since 1958. It progressed from an informal unsupervised program to inclusive government supervised educational system (Aldabas, 2015). The author also discussed some critical aspects of the special education system in Saudi Arabia that need to be addressed. One of these aspects is promoting more inclusive education for students with

special needs. Moreover, the author highlighted the importance of adopting laws that ensure the use of assistive technology and granting transition services for students with special needs together with special education services (Aldabas, 2015).

Contrarily to the above, women with disabilities in Saudi Arabia expressed facing barriers in serviceable assistance in accessing work. Unfortunately, the current policies to support persons with disabilities, and women specifically, in Saudi Arabia to obtain employment are not adequately supported nor enforced (Peter et al., 2018).

## **2.8 Theoretical Background**

This study is informed by a number of contemporary theoretical perspectives including Social Inclusion, Globalization, Human Rights Disability Framework, Feminism & Intersectionality and Institutional theories that are discussed below. In my dissertation, I will utilize different theories to uncover the barriers to adequate implementation of the legislation and policies related to the employment of women with disabilities in Saudi Arabia. These theories will guide the recommendations to overcome those barriers. Social Inclusion, Globalization, Human Rights Disability Framework, Feminism & Intersectionality and Institutional theories seem to be applicable and will best answer the research questions.

There is a paucity of research on the barriers that Saudi women with disabilities encounter in their attempt to enter the labor market and/or in retaining adequate jobs. Overall, there is little data about the workforce participation of women with disabilities. More specifically, there is no qualitative data about the nature of the difficulties that Saudi women with disabilities face in finding and maintaining decent work and the forms of labor market discrimination against women with disabilities. Furthermore, there is a dearth of

information around the systemic barriers to the enforcement of policies and legislation for employment of persons with disabilities, especially women.

This section will explain the different epistemological frameworks that will direct the way to approach and understand the social, cultural and institutional barriers to the enforcement of laws and policies related to the employment of women with disabilities in Saudi Arabia and the impact of these barriers on the social inclusion and economic empowerment of women with disabilities.

### **2.8.1 Feminist Theory**

Feminist Theory is a theorization of an extensive discussion of feminism (Alsuwaida, 2016). “Feminized theories and pedagogies advocate an understanding of women’s oppression and agency in social life across various domains” (Malewski, 2010, p. 223). One of the main objectives of feminist theory is to recognize and comprehend the complex nature of inequalities that are based on gender (Alsuwaida, 2016). Feminist theory investigates the interests, experiences and politics of women in different fields such as education, sociology, psychoanalysis, economics, communication, anthropology and philosophy (Mertens & Ginsberg, 2009).

Studies of women through a feminist theory lens analyze the cultural constructions of women’s experiences in the political, economic and symbolic realms. Driscoll and Krook (2012) argue that gender adds another dimension to discussions of politics and policy that can be employed to encourage reforms. Using this perspective, scholars connect individual level actions with larger events and processes in societies. They look particularly at how individuals make choices and weight risks in existing systems. In this context, it is



understandable that Saudi women pursue educational and employment opportunities even if they are criticized for their leadership and ambition.

Al-Ahmadi (2011), discusses the challenges facing women leaders in Saudi Arabia and notes the significant spike in female employment and education rates. The author focuses on one important area of growth: the rise of women in senior management positions, especially in strategic positions with decision-making responsibilities in the public and private sectors. While the increases in numbers are positive, the women in these positions are competing with their male peers. Al-Ahmadi (2011) found that the women in these roles face challenges at the organizational, societal and personal levels - challenges which impact their abilities to be effective in their positions. According to the research, female leaders report insufficient access to resources and training to overcome these barriers - especially the barrier of gender bias within the structure of their organizations. Several studies suggest leadership training for women pursuing or in these roles.

Furthermore, Hunt (2008) mentions that increasing women's participation in resources, employment, and income has positive effects on the social and economic status of women and in the general development of the country. Gender equality is a central development goal. Therefore, advancing gender equality can improve productivity, development outcomes, and institutions' representation (The World Bank, 2011).

### **2.8.2 Human Rights Disability Framework**

According to the World Health Organization (WHO, 2011), disability is considered a development matter because disability is a cause and a consequence of poverty. The world report on disability finds that it is evident that persons with disabilities and their families

encounter economic and social disadvantage more than those without disabilities (WHO, 2011). Providing equal social and economic opportunities for persons with disabilities more likely increases their human capital, which consequently enables them to decrease their dependence on cash transfers and other forms of public support (Metts, 2004). Metts argues that from a development standpoint, addressing disability matters results in both social and economic benefits (2004).

The Convention on the Rights of Persons with Disabilities (CRPD) is a significant piece of human rights policy that impacts the field of disability studies as well as laws in member states (Degener, 2016). The CRPD is a product of the shift from welfare legislation to rights-based legislation for persons with disabilities. There are dual goals within the CRPD: to ensure persons with disabilities have equal rights with people without disabilities living in member states and to solidify the social model of disability, which understands disability as a social construct, in place of the medical model. In this way, the CRPD is calling for concrete changes in policies and access to human rights and a paradigm shift in the way the world conceptualizes persons with disabilities (Degener, 2016).

According to Degener (2016), the CRPD focuses on the human rights approach, combining the political, civil and economic rights with persons with disabilities with their cultural rights. The human rights model recognizes that persons with disabilities have multiple layers of identity, which could include elements like gender, race, ethnicity, or citizenship status that could also impact their access to rights. The document also includes the first binding intersectionality clause in a human rights treaty: recognizing that women and girls with disabilities face multiple layers of discrimination.

Degener continues to argue that The CRPD also stands out as a piece of human rights law because it defines discrimination based on disability and calls for signatories to take an active anti-discrimination stance (2016). The CRPD defines discrimination based on disability as “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civic or any other field. It includes all forms of discrimination, including denial of reasonable accommodations.” With this definition, member states are tasked with recognizing and addressing multiple areas in society to ensure equal access and opportunities for persons with disabilities (Degener, 2016). The CRPD, particularly Article 27, the right to work, is a cornerstone of the analysis of policy for this study.

Bromell & Hyland (2007) define social inclusion as a “concrete way of describing wellbeing that focuses particularly on its transactional and participatory aspects – the relationships between individuals and groups, and their belonging, participating in and contributing on their own terms to our common life in families, communities and society as a whole.” (p. 8). The authors explained that social inclusion and participation describes the outcomes that any given government desires to achieve through its policies and programs on behalf of its citizens as well as the ways to achieve these results (Bromell & Hyland, 2007).

The United Nations Convention on the Rights of Persons with Disabilities provides opportunities to promote inclusive policy for persons with disabilities (Sherlaw & Hudebine, 2015). Moreover, the convention could play a major role as a benchmark to evaluate existing policies related to inclusion of persons with disabilities in different areas such as education

and employment and make sure that those policies are adhered to. For better outcomes of policy evaluation through benchmarking with the convention, it's important to use participatory research methods and include the voices of persons with disabilities in the process of evaluation. According to the United Nations "The concepts of full and effective participation and inclusion and accessibility mean that society, both in its public and in its private dimensions, is organized to enable all people to take part fully. Being fully included in society means that persons with disabilities are recognized and valued as equal participants. Their needs are understood as integral to the social and economic order and not identified as 'special'. To achieve full inclusion, an accessible, barrier-free physical and social environment is necessary" (2010, p. 22).

Apart from the formal processes that mainstreams human rights standards at the national level, are the mechanisms that promote social transformation and inclusion by employing human rights norms as primary drivers (Lord & Stein, 2008). International relations researchers have acknowledged that human rights norms have a significant effect on creating social change through non-legal procedures. According to the authors, this approach identifies processes by which human rights provoke societal belief changes by providing information about the ideas of human rights with the supplemental effect on serving as an educational means for shifting social morals positively. These concepts view human rights law as a procedure whereby the identities and interests of concerned parties are shaped and reconstituted. Perceived this way, human rights are tools that have the capability of, if applied effectively, reshaping negative social constructions into perspectives that are rights-aligned, and declaring certain protections that aims at the enjoyment of human rights. Lord

& Stein, (2008) argued that the text of the Convention on the Rights of Persons with Disabilities acknowledges the possible effect of its principles on producing change in the society and in reshaping ideas that are controversial to the full realization of disability-related rights. Signatory countries are obliged to apply affirmative actions to shift social norms regarding persons with disabilities, including the responsibility to eradicate negative stigmas and stereotypes and endorse positive attitudes about persons with disabilities (Lord & Stein, 2008).

### **2.8.3 Transdisciplinary Research Approach**

A transdisciplinary research approach will be used in this dissertation as an integrative solution for the complex community problem in hand, which is underemployment and/or unemployment of Saudi women with disabilities and their experiences with phantom hiring. The transdisciplinary research applies different disciplines to guide the process of finding a holistic solution for a real-world problem (Bergmann, Jahn, Knobloch, Krohn, Pohl & Schramm, 2012). Utilizing transdisciplinary research approach in this dissertation will create a space for applying different theoretical frameworks with real-life methods to tackle the multiplicity of the factors contributing to the barriers to the employment of women with disabilities.

According to Leavy (2016), transdisciplinary approach allows researchers to employ the knowledge, theories, and research methods from different disciplines freely with the exclusion of the limitation of each discipline. Furthermore, transdisciplinary approach enables researchers to propose holistic recommendations for the problem in hand through knowledge exchange with experts of other disciplines outside of academia (Leavy, 2016).

Leavy also highlighted the importance of implementing participatory research methods to ensure a sustainable change within the community served (2016). Thus, the recommendations of this dissertation will be informed by including female participants with disabilities in the research process and giving them the space to communicate their experiences and express their needs.

#### **2.8.4 Intersectionality Overview**

Intersectionality theory was developed as a response to second-wave feminist theories (Bauer, 2014). The theory suggests that intersecting systems of oppression based on gender, race, and ability shape experiences of inequality and privilege (Viruell-Fuentes, 2016). Intersectionality is becoming a significant tool for theorizing identity and discrimination (Hankivsky & Cormier, 2011). Intersectionality theory addresses the different forms of discrimination and helps in understanding the influence of different aspects of identity on access to rights and opportunities, which makes it an effective tool for advocacy and policy development (Symington, 2004). Intersectionality policy analysis helps us understand how specific acts and policies approach inequalities that different social groups encounter considering their social identities such as race, class, gender, ability, geography, and age (Hankivsky & Cormier, 2011). Utilizing the intersectionality theory will help in acknowledging complex identities, which will consequently result in elimination inequalities (Hankivsky & Cormier, 2011).

According to Symington, evaluating intersecting discriminations helps in allocating resources to marginalized populations, which results in empowering vulnerable groups who have less access to rights and resources. Employing the intersectionality approach in

developing projects would result in concrete advances in terms of women's rights and gender equality (Symington, 2004). Following intersectional theory, this study acknowledges the unique experiences of women with disabilities which are likely distinct from men with disabilities or women without disabilities. It is imperative that researchers document and explore the unique vulnerabilities and marginalization process relevant to women with disabilities.

Kimberlé Crenshaw came up with the term "intersectionality" in her 1989 essay, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics." in 1989. McCall (2005), argued that intersectionality investigates systems of oppression, inequality, and privilege and how they intersect. Theories that looks at gender and ethnicity as distinct subjects failed to explain multiple marginalization experiences that African-American women encounter.

The intersectionality framework examines the different aspects of social life and considers its complexity accordingly. The theory has been used in gender studies and has been applied to disability research recently. Intersectionality framework allows me as a researcher to understand how gender, disability and other social domains of Saudi females with disabilities influence their employment opportunities and experiences.

Recognizing the significance of the intersectionality framework to this dissertation is an essential part of developing the theoretical framework. The next step to developing the theoretical framework for this research is combining the intersectionality framework with institutional theory. Incorporating institutional theory allows the researcher to examine how

people with multilayered identities, specifically women with disabilities, experience institutions' policies and practices. Institutional theory also fits well with the aims of this study to develop insights into experiences of women with disabilities in the job market from the levels of individual women to employers and government entities. The combination of intersectional theory and institutional theory enables the researcher to develop solutions that are relevant at the level of policy making (Bauer, 2010) and/or at the local level, or in the context of this study, at different levels of the education and labor systems.

The following section will discuss institutional theory in more depth and how it relates to this dissertation.

### **2.8.5 Institutional Theory Overview**

In order to investigate the employment experiences and barriers to adequate employment faced by Saudi Arabian women with disabilities, this dissertation utilizes Institutional Theory, which has been used in other career-related research on women in the Arab world (see e.g. Tlaiss, 2014a, b). North's definition of institutions guided him to develop the Institutional Theory. North defined institutions as: 'the rules of the game in a society, or, more formally, are the humanly devised constraints that shape human interaction.' (North, 1990, p. 3).

Institutional theory looks at deep, resilient aspects of social structures (Smith & Tracey, 2016). The theory considers the processes through which structures including rules, norms, and routines, become established as authoritative guidelines for social behavior (Smith & Tracey, 2016). According to the authors, Institutional Theory investigates how these elements are created, diffused, and adopted over a given space and time as well as how



they decline and can fall into disuse. The authors explain that institutions are social structures, which have attained a high degree of resilience since they are composed of normative and regulative elements (Smith & Tracey, 2016). Institutional theorists assert that the institutional environment can strongly influence the development of formal structures within an organization. The formal structures of legitimacy can reduce efficiency as well as hindering the competitive position of an organization within its technical environment (Smith & Tracey, 2016). Institutional Theory can assist in providing explanations for institutional decisions and activities. It aids in understanding the pressures for institutions to be more similar which minimizes the diversity of institutions. Most organizations comply and conform easily to some of the acceptable and recognizable standards in their field. Therefore, institutional theory provides a description of how deliberate and accidental choices lead institutions in mirroring the norms, values, as well as the ideologies of the organizational field (Smith & Tracey, 2016). The organizations which meet the expected characteristics of the environment receive legitimacy and prove worthy of resources by the broader environment as well as society (Suddaby, 2015). Therefore, institutional theory puts more emphasis on the normative impact of the environment than on the activities of the organization. Institutional theorists argue that the environment determines the options of an organization as well as limits discretion in the choices available for the leaders (Suddaby, 2015).

Institutional theory has been significant as it provides an influential explanation for individual and organizational action (Tina Dacin, Goodstein, & Richard Scott, 2002).

Institutional theory focuses on the deeply rooted resilient features of any given social

structure. The theory examines the procedures by which institutions, including organizational patterns, rules, societal norms, and routines, become fixed as grounded guidelines for social behavior (Scott, 2005). It investigates the creation of these elements, their spread, adoption, and adaptation over space and time. Furthermore, the theory examines how these elements are employed and/or diminished (Scott, 2005). Modern Institutional Theory has caught the interest of many scholars within the social sciences as the theory is used to study global level systems all the way down to person interactions (Scott, 2005).

One dimension of Institutional Theory as it is used in sociology includes hypotheses about the impact of cultural norms on organizational behavior (Scott, 1995, 2001; Scott & Christensen, 1995). There are three questions at the root of the theory: Why do organizations with little interaction or similarities of setting often adopt similar policies and practices? For example, disability-focused organizations in Saudi Arabia and the United States developed programs to train and then hire persons with disabilities to sheltered workshops. The second core question centers around how organizations adapt to changing operational environments and how they deal with breaks between operational design and practice. When policy shifts, as it has in Saudi Arabia, how do organizations react to the changes? If an organization creates a progressive design to respond to policy, how does it make sure those changes are carried out in practice? Lastly, and significantly for this dissertation, how do cultural forces can impact the pace of change of practices across organizations. For example, Saudi Arabia has made policy changes to encourage hiring persons with disabilities, but cultural beliefs have in some cases slowed down the process of implementing new hiring practices.

Institutional theory can be used to analyze public policy because its basic principle and distinct characteristic is conformity (Saka-Helmhout, Deeg & Greenwood, 2016). According to the authors, conformity is used in determining the legitimacy of an organization. The conformity concept establishes a rationale in which organizations incorporate certain social norms, rules, and regulations into its mission and goals. Institutional Theory analyzes public policy in a promising way by bridging the gap between societal views and organizational actions (Saka-Helmhout & others, 2016). Institutional Theory tends to take into consideration the opinions and views of the public at a large scale in relation to the actions of the organization, which makes this theory most applicable to policy analysis. Saka-Helmhout & others (2016), argue that the management of an organization is normally more aware of the social views and opinions and usually more willing to incorporate societal norms and expectations, rules, regulations and requirements in its daily operations. Thus, the theory focuses on the concept of unifying environment and management.

Public policy refers to a policy which is formulated and implemented for the benefit of the public. Puffer (2015) discusses the relationship between Institutional Theory and public policy. Institutional Theory can be used to describe the process the governmental organizations go through to create goals, which are followed by broad policy documents. From those documents, the executive branch develops programs that are put in to practice by organizations. Those organizations carrying out public policy can also be analyzed using Institutional Theory. How the organizations execute policy is shaped by the governmental goals, norms in the sector and the public's views and opinions.

Public policy development and analysis seen through Institutional Theory play an important role in this dissertation. North's vision of institutions looks at the many roots of institutions: cultural norms and belief systems, the inter-linking political and economic processes, and the role of individuals in developing, leading and reforming institutions (Faundez, 2016). This dissertation has used the work Frey (2010) who has developed an analytic tool, using Institutional Theory as its foundation. Frey's framework is discussed further in the methodology section.

#### **2.8.6 Intersectionality Theory and Institutional Theory Overview**

Crenshaw (1991) argues that violence and discrimination against women is recognized as part of a social systemic domination that negatively affects women as a class, which later characterized the identity politics of marginalized populations including women. According to Crenshaw (1991), identity politics has been in conflict with the major concepts of social justice. Rather than characterize distinctions like race, class and gender as attributes to be minimized, Crenshaw argues that identities can be sources of social empowerment and reconstruction. Crenshaw et al. (1991) believe that the flaw in identity politics is that it ignores intragroup differences. She gives the example of the different experiences of and responses to violence against women depending on the women's race and class. Papering over differences can lead to tensions within groups who do not feel represented. A similar example could be made about the experiences of women with and without disabilities in the workforce. There are intersections in the experiences of gender bias and bias against persons with disabilities, as well as distinct, significant experiences of subgroups.

Intersectional analysis is necessary to avoid polarizing experiences of marginalization as either relating to gender or to disability. In the lives of marginalized people, Crenshaw (1991) makes the point that there is overlap and uncertainty and gray area in experiences of marginalization. Analysis should reflect these real life intersections of allowing for complex identities like women with disabilities who experience barriers as women and as people with disabilities. The intention of this dissertation is to foreground the experiences of women with disabilities who are in the background of much of the literature on either women or people with disabilities in the labor market.

In her article, Crenshaw (1989) used the concept of intersectionality to represent how race and gender interact to impact black women's experiences in employment. Her study demonstrates how the experiences of black women exist at an intersection between the traditional notions of how racism and sexism impact women in the workforce. Analyzing these women's experiences from either a feminist or an antiracist lens misses some of the nuance of their experiences and identities. The same premise applies to how women with disabilities experience the workforce. Studying women with disabilities specifically through an intersectional analysis provides insights not available through feminist or disability focused approaches.

Taking a wider societal view, Crenshaw's (1991) understanding of intersectionality can be applied at the level of institutions. In this dissertation, that means analysis of policies, governmental bodies and corporations to see if and how women with disabilities interact with and are impacted by them. Like Crenshaw, my focus on the intersections of ability and gender highlights the importance of including marginalized people's full identities when

analyzing the systems and institutions they interact with. Additionally, how the understanding, or lack thereof, of employment experiences of Saudi women with disabilities have been institutionalized and continue to impact their access to the labor market.

### **2.8.7 Globalization**

Globalization is a concept and a process that is hard to define, which involves economic merging, transfer of policies, knowledge and cultural standards and other forms of transmissions (Al-Rodhan & Stoudmann, 2006). According to the author, globalization covers a range of disciplines, societies, and cultures, which consequently allows for different economic social and cultural point of views. Globalization can be defined as “a process that encompasses the causes, course, and consequences of transnational and transcultural integration of human and non-human activities.” (Al-Rodhan & Stoudmann, 2006, p. 5). For the purposes of this dissertation, globalization can be understood as the process that comprises of the consequences of ratifying an international treaty, which is the Convention on the Rights of Persons with Disabilities. In this case, globalization is a process that has been impacting the lives, community, culture, and economies of persons with disabilities for many years. The authors argue that globalization can be comprehended in a way that provides an opportunity for appreciation of, and a shift towards promoting individual and global stability (Al-Rodhan & Stoudmann, 2006).

Scholars have not agreed upon one definition of globalization. For example, McGrew defines globalization as “[G]lobalization [is] a process which generates flows and connections, not simply across nation-states and national territorial boundaries, but between global regions, continents and civilizations. This invites a definition of globalization as: ‘an

historical process which engenders a significant shift in the spatial reach of networks and systems of social relations to transcontinental or interregional patterns of human organization, activity and the exercise of power.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 13). Aninat defines globalization as “the increasing interaction among and integration of diverse human societies in all important dimensions of their activities-- economic, social, political, cultural, and religious.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 13). Waters defines globalization as “Globalization is the direct consequence of the expansion of European culture across the planet via settlement, colonization and cultural replication. It is also bound up intrinsically with the pattern of capitalist development as it has ramified through political and cultural arenas. However, it does not imply that every corner of the planet must become Westernized and capitalist but rather that every set of social arrangements must establish its position in relation to the capitalist West - to use Robertson’s term, it must relativize itself.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 15). Whereas the Anthropology Department at Wayne State University defines globalization as “...the intensification of worldwide social relations which, through economic, technological and political forces, link distant localities in such a way that distant events and powers penetrate local events.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 15). Berger defines globalization as “...globalization is, au fond, a continuation, albeit in an intensified and accelerated form, of the perduring challenge of modernization. On the cultural level, this has been the great challenge of pluralism: the breakdown of taken-for-granted traditions and the opening up of multiple options for beliefs, values and lifestyles. It is not a distortion to say that this amounts to the great challenge of enhanced freedom for both individuals and

collectivities.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 16). Beerkens describes globalization as “The world-wide interconnectedness between nation-states becomes supplemented by globalisation as a process in which basic social arrangements (like power, culture, markets, politics, rights, values, norms, ideology, identity, citizenship, solidarity) become disembedded from their spatial context (mainly the nation-state) due to the acceleration, massification, flexibilisation, diffusion and expansion of transnational flows of people, products, finance, images and information.” (as cited in Al-Rodhan & Stoudmann, 2006, p. 17). Awoniyi (2009) based his definition of globalization on a study conducted by the Swiss Federal Institute of Technology where he describes globalization based on three fundamental dimensions, which are economic, social, and political. The political dimension is defined by dissemination of governmental laws, policies and legislations, countries’ affiliation with international organizations, and participation with the United Nation as well as accession to international treaties.

In a broad sense, globalization is defined as “the process of creating networks of connections among actors at multi-continental distances, mediated through a variety of flows including people, information and ideas, capital and goods. Globalization is conceptualized as a process that erodes national boundaries, integrates national economies, cultures, technologies and governance and produces complex relations of mutual interdependence.” (Dreher, Gaston and Martens 2008).

Throughout the past three decades, there has been a breakthrough recognition of human rights for persons with disabilities all over the world (Kanter, 2003). Within the past ten years, around 40 countries developed and enacted national anti-discriminatory disability



laws that promote human rights, dignity and equality of persons with disabilities.

Policymakers, scholars and activists on both international and local levels joined efforts to develop national laws that ensures protection of the rights of persons with disabilities to both dignity and equality. Kanter argues that globalization has changed the practices of different laws including the laws related to protection of the rights of persons with disabilities (2003).

The effect of globalization on domestic disability rights laws can be seen through the transposition and implementation of United Nations Convention on the Rights of Persons with Disabilities in different countries that ratified the convention (Lord & Stein, 2008). The authors argue that through globalization, the convention has a constitutive influence on domesticating the convention and its significant transformative role on policy reforms within countries that have ratified the convention. Clearly, international human rights standards should be implemented on a national level in countries that ratify UN conventions. Countries are obligated on an international level to transform and translate international norms of conventions into domestic action within the country's constitution and/or policies (Lord & Stein, 2008). The authors argue that abiding by the convention's obligations in the process of policy reforms and legislative changes can be a complex process considering the multi-sectoral nature of disability.

## **2.9 Conclusion**

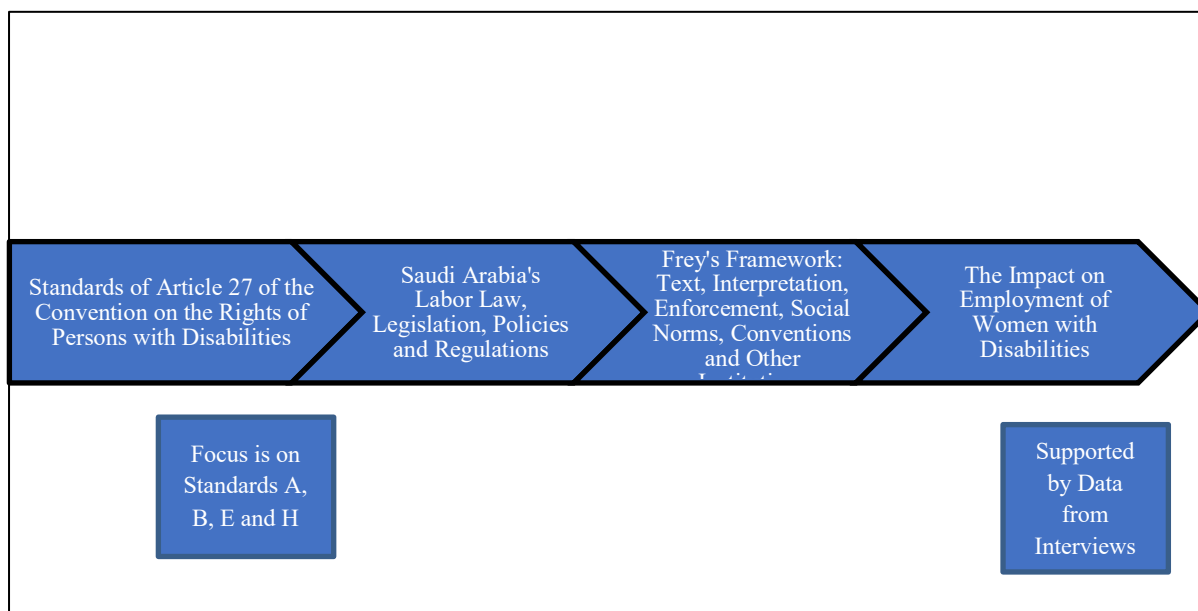
As discussed in this chapter, there is a significant lack of research particularly investigating the employment experiences and opportunities of women with disabilities in the Kingdom of Saudi Arabia. This chapter presented a literature review that looked at the few existing studies related to disability in general, disability as it applies to education and work,

women's experiences in education and work in Saudi Arabia, and research studies of women with disabilities in the region. The chapter concluded with a theoretical framework overviewing different theories including the transdisciplinary approach, human rights approach, feminism, intersectionality and globalization.

## CHAPTER 3

### METHODOLOGY

This dissertation aims to explore the impact of legislation and policies relating to the employment of women with disabilities in the Kingdom of Saudi Arabia (KSA) in the private sector. This study adopts a multi-component analysis. Using Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) as the international standard, this dissertation compares the CRPD standards with the relevant laws and policies adopted by Saudi Arabia. Using a template for examining compliance to international laws and policies proposed by Frey (2010), the study additionally examines the interpretation of the laws, the enforcement of the laws and the social norms and conventions that impact their social legitimacy. Finally, the study examines the impact of the laws on the employment of women with disabilities in the Kingdom of Saudi Arabia. This analysis is informed by interviews of 12 women with disabilities, 7 employers, 11 representatives from relevant government departments and policy review. This multi-component analysis is illustrated in figure 9 below.



**Figure 9: Conceptual Framework of Analysis Updated**

### 3.1 Background

Given the multi-component analysis of this project, it is important to discuss the key components for analysis: The Convention on the Rights of Persons with Disabilities (CRPD), Frey's diagnostic methodology for policy analysis, and interview data collection and analysis.

#### 3.1.1 The United Nations Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with disabilities specifies legal set of standards on the rights of persons with disabilities. Article 27 of the Convention focuses on the right to employment and in the introduction notes:

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open,

inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work.

Saudi Arabia ratified the Convention on the Rights of Persons with Disabilities and its optional protocol in June 2008. Upon ratifying the Convention, a society is responsible for removal of the environmental and social barriers that limit the opportunities of persons with disabilities to become independent individuals who can fully participate in the community, including the opportunity to work (Ferraina, 2012). To achieve decent work and full employment for persons with disabilities, a work environment should be free of practical, environmental and societal barriers and reasonable accommodations should be provided (Ferraina, 2012). Thus, Saudi Arabia is obliged to adhere to the Articles of the Convention and reflect those Articles in its laws, legislation, policies and regulations.

The CRPD does not provide indicators or targets. According to Article 33 of the CRPD, progress towards the standards is reflected in regular reports submitted to the UN. Each State is required to report to the United Nations, the status of persons with disabilities in relation to each of the Articles outlined in the Convention. The most recent CRPD report to the United Nations in regard to Article 27 was submitted by the Kingdom of Saudi Arabia in 2015. Some nations/states have developed their own indicators such as the European Union (Bridging the Gap n.d.), Denmark (Gaare Larsen, 2015) and Australia (French, 2008). However, such indicators rely heavily on data which (as discussed in chapter 2) is limited in the Saudi context. Additionally, these indicators do not shed light on the barriers to employment.

A framework is needed to identify information about how performance toward an indicator is improving or deteriorating and why the change is taking place. Additionally, a framework is needed to understand the barriers to employment and develop knowledge and consensus around interventions to improve performance on the indicators of decent work.

There are two sections to Article 27 of the CRPD, part one references the right to work and has eleven sections labelled (a)-(k). The second section prohibits slavery or servitude. This dissertation will focus on four of the eleven subsections of section one of Article 27 of the CRPD. The four subsections were selected because these were the most important issues emanating from the data. In both significance and volume, standard 1(a) the prohibition of employment discrimination, standard 1(b) the protection of employment rights, standard 1(e) the promotion of employment opportunities, and 1(h) affirmation action policies were themes embedded in the voices of women with disabilities as they described their employment related experiences. After careful review of the standards, the researcher combined standards (a) and (b) for the purposes of analysis. Standards are invariably linked and discussion of one standard and the data related to it connects to and overlaps with the other standards. For standards (a) and (b) specifically, protection of rights (or lack thereof) can be interpreted as a proxy for discrimination. The reasoning behind combining the standards is more fully discussed in Chapter 4.

### **3.1.2 Frey's Framework for Policy Analysis**

The data gathered from the interviews and the legislation and policies related to the employment of persons with disabilities are analyzed using an adapted diagnostic methodological framework developed by Frey (2011). Frey (2011) developed this

framework to examine the impact of the International Labor Organization standards on specific employment outcomes in Honduras. The purpose of the framework is to guide an analysis of both the formal institutions and informal institutions that influence the impact of the laws. The formal institutions include that laws, policies and regulations as well as their interpretation and enforcement. The informal institutions are the social norms and conventions that mediate the impact of the laws and policies.

Frey draws on institutions theory from the political economy discipline and Harold Koh's Compliance Theory from International Law to form the framework. She interprets labor market regulations as institutions. As institutions, researchers can take a holistic view of the impact of labor market regulations that focus not just on the laws but also the social context in which they operate. Institutions are made up of rules, norms and behaviors. They are acted upon and shaped by formal and informal forces.

Koh (1998) asks a fundamental question that is the foundation of Frey's framework: why do nations obey international laws? Koh (1998) argues that a "transnational legal process" takes place (p.627). The process he describes has three parts: interaction, interpretation and internalization. In the interaction stage, nations meet in international bodies to discuss, debate and ratify proposed international laws. From there, international laws are interpreted by individual countries and integrated into the national legal system. For example, the CRPD is an international agreement. Saudi Arabia ratified the CRPD and interpreted how to implement the agreement into national laws. National laws then shape how private sector employers (institutions) do - or should - operate. Koh (1998) also describes the stages of internalizing rules: from coincidence to conformity to compliance to

obedience. On the level of coincidence, there is no causal relationship between the rule and behavior. Conformity suggests that people are aware of a rule, follow it when convenient, but feel no legal or moral internal duty to follow the rule. Compliance occurs at the next level when people are aware of a rule and follow it to either gain a reward or avoid a punishment. The last stage, obedience, takes place when a person (or institution) makes the behavior regulated by the rule a norm and adds it to their internal value system. These stages describe the various ways to interpret what behaviors constitute following a rule and what level of internalization are needed for the rule to be effective.

Frey's framework is also influenced by Lee and McCann's (2008) work on indicators to measure impact and effectiveness of laws that are also considered institutions. Lee and McCann (2008) set out a method for reviewing policies' impact from the level of international agreements down to workers within an institution. The first step they lay out is to identify the ratification of international standards. Lee and McCann (2008) look first for relevant international policies, then investigate the ratification records for the country of interest. From the international laws, the next level is the national laws and policies. National level laws can be compared to the international laws, to the laws of other nations, and also undergo a textual analysis. The next step of analysis is the indicators. Using the indicators, it is possible to analyze lower level laws and implementation in institutions.

With all of the levels of analysis Lee and McCann (2008) describe, they explain the importance of finding instances where indicators may be incomplete such as to miss the "statutory reality" in countries on the ground (p. 45). Evidence gathered at local government levels and above, they argue, should be compared with evidence from the labor market to



find gaps in interpretation or enforcement. As Lee and McCann state, “the relationship between regulation [and] employment... is far more complex than is assumed in existing indicators” (p. 58-59).

There are three dimensions to Frey’s analysis; the effectiveness of the formal institutions, the interaction between formal and informal institutions, and the influence of institutions in spheres of economic and social life (Frey, 2011). The first dimension is the effectiveness of formal institutions. Frey measures “effectiveness” by how well (or poorly) formal institutions are able to implement agreed upon rules and regulations. For the purposes of this dissertation, “effective” means how well regulations and policies governing the employment of persons with disabilities are implemented and followed in private sector workplaces.

Analysis in the first dimension begins with the language of the rules. As Frey explains, “Rules are institutional statements and include (1) designations identifying to whom the statement applies, (2) verbs the permit, obligate or forbid, (3) the particular actions or outcomes to which the verbs apply, (4) conditions defining when, where, how and to what extent that action or outcome in question is permitted, obligatory, or forbidden, and (5) the “or else” statement defining the sanctions to be imposed for not following the rule.” (Frey, 2011, p. 3-4).

The analysis starts with the language of the rules because problems that result in lack of enforcement can begin in the wording of the rule. The formulation of the rules can combine with interpretation and enforcement to make for wholly ineffective rules. The first dimension also looks at the interpretation of rules. For example, how does the institution

understand what the rule means and how it should be followed? What happens if and when there is a challenge or appeal to the rule? Additionally, enforcement of a rule can impact a rule's effectiveness. There are systems of enforcement – the monitoring and penalties – and also positive incentives (Frey, 2011). This study will use all of the components of dimension one of Frey's framework.

The second dimension is the interactions between formal and informal institutions. Informal institutions are defined by Frey as social norms and conventions. Penalties in informal institutions include exclusion, damage to reputation and potential retaliation. Social norms are described by Frey as shared norms that are followed by individuals regardless of others' behavior (Frey, 2011). Social conventions are about shared expectations where depends on the fact that others abide by this convention. Through these and other means, informal institutions can strengthen or weaken policy adherence in formal institutions. In the analysis for this study, it was difficult to separate social norms and conventions using the definitions provided by Frey, as often a practice fitted both criteria or it was unclear whether the behavior was a social norm or social convention. For this study the categories of social norms and social conventions were combined for the analysis.

The third dimension is the interactions between institutions in the social and economic areas of society that are not directly related to the issue but have an impact on the outcome of the law. Table 4 below summarizes Frey's Framework that will be used in the analysis for this study.

Dimension	Unit of analysis	Description
Dimension 1: the effectiveness of the formal institutions	Text	Are the laws well-written and do they align with the CRPD standards?
	Interpretation	How are the laws interpreted by the formal institutions designated to oversee the legislation? Does the interpretation of the laws align with CRPD standards?
	Enforcement	Are there regulations to enforce the laws? Does the enforcement align with the standards of the CRPD?
Dimension 2: the interaction between formal and informal institutions	Social Norms and Social Conventions	Are formal institutions constitution, laws, and/or regulations) undermined by informal institutions (work practices)? – Actors pursue socially- legitimate behaviors counter to formal institutions? Are formal institutions undermined by expected, but socially illegitimate behaviors?
Dimension 3: the influence of institutions in spheres of economic and social life	Other Institutions	Do formal institutions undermine (or reinforce) each other? – Institutional complementarities and hierarchies

**Table 4: Overview of Frey’s Framework**

### **3.1.3 Review of Laws, Regulations and Policies**

A thorough review was conducted of all the legislation and regulations that relate to the employment of women with disabilities. The following legislation was identified

- The Labor Law: Articles that are related to employment of persons with disabilities were highlighted and analyzed with reference to the CRPD standards.
- Executive Orders and Ministerial Resolutions: Regulatory orders related to employment of persons with disabilities were identified and analyzed in relation to the CRPD standards.

Other documents were analyzed including Saudi Arabia’s 2030 vision and the Saudi National Transformation Plan 2020. The two documents were reviewed with a focus on

employment of women with disabilities. The analysis revealed that there is no significant impact of the two documents on the employment of women with disabilities.

KPMG reports of *Tawafuq* program, employee handbooks, human resources guides, Saudi Arabia's reports to the United Nations on the Convention on the Rights of Persons with Disabilities and The Convention on the Elimination of all Forms of Discrimination Against Women, the Saudi Constitution, Social Grantee System, Saudi census, program descriptions for inclusion of persons with disabilities and programs specifically targeting women with disabilities and other documents were reviewed to inform the researcher about

## **3.2 Qualitative Interviews**

### **3.2.1 Design of Study**

The research design is a qualitative study format to assist in gathering information about the impact of the legislation and policies relating to the employment of women with disabilities in the Kingdom of Saudi Arabia. According to Flick, Von Kardorff & Steinke (2004), qualitative research aims at describing the world and lives from an insider perspective, hence, the perspective of the participants within the study. Accordingly, the authors argue that qualitative research pursues to provide a comprehensive understanding of the phenomenon under investigation and the social realities researched. Qualitative research highlights the procedure, pattern meaning and structural characteristics of the study. It approaches the phenomenon in a more open and more involved methodology rather than strictly standardized approaches within quantitative research (Flick et al., 2004). The study interviewed three categories of participants: women with disabilities, employers and

government officials. In the following sections, the recruitment and demographics of each of the participant groups are discussed.

The study took place in the Western and Central regions and was conducted in the cities of Riyadh and Jeddah, which are the two largest cities in Saudi Arabia over a two months period from beginning of June 2017 until end of July 2017.

### **3.2.2 Participants**

#### ***3.2.2.1 Women with Disabilities***

For this study, 12 Saudi women with disabilities were interviewed. To conduct the interviews, a pre-set interview protocol for semi-structured interviews was adopted. The questions were open-ended, which gave the participants the chance to elaborate on their answers using examples from real-life situations to support their perception of those experiences. An outline of the interview questions is provided in Appendix A and B. The questions were aimed at providing data about the impact of the laws and legislation on their ability to obtain employment and their personal experiences with other systemic barriers to obtaining work.

##### ***3.2.2.1.1 Recruitment of Women with Disabilities***

The study used a convenience sampling method. The female participants were recruited from the author's network of personal and professional contacts. Using the author's experience as a project leader on *Tawafuq* program in the Ministry of Labor and Social Development assisted in helping to identify names and contact information of possible participants who were invited to participate in the study by email. The author ensured that participants understood that their participation was voluntary and that their identity would

remain anonymous and the ethical guidelines outlined in the IRB were carefully observed. Each of the participants have been given a pseudonym to ensure their identity is not revealed. The interviews were conducted in Saudi Arabia in Arabic and took an average of 50-60 minutes per interview. Prior to the interviews, the participants received an information sheet about the study and were asked to sign a consent form as approved by the IRB.

The author tried to diversify the participants' experiences with employment through interviewing women with different disabilities including Saudi women with physical disabilities and visual and hearing impairments. Deaf interpreters were hired to interview the women with hearing impairments. All interviews were tape-recorded, and notes were taken during the interview. After the interview, the notes and the tape recording were compared. The interviews were translated and transcribed simultaneously. Each interview took 4-5 hours for full translation and transcription. All the recordings were deleted and destroyed after transcription to ensure anonymity and confidentiality.

Recruiting women with disabilities to participate in a study is challenging because women with disabilities are largely confined to their homes and are not part of the public domain. In addition, once participants were identified, it was frequently challenging to arrange and conduct the interviews because of the difficulty of meeting with women with disabilities in public areas without a male chaperone, splitting time between the cities of Jeddah and Riyadh and allocating interview times that fit the schedules of the participants. There were difficulties scheduling interviews with some participants, therefore, a small number of women with disabilities were interviewed remotely via Skype and/or other video-call applications that suited the participants.

#### *3.2.2.1.2 Demographics of Women with Disabilities*

The women interviewed ranged from the ages of 22 to 40 years of age. Five women with visual impairments; two women with auditory impairments, and five women with physical disabilities. The participants were from the Western and Central regions of Saudi Arabia, from the cities of Jeddah and Riyadh. All of the participants who volunteered for the study were from the middle and upper economic class. They were all Saudi citizens. Table 5 illustrates the participant's demographics according to the region, type of disability, level of education and employment status of the participants with disabilities.

No.	Name	Disability	Employment status	Educational level	Age	City	Marital status
1	Ar	blind	Was employed. Currently looking for a job.	Bachelor	29	Riyadh	Single
2	Han	Physical (congenital pelvic deformation)	Student majoring in chemistry/ seeking job	Bachelor	21	Riyadh	Single
3	Ais	Physical (hereditary muscular dystrophy)	Unemployed	Elementary	36	Riyadh	Single
4	At	Physical disability (hemiplegia as a result of an accident)	Unemployed – seeking job	Bachelor of Islamic Religious Studies, King Khalid University	33	Jeddah	Single
5	Ash	Hearing Impairment	Employed in a hospital		29	Riyadh	Married no children
6	Af	Hearing Impairment	Employed at a national hospital		27	Riyadh	Married with two children
7	Su	Visual impairments (blind)	Employed and student	Bachelor degree in nutrition	30	Jeddah	Single
8	Mar	Visual impairments	Employed customer service department	Elementary	31	Jeddah	Single



No.	Name	Disability	Employment status	Educational level	Age	City	Marital status
9	Lu	Visual impairments	Employed (Broadcaster) and pursuing Masters	Pursuing Masters	28	Jeddah	Single
10	Haj	Visual impairments	Employed in a medical insurance company	Bachelor in Psychology	29	Jeddah	Single
11	Gh	Physical disability		Bachelor degree in accounting	34	Jeddah	Married
12	Bash	Physical disability	Employed in HR department	Bachelor degree in Sociology	28	Jeddah	Single

**Table 5: Demographics of the Participants with Disabilities**

### ***3.2.2.2 Government Officials***

For this dissertation, 11 government officials were interviewed including key informants from the Ministry of Labor and Social Development, staff members from the Labor Offices, staff from the Labor Inspection Department, Human Resources and Development Funds and the Authority of Persons with Disabilities. To conduct the interviews, a predefined set of interview questions for semi-structured interviews were adopted. The questions were open-ended, which gave the participants the opportunity to expand on their answers and share their perception of the barriers to the adequate implementation of the policies and regulations related to the employment of women with disabilities. An outline of the interview questions is provided in Appendix C and D. The questions were intended to provide data about the efficacy of the existing policies and

regulations related to the employment of persons with disabilities in general and women with disabilities in specific and the impact of those laws and legislation on the ability of women with disabilities to obtain employment and the systemic barriers to obtaining work.

#### *3.2.2.2.1 Recruitment of Government Officials*

This dissertation used a convenience sampling method by which participants were recruited from the author's network of professional contacts. The author's experience as a project leader on *Tawafuq* program in the Ministry of Labor and Social Development facilitated the process of identifying names and contact information of possible government officials participants who were invited to participate in the study by email and phone calls. The author made sure that the participants understood that their participation was voluntary and that their identity would remain anonymous and the ethical guidelines outlined in the IRB were carefully observed. Each of the participants have been given a pseudonym to ensure their identity is not revealed. The interviews were conducted in Saudi Arabia in Arabic and took an average of 50-60 minutes per interview. Prior to the interviews, the participants received an information sheet about the study and were asked to sign a consent form as approved by the IRB.

The author tried to diversify the participants' perceptions about the barriers to the adequate implementation of policies and regulations related to the employment of persons with disabilities in general and women with disabilities in specific through interviews with male and female government officials from the Ministry of Labor and Social Development, Labor Offices, the Human Resources and Development Funds and from Authority of Persons with Disabilities. All interviews were tape-recorded, and notes were taken during the

interviews. After the interview, the notes and the tape recording were compared. The interviews were translated and transcribed simultaneously. Each interview took 4-5 hours for full translation and transcription. All the recordings were deleted and destroyed after transcription to ensure anonymity and confidentiality. The author was not able to observe staff members from the Labor Offices, who are in charge of investigating phantom hiring or fraud cases. The author could not observe their cycles of investigation and the procedures for investigating and resolving complaints as there were not any cases during the time of data collection.

The government officials interviewed positions ranged from Vice Minister, Deputy Ministers, to staff members. The participants were from the Western and Central regions of Saudi Arabia, from the cities of Jeddah and Riyadh. Table 6 illustrates the participant's demographics according to the region, participant's positions and department.

Region	Name	Participant's Position	Department
Jeddah	Amb	Labor Inspector / female Department	Labor Inspection Department at the Ministry of Labor and Social Development
	Ama	Labor Inspector / female Department	Labor Inspection Department at the Ministry of Labor and Social Development
	Im	Head of Labor Inspection/ Female Department	Labor Office
	Ah	Executive Director of Tawafuq Program	Human Resources and Development Funds
Riyadh	Aha	Vice Minister (currently former)	The Ministry of Labor and Social Development
	Abd	Deputy of Inspection and Development of Work Environment	The Ministry of Labor and Social Development
	Ad	Deputy Minister for Customer Services and Labor Relations	The Ministry of Labor and Social Development
	Ahq	Deputy Minister of Labor Policies	The Ministry of Labor and Social Development
	Alg	Head of Inspection Department	Labor Inspection Department at The Ministry of Labor and Social Development
	Bd	Inspector	Labor Inspection Department at The Ministry of Labor and Social Development
	Hsh	Executive Director	Authority of Persons with Disabilities

**Table 6: Government Officials' Demographics**

### ***3.2.2.3 Private Sector Employers***

For this dissertation, 7 participants from the private sector were interviewed including CEOs, Human Resources Directors and Human Resources staff members. To conduct the

interviews, a predefined set of interview questions for semi-structured interviews were adopted. The questions were open-ended, which gave the participants the opportunity to expand on their answers and share their perception of the barriers to the adequate implementation of the policies and regulations related to the employment of women with disabilities. An outline of the interview questions is provided in Appendix E. The questions were intended to provide data about the efficacy of the existing policies and regulations related to the employment of persons with disabilities in general and women with disabilities in specific and the impact of those laws and legislation on the ability of women with disabilities to obtain employment and the systemic barriers to obtaining work.

#### *3.2.2.3.1 Recruitment of Private Sector Employers*

This dissertation utilized a convenience sampling method through which participants were recruited from the author's network of personal and professional contacts. The participants were invited to participate in the study by email and phone calls. The author made sure that the participants understood that their participation was voluntary and that their identity would remain anonymous and the ethical guidelines outlined in the IRB were carefully observed. Each of the participants have been given a pseudonym to ensure their identity is not revealed. The interviews were conducted in Saudi Arabia in Arabic and took an average of 50-60 minutes per interview. Prior to the interviews, the participants received an information sheet about the study and were asked to sign a consent form as approved by the IRB.

The author tried to diversify the participants' insights about the employment of persons with disabilities in general and women with disabilities in specific and about the

implementation of the existing legislation related to the employment of persons with disabilities through interviews with CEOs and Human Resource staff members of private companies, NGO, a Bank and a disability employers network. All interviews were tape-recorded, and notes were taken during the interviews. After the interview, the notes and the tape recording were compared. The interviews were translated and transcribed simultaneously. Each interview took 4-5 hours for full translation and transcription. All the recordings were deleted and destroyed after transcription to ensure anonymity and confidentiality. The participants were from the Western and Central regions of Saudi Arabia, from the cities of Jeddah and Riyadh. Table 7 illustrates the participant's demographics according to the region, participant's positions and type of company.

Region	Name	Participant's position	Company
Jeddah	Sa	CEO / male	Non-profit Organization for the visually impaired
	Kho	HR / male	Industrial Company / Holding Group in food and retail sector
	Khs	CEO & Founder / male	Disability Employers Network
	Mu	HR / male	Industrial Company / Holding Group in food and retail sector
Riyadh	We	HR / male	Industrial Company / Holding Group in food and retail sector
	Khk	CEO / male	Staffing and Recruiting Company for Saudi Women
	Ma	HR	Bank

**Table 7: Private Sector Employers, Positions and Type of Company**

### 3.2.3 Data Analysis

All of the interviews were conducted in Arabic and the transcripts translated into English by the author. The semi-structured interviews were informed by a conceptual framework produced by the literature review, which provided sets of initial inquiries, which include the attitudinal and cultural barriers, physical barriers, system barriers and employers and employment programs. These categories have given a rational structure to the design of the study's interview guide. The Frey framework was adopted after the data collection phase, and although the interview questions did not perfectly fit this framework, the data itself was easily adapted to fit this framework.

The process of analysis is as follows:

The data was categorized in terms of relevance to each of the standards of Article 27 of the CRPD. There was a plethora of data for Standard 27 subsection 1 (a), (b), (e) and (h). For these Standard subsections, there was data saturation. For some Standard subsections there was only a thin amount of data, and for some Standard subsections there was no relevant data. This study will report on the data for the four Standard subsections for which there is a significant amount of data.

Once the data had been categorized by Standard subsections, it was further sub-categorized into the Frey framework dimensions: text (impact of the laws, regulations), interpretation, enforcement and social norms and conventions. There was an extensive amount of data for the social norms and conventions dimensions. This large volume of data was then further analyzed using Grounded Theory to identify sub-themes and issues emerging from the transcripts. According to Strauss and Corbin (1994), GTM is a “general methodology for developing theory that is grounded in data systematically gathered and analyzed.” (p. 273). In regard to the issues arising from the social norms and conventions, the themes were not predetermined by current social science theory or previous research. The data on social norms and conventions can potentially identify new theoretical perspectives or insights.

Data analysis involved three levels of coding, which are open, axial and selective coding. The open coding process starts by sorting data collected into similar categories and forms initial groups of information about the barriers to the employment of Saudi women with disabilities. The next coding step was the axial coding. This process forms themes



around the categories assigned in the open coding process. By doing this, it is possible to view new ways of comprehending the issues. Finally, through a selective coding process, the data was desegregated to form a coherent explanation and/or theory of the dissertation's problem.

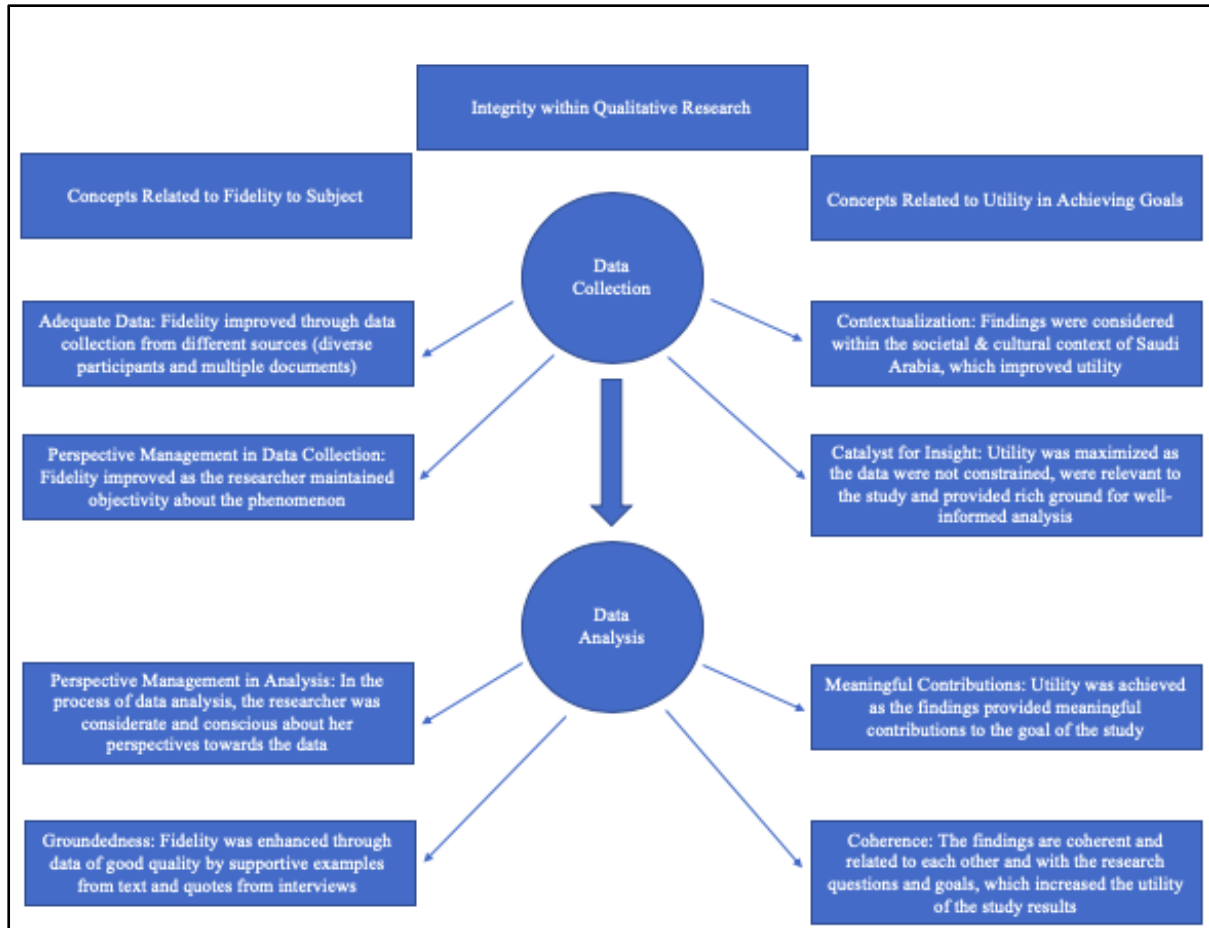
This dissertation applied three forms of triangulation to gain in-depth understanding about how well the Saudi legislation, policies, and regulations are aligned with standards (a, b, e, and h) of Article 27 of the Convention on the Rights of Persons with Disabilities relating to employment; deeper knowledge on the interpretation and enforcement of the legislation, policies, and regulations; better comprehension of the social norms and conventions regarding enacting the legislation, policies, and regulations; and its impact on the employment opportunities for women with disabilities in Saudi Arabia.

### **3.3 Methodological Integrity**

Methodological integrity has been interpreted by numerous authors (Levitt, Motulsky, Wertz, Morrow & Ponterotto, 2017) and is an important consideration in regard to the trustworthiness of the findings. This study uses a methodological integrity framework proposed by Levitt et al. (2017), who set eight criteria for achieving trustworthiness: four relating to data collection and four relating to data analysis. In this section, the integrity of the study is measured against Levitt et al.'s (2007) criteria.

To further drill down into the concept of methodological integrity, Levitt et al. (2007) include the concepts of fidelity and utility. The authors describe fidelity as fidelity to the subject matter, which they further define as “authentic closeness” (p. 10) to the subject of the research and is broken down into the four components below illustrated in figure 10 below.

Utility refers to the quality of the relationship between the research design, methods and producing results that answer the research questions and provide knowledge to the field.



**Figure 10: Considerations of Methodological Integrity of Data Collection and Data Analysis in Qualitative Research**

As illustrated in figure 10, Levitt et al. (2007) suggested four features for each process of data collection and data analysis as follows.

### 3.4 Data Collection

According to Levitt et al. (2007), there are four components comprising the integrity of data collection: adequate data, perspective management, cultural contextualization and

utility of the data. Levitt et al. (2007) argue that fidelity is strengthened when data are collected from diverse sources related to the study goal, which highlights different elements of the phenomenon studied. They argue that the number of interviews or participants is not as significant as the “comprehensiveness of and variations in the subject matter” (p. 11). According to Levitt et al. (2007), “adequacy of data depends... on the quality and sufficiency of information as it provides close access to the richness of the subject matter. In other words, trustworthiness of qualitative research may not come from conducting a comprehensive mapping of variation within the population, but rather from selecting experiences that map the variation within a phenomenon.” (p. 12). Diversity of data is a strength of this study as data was collected through document analysis (Labor Law, policies and regulations) and through interviews with different participants (employed and unemployed women with disabilities, employers and key informants from the Ministry of Labor and Social Development). Although Levitt et al. (2007) minimize the issue of sample size, other authors stress the importance of data saturation (Saunders, Sim, Kingstone, Baker, Waterfield, Bartlam, ... & Jinks, 2018). Although the number of participants of each group was not large, there was consistency of responses within each category of interviewees and there was data saturation from the interviews with women with disabilities. Perspective management in data collection is also an issue that Levitt et al. (2007) identified as a key component of data fidelity. They argue that fidelity is improved if the researcher is aware of and acknowledged the influence of his/her perspectives on the process of data collection. This was an important consideration in this study, as I needed to be very mindful throughout both the data collection and data analysis of the possibility of interpreting the data

through my lens, rather than the participants'. As outlined in my positionality statement in the introduction, my previous experience in the Ministry of Labor and Social Development has certainly influenced my interest in this topic and desire to understand the issues at a deeper level. Throughout the research cycle, I have rigorously tried to ensure that I put my biases aside, although as Babbie notes, one can never truly be truly objective, but one can be reflexive throughout the research cycle in examining this issue (2007).

Contextualization refers to consideration of the cultural context of the issues. Levitt et al. (2007) stress the importance of consideration of the research context including expansive elements like geography, society, cultural and time period as well as unique elements like identities of the researcher and the participants. Conveying the context when reporting findings allows the reader to understand factors that may influence the study's outcomes. This aspect of methodological integrity is a strength of this dissertation. As a Saudi woman, I am well-placed to be sensitive to the cultural position of women in Saudi society and to formulate questions that are culturally appropriate and address the research questions. Similarly, as a Saudi national and former employee of the Ministry of Labor and Social Development, I have insight into both the Saudi business culture and Saudi government worker perspective that ensure the cultural validity of the data collection.

Levitt et al. (2007) describe a catalyst for insight as selecting optimal methods during the data collection process. Researchers should select methods that provide the most opportunities for insights given the substance of the study. This aspect of the research process is also a strength of this study as there is a triangulation of research methods. According to Flick (2004), the term triangulation in social research refers to the

“observation of the research issue from at least two different points” (p. 178). Flick (2004) noted four different forms of triangulation: triangulation of data refers to data gathered from different sources, times, places, and or different participants; investigator triangulation refers to recruiting different observers, interviewers, researchers to reflect objectivity; triangulation of theories: viewing and understanding data from different theoretical perspectives, and; Methodological triangulation combining different methods to collect data such as traditional policy analysis with interviews. This dissertation used both interviews with diverse participants and document analysis (policy analysis) as two tools to collect data. This triangulation of methods ensures a foundation for a rich analysis.

### **3.5 Data Analysis**

The first component of methodological integrity in data analysis identified by Levitt et al. (2007) is perspective management. They argue that fidelity increases when the researcher is aware about his/her perspectives’ influence over the data analysis, thus, how his/her perspective might guide the research results. Levitt et al. (2007) argue that there are two strategies to regulate the researcher’s perspective to maintain fidelity in data analysis. First, limiting the researcher’s prior knowledge about the phenomenon, theories and conception by utilizing phenomenological, grounded theory and participatory action research investigations for example. Although there was little research available to me that shaped my perspective, I did have some prior knowledge of the challenges of women with disabilities obtaining employment. As in the data collection, I tried to be reflexive throughout the data analysis process to ensure that my findings were truly embedded in the data. This dissertation used grounded theory methodology to dig deeper into the

phenomenon, which provided an additional protection from bias in analysis. The second principle of methodological integrity proposed by Levitt et al. (2007) is Groundedness, a principle that guides the relationship between the quality of the data and the findings. When a researcher begins with high quality data, deeply discusses their process of data analysis and connects the findings to the data through inclusion of illustrative pieces of data, they can meet the groundedness principle. This is another strength of this dissertation. To illustrate groundedness within this dissertation and in order to clarify the process of concluding the study results, rich examples from the data including quotes and text extracts from the documents are provided.

The third principle of methodological integrity proposed by Levitt et al. (2007) is on the importance of research making a meaningful contribution to the goal of the study, in this case in the goal of understanding the barriers of women with disabilities obtaining employment. The meaningful contributions principle reminds the researcher of the larger purpose of research. It asks that researchers chose methods, as well as analyze and explicate findings, in ways that add to the knowledge of the field in some way. This is also a strength of this dissertation, as the application of Frey's framework sheds new light on the barriers to employment of women with disabilities, particularly in regard to the interpretation of the laws, enforcement of the laws and the social norms and conventions in which the women with disabilities must function. This dissertation's findings provide meaningful contributions that might help in a social change in the stereotypes and attitudes towards employment of women with disabilities in Saudi Arabia. Furthermore, the findings will inform policy makers to look deeper into the gaps within the institutions and within the system, which are

resulting in practices of phantom hiring and/or unproductive employment of persons with disabilities. The dissertation findings will also help in guiding policy reforms regarding the employment of persons with disabilities in general and women with disabilities in specific. The final component of methodological integrity proposed by Levitt et al. (2007) is the coherence principle that urges the researcher to reflect on their findings holistically when communicating them to the reader. Researchers should ask themselves if and how findings make sense in relation to one another. Where there is dissonance between findings, it is an opportunity for the researcher to explain to the reader how to understand and interpret the contradictions. This dissertation's findings were analyzed number of times to make sense and a meaningful, well-rounded and inter-related outcomes that speak to the readers.

### **3.6 Study Limitations**

Any research project has limitations and this dissertation is no exception. The following study limitations are discussed below: sampling bias, sample size, sample diversity, image management of employers and government officials, lack of access to the complaint investigation process and the researcher's personal and professional biases.

Several of the limitations are natural elements of a qualitative research study. According to Noyes et al. (2018), qualitative research is focused on uncovering deep knowledge about the research questions as opposed to quantitative research that looks at representativeness across numerical groups. Relatively small sample sizes are balanced by deep research methods. A qualitative researcher acts as the subject and object of their research. The goal of qualitative research is to generate illuminating data to show the research problem from deep and varied perspectives.

In essence, qualitative research delves into topics that cannot be quantified. Specifically, relationships are studied as the building blocks of social dynamics, which impact all aspects of society. Maxwell (2012) describes qualitative research as dealing with the nuance between the numbers: the beliefs, motives, attitudes, values and goals. These nuances are more possible to access in a smaller study.

A fundamental aim of all qualitative studies is to take the perspective of others and to experience meanings, situations and actions through their eyes. Logically, this can only be accomplished with a relatively small group of participants. To balance the small sample size, Noyles et al. (2018) explains that in-depth interviews can impart insights to the researcher with fewer participants.

The women with disabilities in this dissertation are solely from the two main cities: Riyadh and Jeddah. Women with disabilities from rural areas may have additional obstacles to accessing employment that are not be represented in this dissertation. The participants with disabilities are part of a middle-class group of women who have economic, social or personal resources that enabled them to overcome significant barriers to employment.

The question of drawing generalizations from a qualitative study is more nuanced than from a quantitative study. Hallberg (2013) explains the distinctions between generalizations in different types of research. Qualitative research cannot be generalized in the same way as a large, randomized quantitative study. Hallberg (2013) argues that qualitative studies can be tested and validated through future studies. Future researchers could use the same theoretical perspective and methodology for sampling, data collection and analysis as this study and, according to Hallberg (2013) likely find results that are similar to



those found in this dissertation. For example, the results of this study could reasonably be expected to be similar in United Arab Emirates or in the Kingdom of Bahrain because of the cultural similarities, assuming the theoretical perspective and methods were replicated. However, as Polit & Beck (2010) explain, generalizability is not the main purpose of qualitative studies. The goal of qualitative research is to develop an illustrative understanding of human experiences in the context of the study.

In addition, my personal and professional acquaintance with the participants and key informants may have affected the research process and results. Therefore, the findings from this dissertation must be read within the context of these limitations.

## CHAPTER 4

### DATA ANALYSIS AND FINDINGS

#### **4.1 Introduction**

This chapter will present an analysis around standards (a, b, e and h) of Article 27 of the Convention on the Rights of Persons with Disabilities. For each standard, relevant policies, legislation and regulations, will be identified and analyzed using Frey's framework. Then, the analysis will be complimented with data that contextualizes the disability related policies, legislation and regulations identified in terms the experiences of employed women with disabilities, female job seekers with disabilities, the information around the enactment of the policies related to disabilities from key informants from the Ministry of Labor and Social Development and from the Labor Offices as well as the practices of the employers regarding employment of women with disabilities.

In the analysis of the data in relation to the standards, the researcher combined standard (a) and standard (b) of Article 27 of the Convention on the Rights of Persons with Disabilities for the following reasons:

1. The inextricably linked nature of the standards: The discussion of one standard overlaps with the analysis of the other. The standards cannot be understood as fully when separated into discreet items of analysis.
2. Protection of rights (or lack thereof) as a proxy for discrimination: At face value and on the basis of the language alone, one standard dedicated to “protecting the rights” of persons with disabilities may seem distinct from another standard dedicated to “prohibiting discrimination.” As illustrated through this research analysis and data collected through extensive interviews, the absence of protection inevitably opens the door for discrimination to occur. As such, the protection of rights (or, more specifically, the lack thereof) is, in fact, a proxy for discrimination.

#### **4.2 Standard (a and b)**

**Standard (a): Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.**

**Standard (b): Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.**

Table 8 below presents related legislation, policies and regulations related to standard (a and b) of Article 27 of the Convention on the Rights of Persons with Disabilities.

Text	<ul style="list-style-type: none"> <li>● <b>Labor Law, Article 3:</b>  “Employment is a right for every citizen ... all citizens have equal employment rights.”</li> <li>● <b>Revised Labor Law, dated 27/11/1440 (July 30, 2019) Article 3:</b>  “Work is a fundamental right for every citizen... citizens have equal opportunities to employment without any discrimination based on gender, disability, age, and/or any other form of discrimination, whether during employment at recruitment or advertising job vacancies”</li> <li>● <b>Ministerial Order No. (1982) dated 28/6/1437 (July 25, 2006)</b> <ul style="list-style-type: none"> <li>○ <u>Article 10, section 7:</u> “A disability shall not be a reason to reject employment, promotion, and/or benefitting from vocational rehabilitation programs for persons with disabilities if they’re able to work and fulfill the job requirements.”</li> <li>○ <u>Article 10, section 8:</u> “There shall be no discrimination in wages between employees on the basis of disability.”</li> </ul> </li> </ul>
------	---

	<ul style="list-style-type: none"> <li>● <b><u>Ministerial Resolution No. 1/1/4624E Dated 21/10/1433 AH (September 8, 2012):</u></b> <ul style="list-style-type: none"> <li>○ <u>Article 1: “Special group referred to in this Ministerial Resolution are ex-prisoners... and persons with disabilities who are capable of working.”</u></li> </ul> </li> <li>● <b>Labor Law, Article 23:</b> <p>“Every citizen of working age who is capable of and willing to work may register his name at the employment unit, his date of birth, qualifications, previous employment, preferences and address.”</p> </li> <li>● <b>Revised Labor Law, Article 3 based on Royal Decree No. M/134 dated 27/11/1440 AH (July 30, 2019):</b> <p>“Work is a fundamental right for every citizen ... citizens have equal opportunities to employment without any discrimination based on gender, disability, age, and/or any other form of discrimination, whether during employment at recruitment or advertising job vacancies”</p> </li> <li>● <b>Ministerial Order No. (1982) dated 28/6/1437 (April 7, 2016) provides Executive Regulations for the different revised Labor Law articles.</b> <ul style="list-style-type: none"> <li>○ <u>Article 10, section 6:</u> <p>“Employees with disabilities shall have equal employment rights as stated in the Labor Law as well as Ministerial order No. (1982).”</p> </li> </ul> </li> </ul>
--	--

	<ul style="list-style-type: none"> <li>○ <u>Article 10, section 7:</u>  “Disability shall not be a reason to discriminate against employees with disabilities in the process of employment, promotion, or benefitting from professional development opportunities.”</li> <li>○ <u>Article 10, section 8:</u>  “Disability shall not be the reason to discriminate against employees with disabilities in terms of wages.”</li> </ul>
Interpretation	<p>Interpretation of the law is delegated to the Inspectors in the Labor Offices.</p> <p>It is not a judicial decision and does not define or elaborate on the rules and regulations, it is rather a closed decision.</p>
Enforcement	<p>A person with a disability can file for grievance to the Labor Offices if he/she was discriminated against by an employer.</p> <ul style="list-style-type: none"> <li>● <b>Labor Law, Article 196:</b>  “Labor Inspectors at the Labor Offices shall have the following duties: <ol style="list-style-type: none"> <li>1. Monitor the proper implementation of the provisions of the Labor Law and its regulations and decisions.</li> <li>2. Record violations of the provisions of the Labor Law and the enforcement of its decisions.</li> <li>3. Propose the appropriate fine according to table of violations and penalties.”</li> </ol> </li> </ul>

	<ul style="list-style-type: none"> <li>● <b>Ministerial Order No. (1982) dated 28/6/1437 (April 7, 2016) Article 196 of the Labor Law corresponding to Article 27 of the Executive Regulations:</b> “If the labor inspector proved the existence of labor law violations... he/she shall issue a report of the violations to the Labor Offices and complete the regulative procedures”</li> </ul> <p>Labor officers and inspectors ensure protecting the rights of the employees with disabilities in cases of discrimination and phantom hiring.</p>
Social norms and conventions	<p>Socially, there are stereotypes against persons with disabilities and women with disabilities in specific, as persons who are not competent and/or not skilled enough to fulfill job requirements. Social norms and social conventions include The themes are: (1) discriminative attitudes that preclude employment, (2) a societal perception that persons with disabilities are not competent or cannot be productive, regardless of their qualifications, (3) employers do not see the need to address physical barriers as a priority, (4) there pervading stereotypes about the type of work women with disabilities can do that substantially limited opportunities made available to them, (5) when women with disabilities do obtain employment, they are assigned lowly tasks, regardless of their qualifications, and in some instances are given no work, (6) women with disabilities are offered poorer employment conditions such as wage, (7) when women with disabilities obtain employment, they are treated poorly by their colleagues and supervisors who have negative attitudes</p>

	toward persons with disabilities, (8) lack of explicit company policy protections
Other institutions	<p>Employment of women with disabilities is impacted by other social institutions and their practices such as access to education, vocational training, rehabilitation, appropriate accommodations and so forth.</p> <p>Social welfare programs provided for persons with disabilities sometimes contribute to discouraging employment of persons with disabilities.</p> <p>Some organizations that support persons with specific type of disabilities collaborate with employers in the practices of phantom hiring and conduct malpractices of using the names of the beneficiaries of the vocational programs offered at the organization to help employers receive incentives from the Ministry of Labor and Social Development.</p>

**Table 8: Analysis of Legislation, Policies and Regulations in Relation to Standard (a and b) of Article 27 of the CRPD Based on Frey's Indicators**

As discussed in the introduction to this chapter, analysis was combined for standards (a) and (b). The researcher determined, and the analysis will show, that the standards are closely linked and a lack of protection for rights for persons with disabilities allows for discrimination to occur

#### **4.2.1 Standard (a and b), Text**

The section will describe the Law Articles, policies, legislation and regulations related to CRPD Standard 27(a and b). It will explain the articles in terms of the text and



what it means. Furthermore, this section will give examples from data collected through interviews regarding violation of the existing law related to CRPD Standard 27 (a and b).

As summarized in table (8), the current laws, legislation, policies, and regulations are clear and directly relate to the prohibition of discrimination on the basis of disability. The Revised Labor Law, Article 3 based on Royal Decree No. M/134 notes that “Work is a fundamental right for every citizen ... citizens have equal opportunities to employment without any discrimination based on gender, disability, age, and/or any other form of discrimination, whether during employment at recruitment or advertising job vacancies.” Revised Labor Law, Article 3 based on Royal Decree No. M/134 specifically prohibits any other form of discrimination, whether during employment at recruitment or advertising job vacancies. This law is consistent with standard (a) of Article 27 of the CRPD that prohibits discrimination relating to recruitment, hiring and employment.

Ministerial Order No. (1982) Article 10, section 6, reaffirms equal employment rights: “Employees with disabilities shall have equal employment rights as stated in the Labor Law as well as Ministerial order No. (1982).” In addition, the Ministerial Order no. (1982) Article 10, Section 7, states that “Disability shall not be a reason to discriminate against employees with disabilities in the process of employment, promotion, or benefitting from professional development opportunities,” which is consistent with Article 27 of the CRPD, standard (a), that prohibits discrimination in regard to continuance of employment, career advancement.

However, the legislation, policies and regulations do not explicitly ban discrimination in regard to safe and healthy working conditions, as required by the CRPD. Overall, it is

evident that the written Labor Law Articles, legislation, policies and regulations meet the requirements of Standard (a) of Article 27 of the CRPD, by prohibiting discrimination in employment, except in regard to discrimination related to safe and healthy working conditions, which are encompassed in broader legislation laws mandating relating for all employees.

The regulations and legislation guarantee the right of persons with disabilities to employment and protect them from being discriminated against based on disability in all forms of employment. It is interpreted that the articles, regulations and legislation are inclusive of both women with and without disabilities.

Article 3 of the Amended Labor Law gives more specification to the right to employment and prohibits discrimination against job seekers and/or employees with disabilities. Also, Article 23 of the Labor Law, explains the right of citizens with disabilities to employment as long as they are of working age and able to work and perform the basic functions of any given job. Furthermore, it enables persons with disabilities to register their names in the employment units to facilitate their access to employment.

Yet, even with such explicit laws, discrimination occurs, both because of gender and disability. This quote from a Human Resources Director (We) of a large industrial and commercial company illustrates the issue in regard to gender. According to (We): "...our mother company has 45 companies within it... the last updated number of female employees is 485... the total number [of employees] is 14, 277. So, the percentage of female employees is 3.4%."

Such a low percentage of female employees suggest systemic barriers to women obtaining employment in this company, although the informant noted that he was surprised when he recently reviewed these numbers.

Additionally, women with disabilities are also discriminated against because they have a disability. According to (Ma) an HR manager of a national bank: “Our problem is that once we see a person with a disability on a wheelchair for example, we try to avoid hiring them to avoid harming them because our building is not ready to accommodate their needs.”

Being both a woman and a person with a disability compounds the discrimination. A Human Resource Director of a consumer goods company mentioned that his company is invested in hiring employees with disabilities. Yet, the number of male employees with disabilities is significantly higher than female employees with disabilities. According to participant (Kho): “The company hired four females with disabilities out of the total 80 employees with disabilities”

Discrimination in regard to access to employment was also reported by many of the women with disabilities interviewed. Participant (Gh) who has a physical disability said: “For four years I couldn't find a job. I registered in the human Resources Development Fund portal. Some schools wanted to hire me, but once they knew I was on a wheelchair they refused to hire me.”

Similarly, participant (Mar), who has a visual impairment, noted: “The impact of my disability was really hard. I faced difficulties in many things that I wanted. Many

institutions/employers refused to employ or train me. They don't treat you the way you deserve. Many institutions turned me down.”

Also, as presented in Table (8), legislation, policies and regulations related to standard (b) are designed to protect the rights of persons with disabilities on an equal basis with others. The table highlights the main legislation and policies that grant protection in all forms of employment rights for persons with disabilities, inclusive of women with disabilities. It also signifies the importance of the role of Labor officers and inspectors in ensuring that grievances are processed in favor of protecting the employment rights of male and female employees and job seekers with disabilities.

Under Article 28 of the Labor Law, inspectors from the Ministry of Labor are tasked with monitoring private sector businesses to protect the rights of persons with disabilities to work. The inspectors monitor a range of workplace conditions including phantom hiring, physical aspects like access to transportation, accessibility within the workplace, and availability of assistive devices and technology. Additionally, they monitor the quality of the working conditions for employees with disabilities

The Deputy Minister for customer services and labor relations, participant (Ad) shared his views about the current legislation and policies. According to him:

The ministry is responsible to spread awareness about the rules and regulation related to the employment of persons with disabilities to the society... We made it easy to access the services for everyone including persons with disabilities to report any violation of their labor rights. Having said that, I still think that we are [the ministry] not perfect yet because we are trying to launch

a campaign to spread the awareness about labor culture and labor rights. But you brought to my attention the importance of having programs to increase the awareness about the culture and perception about female employment and the employment of persons with disabilities.

On the other hand, the Deputy Minister of inspection and Development of Work Environment, participant (Abd) highlighted his role within the ministry, which reflects the ministry's role in protecting the rights of employees and jobseekers with disabilities. According to him: "... The monitoring side of my work is to ensure that the Saudi labor law and the legislation that protect the rights of the employees (Saudis and expatriates) are being adhered to."

Regardless of the existing policies that ensure protection of the rights of employees with disabilities, many employed and unemployed women with disabilities face discrimination in employment and hiring in different forms. Participant (Af), who has hearing impairments, shared her experience of violation of standard (b). According to (Af):

I am not fully satisfied with the salary I receive because someone with my work experience should receive more salary. I have 6 years of working experience and my salary is almost the same since then. For six years, my salary only increased by 300 SR (equivalent to \$ 80). My deaf colleagues and I encouraged each other to file a complaint to the Ministry of Labor and Social Development. The ministry confirmed that it is unfair to receive the same salary for six years. In addition, the ministry confirmed that it is considered an abuse from the employer's side because the employer is benefitting from

the 4:1 system but is not providing you with the benefits you deserve. The hospital's lawyer asked us about the reasons for raising the complaints to the ministry instead of communicating this issue with the hospital's HR department. As a result of this complaint, the attitude towards us changed. The hospital's lawyer visited us for a week to discuss our complaints and observe if we are facing difficulties or not. After that week, he stopped his visits, and nothing changed... The situation remained the same and nothing changed.

#### **4.2.2 Standard (a and b), Interpretation**

According to Frey, the interpretation of the law refers to “An authoritative decision on whether the rule has been violated. The process often involves a challenge, in for example an administrative or judicial proceeding, followed by a decision, defining and elaborating on the rules and their definitions in relation to particular circumstances.” (Frey, 2010, p. 4). However, in Saudi Arabia, a decision on whether the Articles of Labor Law have been broken is delegated to the Labor Inspectors at the Labor Offices and the findings are not publicly available. The process does not allow for decisions to elaborate on the rules and their definitions in relation to particular circumstances.

#### **4.2.3 Standard (a and b), Enforcement**

According to Frey, definition of Enforcement is “The *enforcement* of a rule is the application of the corresponding sanction, which raises the cost of noncompliance by eliminating potential profit as well as imposing additional costs as punishment. Enforcement mechanisms include monitoring and penalties, such as fines and prison sentences, as well as

the procedural rules through which the mechanisms are applied, which may increase or decrease the probability of conviction.” (Frey, 2010, p. 4).

A person with a disability can file a grievance to the Labor Office if he/she was discriminated against by an employer. Labor Law, Article 196 states: “Labor inspectors shall have the following duties:

1. Monitor the proper implementation of the provisions of the Labor Law and its regulations and decisions.
2. Recording violations of the provisions of the Labor Law and the enforcement of its decisions.
3. Propose the appropriate fine according to table of violations and penalties.”

The law’s articles and the regulations provide specifications for enforcement and fines when the law is violated. Labor Inspectors at the Labor Offices have the duty to make a determination if discrimination has occurred. Based on that, the Labor Inspectors report any incident of violating any articles of the Labor Law, including discrimination on the basis of disability according to Ministerial Order No. (1982) dated 28/6/1437 (April 7, 2016) Article 196 of the Labor Law corresponding to Article 27 of the Executive Regulations. Labor Offices in the different regions of Saudi Arabia receive the report outlining the grievance and the findings, and committees are formed to study the cases and apply monetary penalties. The person who filed the complaint receives a written response with the result of the investigation done by the Labor Inspectors, and the recommended action. The employer also receives a report with the result of the investigation and the decision for action whether it is for or against the complainant.

According to the Saudi Labor Law, the enforcement of the Labor Law and in the cases of discrimination or violations towards the right to employment of persons with disabilities or terminations, there are penalties that are instated to the party that violated the Law. The Ministerial Order No. 88478 dated 1/5/1439 (January 18, 2018) related to violations and penalties does not present specific penalties on the practices of discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions. Although the Ministerial Order may not state the specific penalties, it clearly states that penalties are related to the type of action, condition, discrimination of any case. Once the Labor Inspectors identify the problem, then, a decision is made regarding the type of penalty that suits the offense.

It is important that the process for enforcement is laid out, but again, there is no mechanism for accountability. There is no information about how many grievances are received, the percentage of cases where discrimination is deemed to occur, and the penalties exacted. Are there multiple offenders? Particularly in regard to women with disabilities, it is not possible to determine if women with disabilities are likely to have the same enforcement outcome as men with disabilities.

According to the interview with Deputy Minister for Customer Services and Labor Relations, participant (Ad) noted:

The Ministry of Labor and Social Development is responsible for violation of the Labor Law... If a person with a disability files a complaint, it is presented



to my department, then the inspection department and/or inspectors from the General Organization for Social Insurance visit the company and investigate...

In regard to the awareness of persons with disabilities about the services that the Ministry of Labor and Social Development is offering regarding reporting complaints of discrimination, the Deputy Minister for Customer Services and Labor Relations, participant (Ad) went on to explain:

The Ministry provides the services for persons with disabilities, but they need to be advocates for themselves as well. The question is: has any employee and/or a job seeker with a disability reported a violation of his/her labor rights and hasn't been served with justice? The answer is: never.

The Deputy continued:

Previously, persons with disabilities and employees with disabilities didn't have customer service assistances [before merging the Ministry of Labor and the Ministry of Social Development in 2016]. It was under the Labor Department. Thus, we increased the capacity to transform the mindset and the disability culture [within the Department of Labor] ... So, we changed the ideology of fairness... The employee with and without a disability now has a whole department responsible to serve him/her and protect his/her rights.

The revised Labor Law clarifies the rights of persons with disabilities, inclusive of women with disabilities, to all forms of employment. In addition, the Executive Regulations for the different revised Labor Law Articles draw special attention to protect the rights of

persons with disabilities, on an equal basis with others, in all forms of employment including wages.

A key informant [an inspector] from the Labor Offices expressed his experience with investigation procedures regarding violation of rules and regulations related to employment of persons with disabilities. According to Inspector (Alg): “We investigate any report that we receive regarding violation of employment regulations such as phantom hiring, we directly start investigating it and we regulate the penalties accordingly.” Despite the process being laid out, and recently improved, to investigate possible instances of discrimination, participants reported experiencing discrimination accessing and maintaining employment.

#### **4.2.4 Standard (a and b), Social Norms and Conventions**

According to Frey, “Social norms are values that are observed irrespective of the behaviors of other and correspond to ideas of prudential behavior.” (Frey, 2010, p.5).

This section will discuss the social norms, attitudes and stereotypes about disabilities and how they collectively contribute to creating discrimination against persons with disabilities seeking jobs or employed. In addition, it will provide evidence about the improper practices that employers enact in the process of employing persons with disabilities and women with disabilities in particular.

Sometimes the ignorance of the job seeker or the employee with a disability is the reason behind the discrimination, as they are not aware of their rights toward employment. Participant (Mar), who has visual impairments highlighted this issue when she was discussing the barriers to decent job opportunities for women with disabilities. According to participant (Mar): “The problem is the lack of awareness [of job seekers and employees with

disabilities]. Women [with disabilities] in general act lazy and would prefer receiving salaries and stay home.” Once job seekers and employees with disabilities are informed or educated about their rights, they stand and seek their rights to decent employment and their employment benefits.

As discussed above, the Labor Law does not allow discrimination based on disability. According to Article 3 of the Labor Law, generally, citizens with disabilities have the right to employment as long as they meet the job requirements. According to the policies, citizens with disabilities have equal access to employment opportunities regardless of the existence of a disability. But, in reality, discrimination takes place in different forms. Sometimes, employers out of ignorance about the proper ways of interacting with persons with disabilities, discriminate against them, but once they are informed or learn how to best work with an employee with a disability, the discrimination diminishes. Other cases learn through enforcement of the law and applying penalties on them for discriminating against employees with disabilities. The Executive Manager at a Business Disability Network emphasized this notion. According to participant (Khs):

One of the challenges is of the unintentional ignorance [of employers and employees without disabilities] of the proper ways to deal with persons with disabilities... They may say: I am not going to ask this person [with a disability] to do too much work because she/he has a disability. So, that is a challenge. Employers need to make sure that they treat persons with disabilities equally.

Many participants emphasized the importance of raising awareness about the rights of persons with disabilities to employment as a key solution to eliminate discrimination against job seekers and employees with disabilities. According to participant (Khk), who is a founder and an Executive Director in a recruitment company: “The barriers that prevent companies from employing persons with disabilities are not necessarily financial barriers to for accommodations. Rather, it is a matter of understanding the disability issue... It is a matter of a cultural awareness, that is it”

Employers do not know that the barriers could be solved in a simple way. Social norms significantly affect the employment of persons with disabilities. Moreover, it creates discrimination practices that are based on disability. The following are examples from the interviews conducted of the effect of social norms and social conventions on the employment of persons with disabilities and women with disabilities in specific.

There are a number of pervading social norms or attitudes that negatively impact women with disabilities. The data from the interviews revealed different themes related to the impact of social norms and conventions on the employment of persons with disabilities. Following are the themes inferred from the interviews supported by evidence of discrimination from the experiences of women with disabilities and the views of employers regarding employment of persons with disabilities in general and women with disabilities in specific. The themes are: (1) discriminative attitudes that preclude employment, (2) a societal perception that persons with disabilities are not competent or cannot be productive, regardless of their qualifications, (3) employers do not see the need to address physical barriers as a priority, (4) there pervading stereotypes about the type of work women with

disabilities can do that substantially limited opportunities made available to them, (5) when women with disabilities do obtain employment, they are assigned lowly tasks, regardless of their qualifications, and in some instances are given no work, (6) women with disabilities are offered poorer employment conditions such as wage, (7) when women with disabilities obtain employment, they are treated poorly by their colleagues and supervisors who have negative attitudes toward persons with disabilities, and (8) lack of explicit company policy protections.

#### ***4.2.4.1 Discriminative Attitudes that Preclude Employment***

An HR manager at a holding group in food and retail sector [mega company], who has a physical disability, shared his opinion about the employment of women with disabilities. According to participant (Mu):

We are talking about the societal awareness. Lack of awareness is one of the main reasons for not providing job opportunities to women with disabilities. Honestly, I do not think that women are less than men by any way. On the contrary, they could be more productive with higher educational degrees and so on. So, the lack of opportunities for them is a result of the lack of awareness. Employers look at the disability instead of the competency and qualifications of persons with disabilities.

The participant identified that the most impactful barrier facing women with disabilities in the labor market is cultural perceptions. Participant (Mu) continues below to explain that he has a role to play in increasing inclusion in the workplace, but that there need to be larger societal shifts as well:

As an HR Director, I encourage employees to demonstrate behaviors that are inclusive at the work environment. We need to change the mindset of people interacting with persons with disabilities. In my opinion, the only existing barrier to the employment of persons with disabilities is people's biases regarding disabilities and inclusion of persons with disabilities... I think one of the major barriers to the employment of persons with disabilities in general and women with disabilities in specific in Saudi Arabia is the cultural barrier... I think the perception of female employment in general the employment of women with disabilities is like a double barrier. So, you are not only a woman, but you are a woman with a disability. So, as a female with a disability, you should be staying home, and you should not be working.

Participant (Han), who has a physical disability, expressed her struggle to find jobs.

According to (Han):

I apply for any job I hear about. So, if someone tells me there is a vacancy in this place, I would check first if it is accessible, then, I apply. I tried to search online, I contacted two or three companies that appeared in the search and they told me that they do not have vacancies... They told me that they do not have vacancies after knowing that I have a disability.

It is evident here, that there are strong pervading social norms and conventions that influence employer hiring of women with disabilities regardless of the policies. The cultural perception that the primary role of women should be within the home creates a barrier for women to access employment. The additional status of being a woman with a disability is

being in the home and specifically women with disabilities who experience additional biases. These perceptions can override the Labor Law and policies.

***4.2.4.2 There Is a Societal Perception that Persons with Disabilities Are Not Competent or Cannot Be Productive, Regardless of Their Qualifications***

Participant (Mu), who is an HR manager at a mega company [Holding Group in food and retail sector], expressed his thoughts about the effect of the negligent societal perception about persons with disabilities as individuals who lack competency and productivity.

According to (Mu):

... society and employers focus on the inability and view persons with disabilities as helpless, incompetent, incapable of productivity, incapable of communication in a professional manner. This goes back to the lack of awareness either in the appropriate way to deal with persons with disabilities or in the ways that can motivate persons with disabilities and women with disabilities in specific to discover their full potential.

Participant (Gh), who has a physical disability, expressed her negative experience with employers' attitudes in the workplace. According to participant (Gh):

Some companies don't trust the competency of persons with disabilities or don't equip the workplace for them... I used to work in a dental clinic, but I did not like it, because they made me work in the reception instead of working as an accountant as they promised me. I was only a receptionist, they did that to give me less duties... For 4 years, I was looking for jobs, most of the

employers wanted me to work in a call center or as a receptionist. They did not even believe that I have an accountant degree

Negative attitudes and stereotypes about the productivity and competency of persons with disabilities significantly affect the employment practices of persons with disabilities. Many participants expressed their negative experiences they encountered as a consequence of such misconceptions. Participant (Su), who has a visual impairment, shared her struggle with trying to prove her ability to be productive at the workplace. According to participant (Su):

Listen, I will not lie to you, I have a feeling that the person who hired me at X company (insurance company) does not believe in my abilities that I can be productive. I do not want to be paid but I want to prove that I'm capable. At least give me the opportunity to prove it.

Similarly, Participant (Gh), who has a physical disability shared her opinion and experience with negative stereotypes about the qualifications and productivity of persons with disabilities. According to participant (Gh):

Employers should give women with disabilities a chance and hire them. They [women with disabilities] obviously deserved to earn their certificates. They should also provide a suitable work environment with special facilities and accommodations... I think the social aspects also affect the employment opportunities for women with disabilities... Employers should give women with disabilities the opportunity to work and test their qualifications.

Evidently, the examples presented above show the significant effect of the societal negative perception about the competence and productivity of jobseekers and employees with



disabilities despite their qualifications. Additionally, the gender status of being a woman with a disability extends the negative perception about the competency of female job seekers and employees with disabilities as society perceives them as “helpless women”.

#### ***4.2.4.3 Employers Do Not See the Need to Address Physical Barriers as a Priority***

A mega company HR manager highlighted the importance of providing employees with disabilities with an accessible work environment. According to participant (Kho): “The companies under the Investment Group need to be ready in terms of the infrastructure within its entire locations. The Company’s group has more than 30 locations across Saudi Arabia. Not all of them are accessible.”

Participant (Han), who has a physical disability confirmed the attitudes of employers who are not willing to address physical barriers as a priority to employ persons with disabilities. According to (Han):

I applied for jobs in different medical centers. All of them were afraid of hiring an employee with disability. One of the medical centers’ building was really in a bad shape and not accessible. So, they told me they cannot hire me because the place is not accessible.

The scripts indicate that employers’ do not seem to prioritize addressing the physical barriers within the premises of the workplaces. Thus, many job seekers with disabilities encounter hindrances to employment because of the lack of physical accessibility of the workplace. This is a significant evidence that these attitudes circumvent the policies and regulations that prevents discriminating against persons with disabilities in employment.

***4.2.4.4 There Are Pervading Stereotypes About the Type of Work Women with Disabilities Can Do that Substantially Limited Opportunities Made Available to Them***

The stereotypes about the job options that job seekers and employees with disabilities should obtain affect the employment of persons with disabilities in a negative way. Many participants expressed the limited job opportunities they're provided with within certain domain such as working in call centers. A participant with a disability confirmed the effect of employers' attitudes and stereotypes about disabilities on the employment of persons with disabilities. Participant (Ba), who has a physical disability said:

Most of the job opportunities I found were call center. At the beginning, I agreed. But I am the kind of person who does not like routine jobs and hates boring jobs. Later, I refused to continue working in the call center. I felt that I had enough experience working in the call center. I wanted a more challenging job and wanted to improve my skills

Another participant, who has a visual impairment, shared the same opinion regarding employers' stereotypical thoughts about the jobs that persons with disabilities should be offered. According to (Su):

Another problem is the monopolism of jobs. Meaning that employers only offer persons with disabilities (males and females) certain types of jobs such as call centers and average jobs such as teachers. There are no challenging opportunities. We [persons with disabilities] wish that employers would get

out of the box and offer alternative jobs for persons with disabilities. We have degrees and are skillful.

From the examples presented, it is apparent that one of the social norms and social conventions that women with disabilities encounter is the limited job types offered by the employers. Employers tend to limit the job opportunities for women with disabilities to certain types of jobs that are easy in its nature or typical for women to occupy. In other words, employers sometimes try to mold persons with disabilities within a certain categorization of jobs that makes the employers feel safer.

***4.2.4.5 When Women with Disabilities Do Obtain Employment, They Are Assigned Lowly Tasks, Regardless of Their Qualifications, and in Some Instances Are Given No Work.***

Participant (Af), who has hearing impairments, shared her experience with the negative effects of employers' attitudes on the employment of persons with disabilities and the discrimination resulted from such attitudes. According to participant (Af):

Some deaf people accept duties that are not part of their job requirements or duties that are very simple compared to their abilities because they're concerned about the job evaluation... I used to work in the pharmacy storage department. The nurse I worked with, used to ask me to rest and not perform tasks. They used to assign me very simple tasks. My supervisor avoided teaching me how to enter data in the system for example and asked me to move medicine boxes instead... Many employers assign additional simple tasks to employees with disabilities that are not stated in their contracts. Some

of them underestimate employees with disabilities and abuse their power to do so.

Participant (Mar), who has a visual disability also experienced negative employers' attitudes that affected her employment experience. According to participant (Mar):

This is the perception that I noticed amongst a group of women without disabilities in the department I work at, I mean the staff not the employers.

For example, some ladies at work told me: why do you come to work and pay for a driver for transportation while you don't have assigned tasks? I answered them by saying: I am waiting to be assigned tasks and will work eventually.

The participants were asked to complete lower status and skill tasks (or no tasks at all) due to their disabilities. They held qualifications and skills to perform tasks suiting the jobs they were initially hired to do, however, once in the workplace these women were diverted to basic tasks. The participants noted that this treatment by employers stifles their ambition and desire to do well at their jobs. They also infer that there is not a recognized system for positioning unequal treatment in the workplace or that they may fear retribution for speaking up.

#### ***4.2.4.6 Women with Disabilities Are Offered Poorer Employment Conditions Such as Wages***

Participant (At), who has a physical disability, shared her insights regarding the social norms about employment of persons with disabilities. According to participant (At):

“Persons with disabilities should be offered decent salaries, they should not have to work hard for a low salary.”

Participant (Su), who has a visual impairment was not receiving a salary that is equal to her colleagues who have similar qualifications. According to participant (Su):

I know that I should receive a higher salary. But considering the current economic situation, the employer told me that there is limited income in the medical department. It depends on his integrity. I am in need of the money and my employer is in need for me as well.

Participant (Haj), who has a physical disability, struggled with employers' acts of taking advantage of her as an employee with a disability. According to participant (Haj):

After I signed the contract, I noticed that my health insurance is not the same as my colleagues' and the benefits they received as employees within this specific medical insurance company are better than mine. I sensed that the employer was manipulating me. They registered me in the General Organization for Social Insurance with a salary different from what we agreed upon. I was really upset. The salary was less of course. I asked them about the reason, and they told me that it is for my best, so the insurance organization won't deduct a big amount of money from my salary. By the end of the month, I discovered that the insurance organization has deducted an amount of money based on false reporting of my salary.

These quotes talk about the institutional barriers that women with disabilities face in the workplace. The participants discuss instances of being paid lower wages and provided with fewer benefits than other employees who are similarly qualified. The participants, in

addition to detailing the unfair treatment they face at work, infer the lack of available remedies for them to obtain fair treatment.

***4.2.4.7 When Women with Disabilities Obtain Employment, They Are Treated Poorly by Their Colleagues and Supervisors Who have Negative Attitudes Toward Persons with Disabilities***

The Deputy Minister for Customer Services and Labor Relations at the Ministry of Labor and Social Development expressed his opinion about the societal norms that discriminate against the employment of persons with disabilities. According to participant (Ad):

The society needs more awareness regarding the employment of persons with disabilities in general and women with disabilities in specific, which will be reflected in the society's culture and the mindset. It is a cohesive and interrelated process. For example, an employed person with a disability who is productive can be surrounded by people who are discouraging, whether family member, colleagues or employers.

A key informant for a disability business network shared his opinion about employing persons with disabilities. According to participant (Khs):

I think if I am an employer who is hiring persons with disabilities, I will be faced with challenges not barriers. First of all, internally. How will the staff and colleagues treat that person? There is also an issue of the unintentional ignorance of dealing with persons with disabilities... Sometimes employers and staff members lack the experience of interacting with persons with

disabilities, so they do not know how to talk to them, or they don't know how to interact with them.

Both participants make important points about how awareness and cultural beliefs about persons with disabilities impact women with disabilities who are employed. The first participant discusses how women with disabilities have difficulty succeeding in employment if the people around them at work including supervisors and coworkers believe they cannot perform well. The second quote speaks to the need for more exposure and education around working with persons with disabilities. The participant expresses that in his view, it is not sufficient for one person in a company to hire a woman with a disability if the company and co-workers are not supportive. These larger insights speak to the cultural and structural barriers employed women with disabilities may face.

#### ***4.2.4.8 Lack of Explicit Company Policy Protections***

Some employers confirmed the lack of internal policies in favor of protecting the rights of persons with disabilities to employment, which might have a negative impact on the application of the existing policies and regulations. The HR manager of a mega company [Industrial Company / Holding Group in food and retail sector] expressed his thoughts about company policies in relation to employees with disabilities. According to participant (We):

In my opinion, I do not think we should have a separate policy for employing persons with disabilities. Job descriptions should mention that the job may be filled by a person with a disability and describe what type of disabilities can fit this specific job. In my opinion, I do not see a benefit from having a policy regarding employment of persons with disabilities... As an HR personnel, I

prefer to keep this between the employees with disabilities and their manager to alter and shape people's mindsets unlike when it is forced by law and policies.

Seemingly, many employers prefer imbedding the policies that protect the rights of employees with disabilities as a hidden agenda within the work environment, which would significantly affect the practices of employing this population. A key informant from a business disability network explained the unnecessary superfluity of forcing internal policies related to employment of persons with disabilities. According to participant (Khs):

We do not have an internal policy for employees with disabilities. It is something we do promote, but internally we do not have it. We try to take this approach of having an inclusive kind of policies under the assumption that all of our policies are inclusive to fit persons with disabilities. Having said that, because we are a small organization, we do not have many policies documented

Based on the quotes presented, it is evident that employers do not see the need of explicit company policies to protect the rights of employees with disabilities.

#### **4.2.5 Standard (a and b), Other Institutions**

Employment of women with disabilities is influenced by other institutions and their practices such as access to education, vocational training and rehabilitation. Educational institutions play a major role in preparing persons with disabilities for employment by equipping them with the necessary education and qualifications to enter the labor market. A majority of the participants with disabilities experienced difficulties in employment and



sometimes discrimination because they lack the required academic qualifications for certain jobs as a result of the difficulties they encountered in accessing proper education. Participant (Han), who has a physical disability, shared the difficulties she encountered to access education. According to participant (Han):

My life from an educational perspective was difficult. The enrollment procedure into the school and college was difficult. The schools and college were not accessible... The buildings were not accessible... It took me time to find a school that has an accessible building... One of the high school principals told me to enroll in a private school because they [the government school] do not accept students with disabilities because they [students with disabilities] belong in special schools...

In addition to accessibility barriers in high school, the participant goes on to explain that she had difficulties accessing university as well. It was her determination to enroll that helped her to overcome a system that was not designed to meet her educational needs.

It also took me a long time to be accepted and enrolled in the university. They did not know at the time of enrollment that I have a disability as the system did not show that [lack of collaboration between institutions]. The registration personnel tried to convince me to enroll in a certain major that does not require lab courses. I felt that they are depriving me from one of my rights. I refused fiercely and after a long battle, they finally agreed to accept me in the chemistry program and attend classes that are located on the first floor.

The case of participant (Han) not only highlights the impact of the educational institutions on the employment of women with disabilities, it also shows the lack of communication and connections between stakeholders [Ministry of education, Ministry of Labor and Social Development and Ministry of Health] which results in a delay in providing services for persons with disabilities [higher education services in this case].

Participant (Ai), who has a physical disability, also faced challenges in finding jobs due to barrier to education. She did not receive proper education as she only has an elementary degree and is building job-related skills through free online courses. According to participant (Ai):

I am not even trying to find jobs as I am trying to focus on my education. I do not have a valid certificate nor the qualifications to apply for jobs... I only have an elementary degree because the schools' buildings were not accessible

From the examples presented, it is apparent that educational institutions have a significant impact on the educational experiences of women with disabilities, which consequently affect their employment opportunities. In addition, the lack of the physical accessibility of the educational institutions create a barrier to receive educational services for this population.

#### **4.2.6 Conclusion**

Based on the above analysis related to standard (a and b), it is clear that regardless of the existing legislation, regulations and policies prohibiting discrimination in employment based on gender and/or disability, no proper enforcement is taking place. Therefore, the gap and challenges will continue unless addressed through awareness campaigns that target

employers as well as employees with disabilities about the non-discriminatory legislation and policies. Educating employees and job seekers with disabilities about the grievance procedures in the cases of discrimination in employment based on disabilities would eliminate such practice. The interviews revealed the following social norms and social conventions that impact employment of women with disabilities: (1) discriminative attitudes that preclude employment, (2) a societal perception that persons with disabilities are not competent or cannot be productive, regardless of their qualifications, (3) employers do not see the need to address physical barriers as a priority, (4) there pervading stereotypes about the type of work women with disabilities can do that substantially limited opportunities made available to them, (5) when women with disabilities do obtain employment, they are assigned lowly tasks, regardless of their qualifications, and in some instances are given no work, (6) women with disabilities are offered poorer employment conditions such as wage, (7) when women with disabilities obtain employment, they are treated poorly by their colleagues and supervisors who have negative attitudes toward persons with disabilities, and (8) lack of explicit company policy protections.

#### **4.3 Standard (e)**

**Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment.**

Table 9 below presents Saudi related legislation, policies and regulations related to standard (e) of Article 27 of the Convention on the Rights of Persons with Disabilities.

Text	<ul style="list-style-type: none"> <li>● <b>Labor Law, Article 26:</b> <ol style="list-style-type: none"> <li>1- All firms in all fields, and regardless of number of workers, shall work to attract and employ Saudis, provide conditions to keep them on the job and avail them of an adequate opportunity to prove their suitability for the job by guiding, training and qualifying them for their assigned jobs.</li> <li>2- The percentage of Saudi workers employed by the employer shall not be less than 75% of the total number of his workers. The Minister may temporarily reduce this percentage in case of non-availability of adequate technically or academically qualified workers or if it is not possible to fill the vacant jobs with nationals.</li> </ol> </li> <li>● <b>Labor Law, Article 28:</b> <p>“Each employer employing twenty- five workers or more where the nature of his work allows recruitment of a professionally employee with a disability shall employ a number of persons with disabilities that represents at least 4% of the total number of his workers whether through nomination by the employment units or otherwise, and he shall send to the competent labor office a list of jobs and posts occupied by the professionally rehabilitated disabled persons and their wages.”</p> </li> </ul>
------	---

	<ul style="list-style-type: none"> <li>● <b>Labor Law, Article 29:</b>   <p>“If a worker sustains a work injury that results in a loss in his usual capabilities that does not prevent him from performing another job, the employer, in whose service the work injury was sustained, shall employ said worker in a suitable job for the wage specified for such a job. This shall not prejudice the worker's compensation for the injury.”</p> </li> <li>● Human Resource Development Fund (HRDF), a Saudi government authority, established by Royal Decree July 2000, provides the following employment services to more than 1,000 women (Q3. 2019): <ol style="list-style-type: none"> <li>1. Taqat, the National Labor Gateway is an integrated web-based platform for the private and public sectors that brings together job seekers, employers, and other key stakeholders in upskilling the Saudi workforce</li> <li>2. Human Resources Development Fund branches providing HRDF services and creating job opportunities in coordination with the private sector.</li> <li>3. Job Placement Centers (Taqat employment center) develop inclusive training and employment strategies</li> <li>4. Hafitz – National job-seeker support program and Hafiz – difficulty in finding employment program</li> <li>5. Full-time employee subsidy program</li> </ol> </li> </ul>
--	--

	<p>6. Direct employment subsidy program</p> <p>7. Wusool transportation of working women program</p> <p>8. Tawafuq Program aims at increasing employment for persons with disabilities, ensure national policies are effective and to encourage private sector hiring of persons with disabilities.</p> <p>9. Tele-work program</p> <p>10. Upskilling program</p> <p>11. Part-time subsidy program</p> <p>12. Additional wage support program</p> <p>13. Subsidizing the wage of dialysis days</p> <p>14. Women's work support program (feminization of shops and feminization of factories program)</p>
Interpretation	<p>According to Frey's definition of Interpretation, interpretation of the law is delegated to the Labor Offices. It is not a judicial decision and does not define or elaborate on the rules and regulations, it's rather a closed decision.</p>
Enforcement	<p>Inspectors from The Ministry of Labor and Social Development and from the General Organization for Social Insurance monitor the implementation of the Labor Law and the programs that promote employment of persons with disabilities.</p>

<p>Social norms and Social Conventions</p>	<p>Socially, within most Saudi households, women with/without disabilities are expected to stay at home, take care of the household and their children and are dependent on their families and/or their spouses.</p> <p>Employment of persons with disabilities is not based on work competitions that focus on the qualifications and skills of the applicants but based on a specific percentage in the regulations. Thus, job seekers and/or employees with disabilities are treated as a segment of the society who remain excluded from potential job opportunities.</p>
<p>Other institutions</p>	<p>The medical team at the General Organization of Social Insurance are responsible for assessing, evaluating and writing recommendations for cases of employees that encounter on-job work injuries. The recommendations align with the policies listed above to ensure proper placement of the employee and the necessary work accommodations.</p> <p>The Taqat Program at The Human Resources Development Funds is also responsible for finding placement positions/jobs for cases of post injuries whether temporary or permanent in order to upskill these employees to find suitable alternative jobs.</p>

**Table 9: Analysis of Legislation, Policies and Regulations in Relation to Standard (e) of Article 27 of the CRPD Based on Frey's Indicators**

#### **4.3.1 Standard (e) Text**

As shown in table 9, Labor Law articles, legislation, policies, and regulations align with standard (e) in promoting employment opportunities and career advancement for

persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment. There is an extensive array of programs to promote the employment of all Saudi citizens (that do not exclude women with disabilities and are therefore available to women with disabilities). There are also programs that promote the employment of women and programs that promote the employment of persons with disabilities, but no programs specifically promoting the employment of women with disabilities.

#### ***4.3.1.1 Promotion of Employment Programs for All Saudis***

There are basically two types of programs promoting employment for all Saudis that are discussed below, Employment Subsidy Programs and Programs to Support Recruitment.

##### ***4.3.1.1.1 Employment Subsidy Programs***

The employment subsidy programs intend to increase the individuals' job opportunities in a way that matches their qualifications and ability to work in accordance with the labor market needs and requirements to increase Saudization. Additionally, the employment subsidy programs fund the job seekers' training to help them achieve high levels of qualification and vocational rehabilitation. The programs include the National Job-Seeker Support Program (*Hafiz*), full-time subsidy program, part-time subsidy program, Freelance subsidy program, Tele-work program, Direct employment subsidy program, Additional wage support program, Teachers subsidy program in private schools.

The National Job-Seeker Support Program (*Hafiz*) aims at supporting job seekers to find appropriate and sustainable jobs and equip them with the necessary skills and resources to join the labor market. It consists of the Hafiz Searching for Employment Program and the



Hafiz Difficulty Finding Employment Program. Each program intends to support a certain segment of job seekers according to certain eligibility requirements for receiving benefits. The Hafiz searching for employment program offers a monthly financial aid of up to SAR 2,000 to young job seekers between the ages of 20-35 years who meet the subsidy eligibility requirements. The Hafiz difficulty in finding employment program offers financial aid of up to SAR 1,500 for the first four months, SAR 1,250 for the next four months, and SAR 1,000 for the last four months. It provides financial support for job-seekers who are over 35 years or those who completed the Hafiz searching for employment program without finding an appropriate job.

The Full-time subsidy program aims at increasing the Saudization levels in the private sector companies by subsidizing 20% of new female employees' monthly salary calculated according to Saudization growth and 5% of new male employees' monthly salary calculated according to Saudization growth. In 2018, the total number of full-time subsidy program beneficiaries has reached 36,205 employees (21,570 males and 14,635 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the Full-time subsidy program reached 6,785 (4,210 males and 2,575 females) (HRDF, 2019).

The Part-time subsidy program also aims at increasing Saudization in the private sector companies and activating the mechanism of part-time employment. The Human Resources Development Funds subsidizes SAR 300 to the private sector companies as a part of the SAR 1,500 social insurance of new employees. This subsidy is transferred directly to the account of the General Organization for Social Insurance on a monthly basis. In 2018, the total number of the part-time subsidy program beneficiaries has reached 1,936 employees

(1,335 males and 601 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the part-time subsidy program reached 141 (94 males and 47 females) (HRDF, 2019).

The Freelance subsidy program aims at providing direct financial and practical support to freelancers by creating more job opportunities for the Saudi workforce and promoting self-employment for male and female entrepreneurs. The Human Resources Development Funds subsidizes by paying a percentage of the social insurance subscription for individuals with a freelancing permit. A total of 631 (361 male and 270 female) benefitted from the Freelance subsidy program in 2018 (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the Freelance subsidy program reached 14 (6 males and 8 females) (HRDF, 2019).

The Tele-work program is a national initiative by the Human Resources Development Funds in partnership with the Ministry of Labor and Social Development. This program intends to provide Saudi job seekers with physical disabilities to connect with employers. Job seekers who experience difficulties in transportation, inconveniences in the workplace, or females who cannot leave their home due to family constraints can benefit from this program to work remotely through a virtual workplace. Telework program is a powerful program that meets the needs of two distinctive yet fundamental sections in the workforce, who are females and persons with disabilities. These needs will be met by providing adaptable job opportunities that tackle transportation and other barriers women and persons with disabilities encounter. The Telework Program comprises of several service providers, who have been officially certified by the Ministry of Labor and Social Development, which

guarantees the full rights and privileges of both the companies joining the program and the jobseekers employed through the program. These service providers are exclusively certified to provide legal and reliable employment services under the "Telework" Program. The service providers are: Inteshar United, Techsup, Middle East Resources, Ingeus TeleWork, Roh Alqeadah, Soundlines International Telework, Silah and E-task.

The direct employment subsidy program intends to recruit job seekers in the private sector companies that aims at employing male and female job seekers by providing salary up to 50% and not exceeding SAR 2,000 per month for the period of support (24 months). In 2018, the total number of beneficiaries of the direct employment subsidy program in 2018 reached 20,777 (12,535 males and 8,242 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the direct employment subsidy program reached 5,645 (4,018 males and 1,627 females) (HRDF, 2019).

The additional wage support program aims at stimulating private sector companies to enable Saudi job seekers to join the labor force within the private sector. The program provides financial support for recruiting Saudi nationals in companies that are classified in the platinum and green ranges of Nitaqat program. A company can register a maximum of 20% (in the platinum range) and 15% (In the green range) of its Saudi employees in the additional wage support program. In 2018, the total number of beneficiaries of the additional wage support program reached 7,501 employees (5,361 males and 2,140 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the additional wage support program reached 1,343 (1,071 males and 272 females) (HRDF, 2019).

The teachers subsidy program in private schools intends to improve the working and functional ability of teachers in the private schools. The Human Resources Development Funds provides financial support by meeting the minimum wage requirement of SAR 5,000 and a transportation allowance of SAR 600. In 2018, the total number of beneficiaries of the teachers subsidy program in private schools reached 29,635 (6,225 males and 23,410 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of the additional wage support program reached 15,361 (3,451 males and 11,910 females) (HRDF, 2019).

Although these programs exist, interview participants highlighted the limited reach of employment subsidy programs.

Many participants expressed and/or implied the scarcity of formal and official services that foster employment opportunities and assist in finding and obtaining jobs. Participant (Ai), who has a physical disability, prefers working from home. Promoting programs like telework would help many individuals like (Ai) to be active members in the society and will help them to enter the labor market. According to (Ai): “In terms of employment for persons with disabilities, in my case for example, I find it difficult to even go out of my home. I always need someone to assist me. Offering telework programs (working remotely) would definitely help”

#### *4.3.1.1.2 Services to Support Recruitment*

The Human Resources and Development Funds provide employment support services through Taqat National Labor Gateway and the Human Resources and Development Funds touchpoints, which include its branches across all regions, job placement centers, recruitment

offices, and mobile branches all across Saudi Arabia. The main of the services supporting recruitment is to provide a variety of employment related labor exchange services including job search assistance, job referral, placement assistance for job seekers, and recruitment services to employers with job openings. Taqat or the National Labor Gateway is a platform that integrates the Human Resources and Development Funds' requirements and the national employment policies to assist and implement programs and services to advance the Saudi labor market. It is a platform that brings together job seekers, employers and other key stakeholders that are involved in enhancing the work-related skills of the Saudi workforce. A total number of 171,228 of job seeker were registered in 2018 (69,358 males and 101,870 females). Taqat is a national training resource is, which is overseen by the Ministry of Labor and Social Development, the Human Resources Development Fund and the Ministry of Civil Service. It was developed as a channel through which the entities can facilitate the employment processes of all job seekers, including job seekers with disabilities. Thus, Taqat is considered a vehicle or a mechanism that would help in facilitating the employment processes of job seekers. There are 82 Taqat centers across the regions of Saudi Arabia, with 12 in Riyadh and 2 in Jeddah. The purpose of Taqat is to encourage employment and assist in employing job seekers. International companies helped in advising and in training employees of Taqat on ways to assist the job seekers with and without disabilities to look for jobs, apply for jobs, contact employers, and to do the job matching processes and to follow up with job seekers after they are hired. Taqat employees also visit the companies where the recently hired employees are working to ensure that the work environment is suitable for male and female employees with and without disabilities to accommodate their needs.

The Job Placement Centers (JPCs) aim at assisting and improving the state of job readiness for both male and female jobseekers with and without disabilities. These JPCs provide the jobseekers with a number of training and career education programs to help with the process of searching for a suitable and sustainable job for the jobseekers. The JPCs provide services for Saudi Nationals ages between 18 and 60 years old, not a part-time or full-time student or trainee and not retired or currently employed. The JPCs offers an array of services to the beneficiaries during the job seeking journey, with the goal of preparing the jobseekers for the labor market and providing them with access to suitable jobs. The main services include the following; Referral: job seekers who are registered in “Hafiz” are referred to ‘Taqat’ JPCs located closest to them, Contact: JPCs contact jobseekers and schedule them for their first visit to the JPC, Attachment: the JPCs register a jobseeker by ensuring their eligibility for the program, assess their capabilities and skillset while understanding their goals, identifying any support or accommodation needs of the jobseeker and developing an individualized plan for employment, Pre-employment Support: through continuous monitoring and alignment with the individualized plan for employment, providing training courses, and job matching and nominating jobseekers to employers, Placement: this service includes signing a contract with the employer, facilitating start of work at the new job and engaging employers to register new employees on General Organization for Social Insurance. The JPCs services also include post placement support and ensuring sustainability. In 2018, the total number of JPC beneficiaries reached 35,718 (17,049 males and 18,669 females) (HRDF, 2018), while the third quarter report of 2019

indicated that the total beneficiaries of the JPCs reached 8,812 (4,355 males and 4,457 females) (HRDF, 2019).

Similarly, with other job support programs, participants expressed difficulty accessing or finding employment success with existing job placement centers. Participant (Bash), who has a physical disability, expressed her experience with job placement centers and its ineffectiveness in helping job seekers with disabilities to find jobs that match their abilities. According to participant (Bash):

The job centers exist only as an initiative that does nothing for persons with disabilities. I have witnessed that. I went there and asked if they help in finding jobs for people with disabilities and they said yes. She took my name and did nothing... for 8 months, I was looking for jobs through job centers and self-search. I went to job centers and they took my information but unfortunately no one contacted me at all. Job centers did not contact me back. I figured that job centers are useless. If you waited for them to contact you, you will not be employed.

Some participants did not even know that job placement centers exist. When I asked participant (Gh), who has a physical disability, if she tried to apply for jobs through those centers, she replied: “Which centers?” Participants noted a lack of efficacy as well as a lack of awareness about job placement services.

There are also difficulties with the services on the employer end. Some employers expressed the lack of communication between job placement centers and companies to refer candidates with disabilities. According to an HR manager at a mega company (Kho):

As an HR manager, many times I do not find the qualifications that I am looking for within jobseekers with disabilities. For example, we were looking for a corporate lawyer. We published the vacancy news and agreed internally to hire a Saudi employee with a disability. I did not find anyone. I only found one who did not match our requirement. I was putting pressure on the HR business partner [job placement] for persons with disabilities asking them to bring more candidates with disabilities, and this is the only person whom they found.

Participant (Kho) also raised a very important point about the services that could help in providing employment opportunities for persons with disabilities by linking them with employers. He talked about the personal efforts he took to help in facilitating recruitment for jobseekers with disabilities. According to participant (Kho):

Mr. X (the business partner we communicate with for resourcing candidates with disabilities) is a well-informed person on the rights of persons with disabilities and he has many connections with companies and with jobseekers with disabilities to facilitate the recruitment process. We have been partnering with him for almost 4 years and before that, he worked at X Group of companies [Saudi Arabian industrial holding company] on issues related to employment of persons with disabilities. So, he communicates with jobseekers with disabilities through different platforms and connects them with employers and he is a member of a business disability Network. So, by



using his connections, he built his own database of jobseekers with disabilities.

In this example, an informal process was more effective than the job placement centers. It is clear from the participants at all levels that there needs to be more emphasis on building awareness of job placement centers among persons with disabilities as well as improving training for center employees on how to best place candidates with disabilities.

#### ***4.3.1.2 Promotion of Employment Programs for Women***

The goal of the programs is to promote the employment of women and to increase their opportunities to work in the private sector companies in accordance with their qualifications based on the needs of the labor market. The programs follow the women employment regulation decisions issued by the Ministry of Labor and Social. The programs include feminization of shops and feminization of factories programs, *Qurrah* working women childcare program and *Wusool* transportation of working women program. In 2018, a total of 3,131 females benefitted from the feminization of shops program and 2,457 females benefitted from of the feminization of factories program (HRDF, 2018).

*Qurrah* working women childcare program aims at improving the childcare system for female employees and female job seekers in the Saudi labor market. *Qurrah* supports Saudi women who are working in the private sector by funding them to enroll their children in childcare centers during their working hours. A total of (703) female workers benefitted from this program in 2018 (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of *Qurrah* program reached 801 female employees (HRDF, 2019). Subsidies are provided for four years until the child is 6 years old 1. In the first year the

amount of subsidy is SAR 800. In the second year, the amount of subsidy is SAR 600 3. In the third year, the amount of subsidy is SAR 500. In the fourth year, the amount of subsidy is SAR 400.

*Wusool* Transportation of working women program intends to support Saudi female employees to sustain their jobs by providing them with transportation services to and from their workplace. *Wusool* funds 80% of the transportation costs of female workers for a duration of 12 months. In 2018, a total number of (12,826) female employees benefitted from *Wusool* program (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of *Wusool* program reached 9,173 female employees (HRDF, 2019).

#### ***4.3.1.3 Programs to Support Persons with Disabilities***

There are five programs to facilitate the employment of persons with disabilities Nitaqat, Tawafuq employment of persons with disabilities, Mowamah, subsidizing the wage of dialysis days, and Labor Law Article 29 about injured worker. The Saudization Program (Nitaqat) was first launched in 2011 to encourage companies in the private sector to employ Saudi workers. The program incentives hiring Saudi citizens and provides salary calculation guidelines and special employee categories. One of the special categories, under paragraph 1 (xxii), is employees with disabilities. According to Nitaqat Policy, Saudi workers with disabilities who are capable of working are calculated as 4 Saudi Nationals at the company they're working at if they are receiving a minimum wage of SAR 3000. Tawafuq employment of persons with disabilities program aims at supporting and enabling job seekers with disabilities to be employed in the private sector. The program is based on the principle of the right to equal job opportunities, inclusion, skills, disability confidence, and services. A

total number of 3,715 persons with disabilities (2,152 males and 1,563 females) benefitted from Tawafuq program in 2018 (HRDF, 2018). Mowamah is a licensing system that is a voluntary option for the companies that intends to develop their work environments to be comprehensive, accessible and more supportive of employees with disabilities by obtaining an authorized certificate. Companies that obtain Mowamah certificate benefit from 4:1 quota implemented in Nitaqat associated with employing persons with disabilities. Subsidizing the wage of dialysis days program aims at encouraging private sector companies to employ workers with renal failure and support them to sustain their jobs. The Human Resources Development Funds compensates private sector companies for the wage of off days taken by such employees. 33 employees benefitted from this program (HRDF, 2018). Employees working at Taqat centers are trained through Tawafuq program on ways to deal with male and female job seekers with different disabilities to encourage them to find, apply and meet employers. They are also trained on ways to communicate with employers about job seekers and employees with disabilities about hiring persons with disabilities. Labor Law Article 29 protects the right of workers who sustains a work injury. It emphasizes the right of injured workers, who developed a disability that prevents them from performing their work, to demand their right to another job that is suitable to their acquired condition from the employer. Also, according to the articles, the duty of the employer towards an injured employee is to them a suitable job for the specified wage for this work, and this shall not compromise the compensation of the injured worker for his injury. A medical team from the General Organization of Social Insurance assess, evaluate and write recommendations for the cases of workers who encounter on-job work injuries. Teams from Taqat Program at The

Human Resources Development Funds are responsible for finding placement jobs for job seekers after acquiring on-job injuries in order to upskill these employees to find suitable alternative jobs.

Following is the transcription of the interviews held with participants regarding promoting employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment.

The Executive Manager at Qaderoon Disability Network, participant (Khs), shared his opinion about the effectiveness of the 4:1 Nitaqat System for Saudization. According to participant (Kh):

I think if you go back and look at the 4:1 policy, which is the Nitaqat incentive that the ministry enforced, it was very effective. Maybe at the beginning, the interest of the employers was to benefit from the 4:1 system in terms of increasing the number of Saudi employees within their companies. But I think it did help in bringing in more persons with disabilities into the labor market. So, again in terms of statistics, it helped in increasing the number of employees with disabilities in the labor market. But, the quality of the jobs and employment have not been enhanced, and that is something the ministry is trying to improve with a program such as Mowamah.

Participant (Khs) also explained the role of the network in promoting employment of persons with disabilities. According to participant (Khs):

Qaderoon is considered a Non-Governmental Organization (NGO). We bring together employers [companies] and at the same time we work very closely with the Ministry of Labor and Social Development... We basically work with employers to make their work environments more accessible so they can hire more persons with disabilities... Regardless of the gender, we treat both men and women with disabilities the same. We do not focus more on males vs. females. We treat them equally. But having said that, we are aware of the statistics that we have seen at the ministry that there is a higher number of unemployed females with disabilities. So, that's also a challenge.

#### ***4.3.1.4 Enactment of General Services***

This section explains how the legislation and policies have been enacted. It is evident that there is a strong framework for facilitating employment nationals. Some of these programs are more relevant to women with disabilities. There is also a weaker set of services specifically women or persons with disabilities. The enactment of both the general services and specific services to women and persons with disabilities are discussed below. There are three general employment related programs that have particular or potential relevance for women with disabilities, the Hafiz program, the Telework program and the Teachers Subsidy Program in Private Schools.

##### ***4.3.1.4.1 The Hafiz Program***

As explained earlier, Hafiz is an unemployment assistance program that offers active job seekers with financial aid of up to SAR 2,000 per month for a maximum of 12 months. It also provides active job seekers with conditional participation in the Human Resources and

Development Funds' training. It is considered as a training and a job placement initiative.

The program requires registered individuals to complete weekly online check-ins to maintain their status as active job seekers. In addition, the data base from Hafiz is used to help match job seekers with potential employers through various employment channels that are linked to Hafiz online portal. In 2011, 700,000 job seekers benefited from the program of whom %80 were female participants (Harvard Kennedy School, 2015). According to the annual report of the Human Resources and Development Funds, a total of 537,717 job seekers benefitted from both Searching for employment program and Hafiz Difficulty in finding employment program of whom %85.6 were female participants (HRDF, 2018). The total number of beneficiaries of the Hafiz searching for employment program reached 272,933 in 2018 (55,332 males and 217,601 females) (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of Hafiz searching for employment program reached 178,605 (41,258 males and 137,347 females) (HRDF, 2019). The number of beneficiaries of The Hafiz difficulty in finding employment program reached 264,784 in 2018 (21,565 males and 243,219 females), while the third quarter report of 2019 indicated that the total beneficiaries of Hafiz difficulty in finding employment program reached 169,284 (17,303 males and 151,981 females). Although reports do not show data about female beneficiaries with disabilities, Hafiz program seems to be a program that would promote the employment of female job seekers with disabilities to assist them in the process of finding and maintaining decent jobs.

#### *4.3.1.4.2 The Telework Program*

According to the Ministerial Order, Tele-work Program aims at creating a flexible local work environment. A total of 246 Female employees benefitted from the Tele-work program in 2018 (HRDF, 2018), while the third quarter report of 2019 indicated that the total beneficiaries of Telework program is only 9 female employees. Clearly, the beneficiaries are only females, which could be attributed to the flexibility of the program to fit the needs of females to work from home. It is apparent that the number of beneficiaries is very small. The reports did not discuss the explanation for such small number of beneficiaries. Seemingly, telework program needs more promotion amongst the population of job seekers with disabilities, especially women with disabilities as it can effectively reduce the high transportation costs of female employment. The program seems a perfect fit for job seekers with disabilities and also convenient for female job seekers with disabilities who prefer working from their homes.

#### *4.3.1.4.3 Teacher Subsidy Program in Private Schools*

According to the Human Resources and Development Funds (2018), a total of 29,635 individuals benefitted from the teacher subsidy program in private schools of whom 23,410 were female participants. It is evident that this program promotes employment of women in general. The report does not disaggregate data according to disabilities. Yet, the program does seem to have some potential to promote employment for women with disabilities. Because education is a major sphere of employment for women, this program has potential for re-focusing on women with disabilities, as an employment facilitation strategy.

Participant (Ah) talked about the facilitative services for female employees and job seekers with disabilities. According to him:

The main principle is to provide suitable work environment, including women with disabilities who wear Abayas [hijab] so there must be facilitations that suit women's needs. Of course, we have an initiative related to the job seeker journey which is available in the Human Resources Development Funds (HRDF) portal. All of our services are accessible in the (HRDF) website

#### ***4.3.1.5 Enactment of Programs for Employment of Women***

As discussed earlier, there are three programs that targets promoting the employment of women which are: feminization of shops and feminization of factories programs, *Qurrah* Working women childcare program and *Wusool* Transportation of working women program. According to the Human Resources and Development Funds (2018), the number of female beneficiaries from the feminization of shops and feminization of factories programs reached (5,588), the number of female beneficiaries from Qurrah program reached (703), and the number of female beneficiaries from Wusool program reached (12,826). The report does not show data about female beneficiaries with disabilities. Disability-desegregated data needs to be collected to evaluate the impact of these programs on the employment of women with disabilities. Seemingly, these programs would increase the participation of women with disabilities in the labor market as these programs meet the needs of women in general and women with disabilities in specific.



#### ***4.3.1.6 Enactment of Programs for Employment of Persons with a Disability***

As discussed earlier, there are five programs to facilitate the employment of persons with disabilities Nitaqat, Tawafuq employment of persons with disabilities, Mowamah, subsidizing the wage of dialysis days, and Labor Law Article 29 about injured worker. The Nitaqat initiative enforces firm quotas for Saudi workers in private sector companies and forces those companies to hire employees of the marginalized group including persons with disabilities. The Nitaqat program works in conjunction with other programs to incentivize companies to hire qualified Saudi workers with and without disabilities. In 2018, a total number of 3,715 persons with disabilities (2,152 males and 1,563 females) benefitted from Tawafuq program. It is apparent that the number of beneficiaries from Tawafuq program is small compared to the number of persons with disabilities in Saudi Arabia. A better promotion of Tawafuq program would help job seekers with disabilities to benefit from the program.

The Executive Director [Acting Director] of Tawafuq Program shared the outcomes of Tawafuq program. According to participant (Ah):

The employment rate of persons with disabilities has increased in the job market by a huge number. As of 2017, it reached 60,000 employees hired directly after Tawafuq Program. We also conducted many projects, including the facilitative services, easy accessibility, etc.

The Executive Manager of a disability employers network, participant (Khs), talked about the programs and initiatives related to the employment of persons with disabilities.

According to him:

As an NGO, we work closely with employers as well as the ministry on a lot of programs and initiatives that they conduct. For example, there was a release and a launch of the Mowamah Certification [Mowamah is a project owned by the Ministry of Labor and Social Development of Saudi Arabia, which adopts the best standards and practices in creating work environments suitable for persons with disabilities]. Mowamah's certificate is optional for those who wish to develop their work environments to be comprehensive and more supportive of persons with disabilities.

The program works to offer benefits to the employers as well as persons with disabilities. Work environments are made more accessible and certified companies can benefit from government incentives, as participant (Khs) describes:

It is basically a certification system that helps companies assess how accessible their work environments are, which eventually helps them to hire more persons with disabilities... But if companies want to benefit from the 4:1 system [Nitaqat System for Saudization], they have to be certified. So, this is a program that is in place that is tied or linked to a policy that promotes employment of persons with disabilities in general including females.

An HR manager at a mega company (Kho) shared his insights about the enforcement of promoting employment opportunities for persons with disabilities in general and women with disabilities in specific. According to (Kho):

I never heard of any entity in Saudi Arabia that is responsible of building a database and pool of talents for persons with disabilities in general and for

women with disabilities in specific. I think this is the first step that should be taken. For example, there are many recruitment companies whether private or governmental. We call it sourcing. If you want to do sourcing for persons with disabilities, such entities should exist to solve this issue. Qaderoon did not succeed in that. I was looking for an HR specialist and I am ready and willing to hire a person with a disability despite the gender. Just provide me with proper candidates and I will hire him/her

This participant highlights the gap between programs and effective implementation that complicate the issue of employment for women with disabilities. Some employers are willing to hire women with disabilities and yet do not have awareness or experience with job placement programs.

#### **4.3.2 Standard (e), Interpretation**

Frey describes interpretation in her framework as “the authoritative decision on whether the rule has been violated” (Frey, 2011, p.4).

#### **4.3.3 Standard (e), Enforcement**

If the Law Articles require complex plan of action, details are to be included in a separate legal document, which is executive orders. Labor Law, Ministerial Orders, Executive Regulations and programs that promote employment of persons with disabilities are enforced and implemented by the Ministry of Labor and Social Services. Ensuring that companies and employers are adhering to the Law is tracked by inspectors from the Labor Offices of the Ministry and from the General Organization for Social Services.

#### **4.3.4 Social Norms and Conventions**

##### ***4.3.4.1 Employers' Attitudes***

Inspector (Ama) shared her opinion about employers' attitudes towards promoting employment opportunities. According to her:

I am saying the inspectors are protecting the rights of the employees with disabilities, but as inspectors, we are making it impossible for company owners to hire them. My role is to be a medium to make sure the employee has a safe environment. Company owners will not benefit from hiring employees with disabilities anymore, they will easily hire 4 Saudi people instead

Participant (Haj), who has a visual impairment shared similar experience of not approaching job placement centers. Her journey to find a decent job was a struggle.

According to participant (Haj):

I used to apply for jobs in big companies, I had an ambition to work based on my qualifications not for Saudization purposes [Nitaqat]. I do not want to be taken as an advantage, but I wanted a respectful place that meets my needs and challenges me as well. I searched for many jobs at banks and companies. I told my sister to come with me to submit my resume to many places, like big national bank, Saudi Airlines, etc. I went to big companies that can develop my skills... Unfortunately, I did not succeed in finding a job

From the transcripts presented above, it is obvious that employers' attitudes affect promoting the employment of persons with disabilities. Employers' negative attitudes

towards employing persons with disabilities decrease the job opportunities for persons with disabilities. some employers rather preferer hire four Saudi employees over hiring an employee with a disability.

#### ***4.3.4.2 Relying on Personal Contacts to Find and Maintain Jobs***

Some participants relied on different methods to find jobs instead of formal assistance in finding jobs that are offered through governmental channels. Participants (Ash) and (Af) both have hearing impairments. According to (Ash):

One of my female friends is deaf... She was the one who told me about this job vacancy. So, when she told me, I got excited and told my father who was and still is eager to see me working and/or studying. I took the contact information from my friend and gave it to my father who immediately contacted the employer and arranged for an interview and I got the job.

According to (Af):

After completing my diploma and internship, I got my first job. They offered me a position where I was doing my internship. My cousin is a certified sign language interpreter. He told me that there are job vacancies in the hospital where I am currently working at. And this is how I got my current job.

Participant (Ar) who has a visual impairment explained her experience with looking for job opportunities in Riyadh city after quitting her job as a Quraan teacher and moving from a rural town. According to (Ar): “When I search for jobs, I normally apply for jobs that my friends tell me about (through a word of mouth). But in Riyadh is different. I have been here for a few months only, I applied to two jobs only but never heard back from them.”

(Ar) continued expressing her opinion about the rights of persons with disabilities to employment: “The government should provide job vacancies for persons with disabilities. They must have equal rights to employment like everyone else.”

Some participants tried other ways to find jobs such as depending on their professional and social networks. Some of these experiences were not successful and resulted in unacceptable results actions. According to participant (At), who has a physical disability: “Some people take advantage. Some lie and claim that they will help you. I mean I faced harassments since I am a woman.”

It is apparent from the transcripts presented above that women with disabilities rely on their personal contacts to find jobs instead of benefitting from the services provided by the Ministry of Labor and Social Development through job placement centers.

#### ***4.3.4.3 Employers Viewing Employees with Disabilities as an Incentive to Receive Benefits from the Ministry Based on Nitaqat System***

Participant (Mar), who has a visual impairment shared her opinion about the employment intentions of employers to receive incentives from the ministry. According to her:

The company that hired me chose me because they are benefiting in terms of incentives from the Ministry of Labor. My resume was at X center [A sheltered workshop for the blind females]. When I quit my job at X Group [a multinational construction company], I asked X center [the sheltered workshop] to keep me posted in case other jobs were offered. The company I

am currently working at has an affiliation with the center for the blind. So, they hired me to receive incentives from the ministry

Nitaqat is a quota system that seems to promote the employment of persons with disabilities including women with disabilities. As it appears from the quote, some employers view employees with disabilities as an incentive to receive benefits from the ministry based on Nitaqat system.

#### ***4.3.4.4 Women with Disabilities' Eagerness to Find and Maintain Jobs to Become Independent:***

Participant (At), who has a physical disability expressed her personal motivation to employment. According to her:

I want to work because I have free time. I want to widen my perspective and help myself and my parents, without staying at home without work [phantom hiring]. I am very independent, and I want to travel and go places without having to ask someone for anything. I want to have financial independence, and I do not want to be a burden on others

A manager at an organization for persons with visual impairments expressed the determination of women with visual impairments at the organization to find jobs to become independent. According to participant (Sa):

From a social aspect, work boosted their [women with visual impairments] self-esteem. They became independent and not relying on the society or on their families... it reflects positively on the society. It opened up their

horizons as well. From a psychological aspect, their self-esteem raised after being employed.

Based on the transcripts presented above, it is apparent that women with disabilities are eager to find and maintain jobs to become independent. Promoting employment of women with disabilities would help them to reach their independence.

#### **4.3.5 Other Institutions**

##### ***4.3.5.1 Employers***

Some institutions specialized in certain disabilities take advantage of job seekers and employees with disabilities and abuse persons with disabilities' eagerness to find and maintain decent jobs. Participant (Mar) shared her experience with such improper practices. According to her:

I was a phantom employee at a multinational construction company. The company had an affiliation with an organization for the blind to receive training at the organization but be registered as employees with disabilities in the company. The organization trained us to use Microsoft Office. The constructions company hired me and asked me to receive training at the organization promising that the training will result in employment. So, I received the training for a year and 6 months and received a salary for 6 months without training. Then, after two years, they told us that they terminated our contract. There was not employment in reality.

It is apparent from the quote presented above that some disability institutions are hindering the promotion of employing persons with disabilities instead of advocating to



encourage the private sector to increase the participation of persons with disabilities in the labor market.

#### ***4.3.5.2 Training Programs***

The Deputy Minister for Costumer Services and Labor Relations was asked about the importance of collaboration between different ministries and different stakeholders to promote employment opportunities for persons with disabilities. According to him:

Different stakeholders must be involved including the Ministry of Education, municipalities, universities, Ministry of Health and others. Those stakeholders are partners in the overall process of awareness. The Ministry of Labor and Social Development should not solely take the blame for underemployment and/or unemployment of persons with disabilities in general and women with disabilities in specific... There are many factors that should be fixed other than employment strategies. Those factors include education and societal attitudes towards persons with disabilities in general and women with disabilities in specific. Continuous investment in the mental health of persons with disabilities, education, training, and awareness programs around how to deal with persons with disabilities are key elements to the employment of persons with disabilities in general and women with disabilities in specific.

Some employees with disabilities do not find the appropriate opportunities for career advancement. Women with disabilities lack access to appropriate basic skills training opportunities, no one offers them customized trainings, so they are technologically illiterate,

they do not know how to use computers in the first place to be able to work in data entry jobs for instance, as participant (Haj) expressed her opinion:

I always tell my unemployed friends with disabilities to register for data entry courses, or secretary or computer courses, which will possibly help them to get employed and have more job opportunities. But how will they apply for a job when they do not know how to use the computer properly, no one will hire her. Employers require productivity from the employees.

Participant (Ai), who has a physical disability, was not able to continue her education and suggested solutions to overcome this barrier to be able to enter the labor market later.

According to her:

There should be educational opportunities for persons with disabilities who are behind in their studies like myself. They need a special plan or system that helps them to go back to school. They need special facilities for them. Persons with disabilities should have the opportunity to participate in making such decisions, policies, programs... Few years ago, I heard about an educational system, I do not know if it still exists or not, it is called "Qafzah" [leap in English], for the ones who are years late in their education. They can take a certain test and pass many levels of school years. Because women in their 30s like myself cannot bear staying for years in school... women staying at home like myself are not necessarily uneducated or illiterate. In fact, we learn a lot from the internet. I think we need a special mechanism of education and shorten the years of education for people like myself.

#### **4.3.6 Conclusion**

As it appears from the presented analysis of standard (e) regarding legislation and policies related to promoting employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment, it is clear that many participants with disabilities lack the knowledge about the different programs and services that are provided to facilitate their employment opportunities. All female participants with disabilities within this study did not mention benefiting from programs that support employment of women including Quarrah, Wusool or telework. Educating employed women with disabilities and female job seekers with disabilities about the different service programs and legislation that suit their needs and encourage those service programs would increase their participation in the labor market. In addition, data revealed that employers' attitudes affect the employment of women with disabilities. There is a strong need for vocational training programs to upskill female job seekers with disabilities to be qualified to obtain decent jobs.

#### 4.4 Standard (h)

**Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures.**

Table 10 below presents related legislation, policies and regulations related to standard (h) of Article 27 of the Convention on the Rights of Persons with Disabilities.

Text	<ul style="list-style-type: none"><li>● Nitaqat Policy: Ministerial Resolution No. 1/1/4624E Dated 21/10/1433 AH (September 8, 2012):<ul style="list-style-type: none"><li>○ <u>Article 1:</u> Special groups referred to in this Ministerial Resolution are... and persons with disabilities who are capable of working.</li><li>○ <u>Article 4:</u> For a Saudi national to be calculated as one National in the Saudization system of Nitaqat, he/she shall not receive less than 3000 Saudi Riyals as a minimum wage.</li><li>○ <u>Article 6:</u> A Saudi worker whose wage is less than 1500 Saudi Riyals is not calculated in the Saudization system of Nitaqat Program</li><li>○ <u>Article 12:</u> Saudi workers with disabilities who are capable of working are calculated as 4 Saudi Nationals at the company they're working at only if they're receiving a minimum wage of 3000 Saudi Riyals, the company is paying for the General Authority for</li></ul></li></ul>
------	--

	<p>Social Insurance and if they're not registered as employees in other companies.</p> <ul style="list-style-type: none"> <li>○ <u>Article 13</u>: If the number of employees with disabilities within a company exceeded 10% of the total number of Saudi employees, an employer with a disability will be counted as one Saudi employee.”</li> <li>● Labor Law, Article 17:  <p>“An employer shall maintain at the workplace records, statements and files the nature and contents of which shall be specified in the regulations. He shall display at a prominent location at the workplace a schedule of working hours, breaks, weekly rest days and time of start and end of each shift, when operating in shifts.”</p> </li> <li>● Labor Law article 28:  <p>“Each employer employing twenty- five workers or more where the nature of his work allows recruitment of the professionally disabled shall employ a number of disabled that represents at least 4% of the total number of his workers whether through nomination by the employment units or otherwise, and he shall send to the competent labor office a list of jobs and posts occupied by the professionally rehabilitated disabled persons and their wages.”</p> </li> <li>● Ministerial Order No. (1982) dated 28/6/1437 (July 25, 2006) provides Executive Regulations for the different revised Labor Law articles.</li> </ul>
--	---

	<p>○ <u>Article 6:</u> “In implementing the provisions of Article (17) of the Labor Law, the employer shall include the following lists, records and files kept in the workplace, whether paper or electronic.”</p> <p>Section 1: Employees name lists: Contains data of the names of the establishment's workers, the profession of each of them, their age, nationalities, their ID numbers, and the numbers and dates of work permits for non-Saudis.</p> <p>Section 2: Employees’ wage lists: Contains data on the wages of workers, the dates of receipt, the wage deduction, and the reason for deduction.</p> <p>Section 3: Record of the fines: contains a statement of worker’s name, the amount of his wage, the amount of the fine, and the reason and date of its incident.</p> <p>Section 4: Record of attendance: Contains the time of worker’s arrival to work, and the time of leaving the workplace, and any other data set by the employer.</p> <p>Section 5: Training record of Saudis: contains the name of the training program, type, duration, year of training, number and names of employees trained, and percentage of the number of employees.</p>
--	---

	<p>Section 7: File for each worker: containing his data, address, a copy of the employment contract, and any certificates or documents submitted by the employer.”</p> <ul style="list-style-type: none"> <li>Ministerial Order No. (1982) dated 28/6/1437 (July 25, 2006), Executive Regulations, Article 10, section 5: <p>“Every worker with a disability shall benefit from the reasonable accommodations necessary to enable him/her to carry out his work duties if it is proved by a medical report issued by the authorities stipulated in section 1 (The Ministry of Health or governmental hospitals and/or by an ID card issued by the Ministry of Labor and Social Development) that he/she has a disease or disability that does not cause him/her to work for more than one hundred and twenty days from the date of injury.”</p> </li> <li>Ministerial Order No. (1982) dated 28/6/1437 (July 25, 2006), Executive Regulations, Article 10, section 6: <p>“Workers with disabilities shall enjoy all the rights and benefits of other employees provided in the Labor Law, these regulations, or the organization's work regulations.”</p> </li> </ul>
Interpretation	<p>According to Frey’s definition of Interpretation, interpretation of the law is delegated to the Labor Offices. It is not a judicial decision and does not define or elaborate on the rules and regulations.</p>

Enforcement	Ministerial Order No. (1982) dated 28/6/1437 (July 25, 2006) provides Executive Regulations for the different revised Labor Law articles. Labor Law Article 28 is enforced through Executive Regulation Article 10, section 12: “During company inspection visits, Labor Inspectors shall cross-check the number of employees with disabilities within the company, the nature of their jobs, and types of reasonable accommodations provided for them.”
Social norms and Social Conventions	Social norms and conventions regarding affirmative policies varies. Participants with disabilities described a widespread practice known as phantom hiring, where persons with a disability are paid not to come to work.
Other institutions	The Ministry of Education needs to pay attention to the quality of the education of graduating high school students with disabilities as well as college graduates with disabilities to ensure better employment opportunities upon their graduation. Similarly, the Technical and Vocational Training Corporation needs to match their training programs with the demands of the labor market across its many sectors.

**Table 10: Analysis of Legislation, Policies and Regulations in Relation to Standard (h) of Article 27 of the CRPD Based on Frey’s Indicators**

#### **4.4.1 Standard (h), Text**

As shown in table 10, legislation, policies and regulations are in accordance with standard (h) in promoting employment of persons with disabilities in the private sector through appropriate policies and measures including affirmative action programs, incentives



and other measures. *Nitaqat* is a set of policies known as Saudization, which is aimed at expanding the employment of *Saudi* nationals in the private sector to replace the high numbers of expatriate workers. Depending on the industry, businesses are required to employ a certain percentage of Saudi citizens. The Saudization Program (Nitaqat) was first launched in 2011. There are two primary components to the Nitaqat policy that incorporate affirmative action laws promoting the employment of persons with disabilities.

Firstly, Article 12 states that Saudi workers with disabilities who are capable of working are calculated as 4 Saudi Nationals at the company they are working at only if they are receiving a minimum wage of 3000 Saudi Riyals. It is sometimes difficult to find Saudi citizens with specific skill sets, so this article is an incentive for businesses to hire a person with a disability rather than employ four Saudi citizens. Secondly, Article 28 requires that companies with over 25 employees must have 4% of the work force represented by persons with disabilities. The reported outcome of this policy is as follows:

<b>Number of Registered Employees with Disabilities in the Private sector</b>			
<b>Year</b>	<b>Females</b>	<b>Males</b>	<b>Total</b>
2008	2,501	22,542	25,043
2009	2,615	23,334	25,949
2010	2,829	25,429	28,258
2011	4,227	34,108	38,335
2012	8,577	39,499	48,076
2013	14,325	47,871	62,196
2014	16,429	53,653	70,082
2015	20,018	56,877	76,895
2016	20,378	54,668	75,046
2017	23,140	55,714	78,854
2018	21,626	51,557	73,183
2019	21,339	50,453	71,792

**Table 11: Number of Registered Male and Female Employees with Disabilities in the General Organization for Social Insurance (GOSI, personal communication, May 20, 2019)**

As shown in table 11, the number of registered Saudi male and female employees with disabilities in the General Organization for Social Insurance increased from 2008 to 2019 (GOSI, personal communication, May 20, 2019). It is also apparent that the number of registered female employees with disabilities is significantly lower than their counterparts. The Nitaqat program was launched in 2012. One year after launching the Nitaqat program, the number of registered Saudi male and female employees with disabilities increased by 14,120 (5,748 females and 8,372 males). From 2012 to 2019, the rate of registered Saudi male and female employees with disabilities increased by around 66.9% (GOSI, personal communication, May 20, 2019).

Although the Nitaqat policy does not target women, Damash (2017) noted that the policy changed gender hiring patterns. Although, initially, the policy increased employment

for both Saudi men and women, there has been a sustained growth in female employment since implementation, compared to minimal growth rate of male employment after the first year. Damash (2017) notes that a significant barrier to hiring more female Saudis is the high upfront costs to employers necessitated by employing women. Such costs include modifying the physical space including creating segregated workspaces and entrances, changing production or work methods to ensure appropriate gendered supervision and communication, and new human resources policies including hiring processes. Damash (2017) argues that once companies make these initial investments to hire their first female employee, it is significantly easier to hire additional female workers and the data shows that as companies started hiring women, they did not hire just one woman, but hired a number of women.

#### **4.4.2 Standard (h), Interpretation**

According to Frey's definition "Interpretation" is an authoritative decision on whether the rule has been violated. In regard to Nitaqat policy, interpretation of the law is delegated to the Labor Offices. The Law, legislation and policies do not require a judicial decision but are interpreted by the relevant Labor Offices.

#### **4.4.3 Standard (h), Enforcement**

Frey refers to enforcement as including monitoring mechanisms and application of penalties when the law is broken. However, enforcement of Nitaqat for persons with disabilities is challenging for the following reasons:

1. It is difficult to detect
2. The values and attitudes that create phantom hiring are pervasive in enforcement social structures

3. It is not a black and white phenomenon, there are degrees of phantom hiring

#### ***4.4.3.1 Detection Challenges***

The Department of Labor has inspectors that visit employers to ensure they are abiding by the rules of Nitaqat. Participant (Bash) explained the detection challenges where it becomes almost impossible to track phantom hiring. Participant (Bash) noted:

Employers hire a person with a disability (phantom hiring) and ask them not to attend unless investigated by the labor offices. When investigators visit the premises of the company and ask about the employee with a disability, they call that person to show up.

The employer provides artificial papers of attendance, evidence of pay and tell the inspector that the employee is on an errand or travelling for the company. The employer then calls the phantom employee at home and ask them to come to work to meet the inspector. Under these circumstances it is difficult for the inspector to determine if phantom hiring is occurring. Because this arrangement frequently meets the needs of employers and sometimes the needs of the “employee” with a disability there is no dissatisfied party to break the practice that is difficult to detect. Participant (Bash), who has a physical disability shared her opinion about eradicating the practices of phantom hiring. According to her:

We cannot end phantom hiring as long as there are under the table agreements. The only solution is to urge persons with disabilities to go and fight for their rights and complain about those practices and become one hand to fight this phenomenon. But if they remain silent that means that they are ok with it.

Information about the number of investigations of phantom hiring and the outcome is not a publicly available information. However, an inspector from a Labor Office noted,

The scarcity of information around the number or percentage of cases that are related to the employment of persons with disabilities and women with disabilities is because each labor office deals with complaints in a different way or investigates in a different way. Cases are scattered between different labor offices around Saudi Arabia. I would like to mention that the cases of phantom hiring have decreased lately because of the e-governance connection between the Ministry of Labor and Social Services and the General Organization of Social Insurance. Citizens can check their employment status on the portal.

It appears that enabling persons with disability to check their employment status discourages employers from covertly using a person's identity without their permission.

Participant (Amb), a labor inspector at a Labor Office reported that after two years in her role as an inspector, she had investigated "maybe one or two" cases of phantom hiring, suggesting that in some offices only a small number, if any, incidents of phantom hiring are detected. Another Labor Inspector, participant (Ama), who had worked at the Ministry of Labor and Social Development for nine years noted that she "never saw one case of phantom hiring. Most complaints were from employees but when we go there, we do not find them... either the owner does not show or the employee... then the case is closed."

Participant (Ai), who has a physical disability, experienced a form of violating the rights of persons with disabilities to redress her grievance. According to (Ai):

A while ago, a company used my name without my knowledge... My father went to ask, and they told him that my name is registered in a real estate company. My father went to complain, and he was not informed about the name of the company which committed this act of phantom hiring. Until now, I do not know how this company used my name and information in the first place... So, my father filed a complaint to the General Authority of Social Insurance and my name was taken out from this company. The General Authority of Social Insurance gave us papers saying that we will be given compensation.

(Ai)'s experience with fighting against violation of the rights of persons with disabilities was successful. But apparently there is a gap in the system. According to her, she and her family were not informed about the way the company had access to her information or about the way the company had information about her disability.

However, at another Labor Office, Participant (Alg), an inspector reports a different situation where he noted that there are many cases of phantom hiring, there are "many cases where persons with disabilities are registered as employees without their knowledge. I believe that 20-25 percent of the cases that we receive are related to phantom hiring (not only related to phantom hiring of persons with disabilities)." In this Labor Office the investigation, as described by participant (Alg) the process appears very thorough and is described as,

First of all, if we received a notice that X company is practicing phantom hiring, we visit the company and request a list of the employees. We also

request the employee's file... We look at the contract as well. We look at details within the contract like signatures and paid and unpaid leaves. Sometimes, we find evidence from the employee's file. For example, evidence like not requesting a leave for 5 years require further investigation as it might be an evidence of phantom hiring. When things do not add up, we investigate more. In those cases, we confront the company with the client's complaint. If we did not find enough information about the client, if he does not have a file at all, if there were no evidence for attendance, then we file and confirm the violation and apply the fines and penalties accordingly.

It is evident from the quotes presented that enforcement of the Labor Law articles and regulations is challenging when it comes to detecting phantom hiring, particularly when employers and persons with disabilities collude on phantom hiring practices.

#### ***4.4.3.2 Embedded in Social Structures***

Social norms and conventions are also embedded in the enforcement structures. The inspectors frequently share the same cultural stereotypes about women with disabilities as the larger culture. Some of the enforcers see women with disabilities as needing charity in the form of "free income" rather than needing fair access to employment. This perspective is captured in this statement by a labor office inspector, participant (Ama):

Inspectors are protecting the rights of employees with disabilities, but we are making it impossible for company owners to hire them... they will easily hire 4 Saudi people instead... In my opinion a company owner might be compassionate enough to hire a woman to give her a source of income and

help her. I can look at it this way, or as a strict inspector, I can accept this violation and force fines on him.

When Inspectors have this perspective on phantom hiring, it is less likely that they will enforce the regulations, but rather, choose to support the “compassionate” employer.

#### ***4.4.3.3 Phantom Hiring Not a Dichotomy***

Sometimes phantom hiring is not black and white, there are degrees of phantom hiring that also make it difficult to detect. Participant (Bash) noted, “I told the employer that I am a college student and I agree upon the salary for three months because I will be working one shift only. Later, I would like to receive the salary promised [which did not eventuate].”

If employees with disabilities agreed to be partially working yet registered as full-time employees so that the employer can benefit and receive incentives from the Ministry of Labor and Social Development, phantom hiring becomes unclear and hard to define.

#### **4.4.4 Standard (h), Social Norms and Conventions**

Although the law regarding affirmative action for persons with disabilities is strongly worded, as will be illustrated in the interviews, the implementation of the law relies on the compliance of both the employer and the persons with a disability. It would seem that respondents can be divided into two categories, those that abide with the intention of the law and those who do not.

##### ***4.4.4.1 Social Norms and Conventions Circumventing the Law***

A common practice described by participants is that of phantom hiring, described below by Participant (Bash):



Some employers misuse and abuse Saudization system and use the cases of persons with disabilities to receive benefits from the Ministry of Labor. They hire a person with a disability (phantom hiring) and do not ask him/her to attend unless investigated by the labor offices.

Through this practice, the employer officially registers as employing the equivalent of 4 Saudi citizens under the Nitaqat quota. This is frequently far less expensive and more convenient than employing four Saudi nationals. Although the extent of phantom hiring is not known, all of the participants with disabilities seeking employment were familiar with this practice, as were the representatives of the Department of Labor and the employers.

Frequently, this arrangement was considered acceptable, and of benefit to the person with a disability. For some, getting paid not to work is seen as a way to enhance their financial well-being. For example, Participant (Su), who has a visual impairment, is experiencing phantom hiring practices, because it is a win-win case for both herself and the employer. (Su) believes that she is being treated without bias, thus she feels that this is a convenient arrangement for her circumstances. When asked if participant (Su) views her working situation as phantom hiring, she explained:

Yes, I guess. But I am going to wait until I finish studying because I cannot be working and studying at the same time. Because all my lectures are during daytime... The pressure of studying will affect my performance if was employed. So, it is hard to even work in the afternoons

Participant (Su) also added:

The salary is helping me in paying (2000 Saudi riyals = \$ 534) for the female chaperone who escorts me to school and in paying (1800 Saudi riyals = \$ 480) for my personal driver (my father pays 800 riyals out of the 1800 = \$ 213). My father cannot afford paying the whole amount of the driver's salary. My salary is a (4000 Saudi Riyals = \$ 1067) plus 800 riyals that I get as social benefits. I end up with 1400 = \$ 373 for my personal expenses.

When asked whether participant (Su) perceives it as deceiving, she answered:

No! thank God!... Because he is giving me my salary as well as the annual compensation... Listen, I know that I should receive a higher salary. But considering the current economic situation, the employer told me that there is limited income in the medical department. It depends on his integrity. I am in need and my employer is in need for me as well. I need him because no one would pay for my chaperon nor for my driver to go to school.

However, Participant (Su) does see this as a short term arrangement and goes on to note:

I do not agree with phantom hiring. I was forced to accept this situation because of the school situation. Actual hiring is the right way. Because persons with disabilities should interact with the society and have the chance to prove their abilities. Many girls are seeking phantom hiring. But employers should refuse this practice. They should force them to take the right path of actual employment. This is my last semester in school, so, I hope

that I will take the right way to employment. By the end of the semester, if my current employer did not accept my request to physically attend, I will start looking for other jobs.

Participant (Bash), who has a physical disability confirmed what participant (Su) is experiencing from a different perspective, and notes, “Some women with disabilities collude with phantom hiring practices to fulfill their roles as housewives while receiving salaries from employers who are benefitting from registering employees with disabilities in their companies.” According to participant (Bash):

There are women with disabilities who are accepting the idea of phantom hiring for the purposes of Saudization. Those women are housewives who have kids and a husband who need their attention and care. Those women have to cook and take care of the kids. So, they accept working this way.

A high ranking official in the Ministry of Labor and Social Development (Ad) similarly notes “some persons with disabilities want to stay at home and receive money from companies that register them as employees on official documents only.”

He further noted

...people think that all that they (persons with a disability) need is mercy and money. Sometimes, some employers do not even want them to work. Others employ persons with disabilities to comply with Nitaqat. Some employers even view it as a way to receive reward from God for doing good deeds.

In this context, it can be seen how employers believe that phantom hiring is of benefit to the person with a disability and at the same time meeting the obligations of Nitaqat. One

of the major issues is that some employers and employees with disabilities perceive their rights to decent employment as charity. Persons with disabilities think that their conditions are being sympathized with, thus making them susceptible to phantom hiring. For many persons with disabilities phantom hiring is preferable and more financially beneficial than unemployment and given the challenges in obtaining employment discussed previously, long-term unemployment is a very real possibility. Raising awareness and changing cultural attitudes towards persons with disabilities, away from the notion of needing charity and toward needing rights, including the right to real work is a key solution to avoiding phantom hiring practices.

One participant reported how third parties profit from phantom hiring suggesting that there is a covert industry in deceptively profiteering from the information about a person with a disability that can be used for Nitaqat. Participant (At), who has a physical disability, noted:

I did actually experience practices of phantom hiring myself. I was manipulated by someone. I received a message from someone who told me that he will use my name to register me as an employee with a disability, will pay me a monthly salary and that I will not not lose the financial aid from the social insurance from the Ministry of Labor and Social Development. I believed him without asking... He asked for a financial compensation for his service. I accepted

This participant describes a severe form of phantom hiring in which the person with a disability is taken advantage of by the third party. She goes on to explain the limited recourse available to remedy her situation:

A month, 5 months, a year, two, and 6 years have passed, and no one answered me... he did not take all my information... I filed a complaint...

They only said we will follow-up with this case, but nothing happened no one called us

Another participant with visual impairments shared her experience with phantom hiring. From her experience, it seems that some non-profit organizations contribute with the companies in the phantom hiring practices. According to (Ha):

when I was training in the non-profit organization, they were partnered with another company, so they registered my name to have the benefits of increasing the Saudization percentage. This was not helpful for my best interest. At first, I accepted the job because I was looking for any job. When I got the job, I found out that I was neither working at the organization nor was I the company's employee. The organization gives the attendance report to the company and the company organizes the vacations and everything else.

A Department of Labor Inspector (Am) noted that sometimes it was the family that was taking advantage of the woman with a disability without her consent or knowledge. He noted:

One time we saw a woman with severe mental disability who does not talk and is hired officially in a company. The mother is taking advantage of this...

sometimes the father or the husband gives the name (to a company) and benefits from it.

Sometimes the participant was not aware that phantom hiring was occurring. An inspector from the Labor Office, participant (Alg) noted, “In many cases, persons with disabilities are registered as employees without their knowledge. I believe that 20-25 percent of the cases that we receive are related to phantom hiring.” Sometimes, the person with a disability does not realize phantom hiring is occurring because it was framed as training, often in participation with a non-profit organization. A nominal wage is provided during “training” with the promise of real work at the end, which does not eventuate.

Participant (Lu), who has visual impairment shared her experience with such actions:

When I graduated from college, I went to a company that is known for hiring persons with disabilities. They sent me the job offer and told me to get training through the non-profit organization. I was fine with it at the beginning, but it took 6 months to a year of training. Suddenly, I found out that they want us to only train without actually going to work, then they asked us to take the salary without working and by staying at home.

Participant (Bash) provided some insight into this practice, although she was the only participant in this study that had admitted participating in phantom hiring from the employer perspective. Employers were reluctant to discuss their own practices in regard to phantom hiring, presumably because it is considered illegal. Participant (Bash) noted,

I work in the HR department. They [my employer] would rather keep a woman with a disability at home because they do not have enough space to

allocate and accommodate her needs even with the existence of female section. So, as employers, they would ask her to stay at home and phantom hire her.

In chapter one, the unemployment rate of women and persons with disabilities in Saudi Arabia is discussed. The unemployment rate for women in Saudi Arabia is 21.1% (ILO, 2019), and the added disadvantage of having a disability makes finding employment even more difficult. For some women, when employment is perceived as unattainable, phantom hiring is seen as an alternative, although there was no direct evidence attesting to this. Participant (Bash) noted that after she left a phantom hiring job, “the job market here is very challenging because of the scarcity of job opportunities. I was unemployed for 7-8 months.”

One could infer that if unemployment for women and discrimination against persons with disabilities was not as widespread, it is likely that women with disabilities would not accede to phantom hiring practices.

It is evident from the interviews that phantom hiring is a social norm in relation to the Labor Law. This practice requires the intention of the employer and agreement of persons with disabilities. Sometimes, there also appear to be others involved in this practice including family members, profiteers and non-profit training organizations. It seems to span the social strata.

Although the law is well-written, it is not fully aligned with cultural attitudes and practices. This was noted by both participants with disabilities and high ranking officials.

For example, participant (Af) emphasized the importance of changing attitudes towards the employment of persons with disabilities. According to her:

I think the legislations/policies related to the employment of persons with disabilities should be modified and include awareness about the rights of persons with disabilities. They should spread awareness about the Convention on the Rights of Persons with Disabilities to both employers and employees with and without disabilities. The Ministry of Labor and Social Development should mandate awareness programs to all employers about the rights of persons with disabilities to employment.

This view was echoed by the Inspector Deputy, participant (Abd), who highlighted the importance of raising awareness amongst employers and considered it one of the Ministry's roles. According to him: "From the Ministry of Labor and Social Development perspective, I think that we need to raise awareness amongst employers regarding employment of persons with disabilities through awareness and educational programs."

Similarly, an HR manager at a mega company shared his views about the overall impact of social attitudes on the employment of persons with disabilities. According to participant (We):

I do not think that you can change people's mindset in one day. I believe education has a major role in changing the mindset. I do not think we should expect the Ministry of Labor and Social Development to work on this matter without efforts from the Ministry of Education. People at home also have a major role in changing the mindset towards inclusion of persons with



disabilities. In our schools, we should not discriminate against disability.

More efforts should be taken from the education side to change this mindset...

I also blame the hospitals for not participating in the efforts of including persons with disabilities. This can be done through awareness videos in the waiting areas for example. We need to change the overall mindset.

It is evident that some persons with disabilities, ministry officials and employers believe that social norms and conventions are a significant mediator in regard to the success of affirmative action policies.

#### ***4.4.4.2 Social Norms and Conventions Complying with the Law***

Most of the participants with disabilities wanted to obtain meaningful employment and did not agree with phantom hiring practices. For example, Participant (Gh), who has a physical disability, had a difficult job searching journey. Not only she faced rejection, she also experienced forms of phantom hiring requests from different companies. According to (Gh):

I faced this phenomenon. Employers asked me before to register and join their company for a good salary, but they said I did not have to come every day. I did not like the idea; I did not want to waste my years of studying... I think this issue is happening to almost every person with a disability...

Employers take advantage of persons with disabilities. They think we are desperate, so they call us to register with them because of the salary and so on. There should be strict regulations and inspections.

Participant (Ai), who has a physical disability, expressed her opinion about phantom hiring. According to (Ai)

The practices of phantom hiring exist. I am against it... If someone is employed without being productive or without attending or by being asked to stay at home, what is the point of the job? Being an active productive member in society would be reflected positively on his/her personality.

Even participant (Su), who had accepted phantom employment above noted

Employees with minor or major disabilities should comprehend their moral and legal entitlements, as well as their indistinguishable virtues with their fellow colleagues who just happen to not have any disabilities. If employees had more awareness regarding their rights as employees, phantom hiring practices would be eliminated.

Participant (Han), who has a physical disability, shared her experience with phantom hiring. According to her:

I applied for a vacancy at a salon which is owned by a female. She tried to convince me to work just so that she can receive the incentives from the Ministry of Labor and Social Development. She explicitly showed her intentions... I told her that I am a person with a disability who has the right to decent work, to be a productive employee and gain work experience... So, basically, her offer was to register my name in her employee list as an employee with a disability, under-pay me and I stay at home. I refused. As a

person with a disability, I have the right to decent work and be a productive employee.

However, even if phantom hiring is not occurring, some participants reported that they believed that the only reason they were employed was to meet the Nitaqat quota and there was no interest in providing meaningful work or a career to the employees with disabilities. For example, according to Participant (Af):

The employer is benefiting from hiring employees with disabilities including myself. For the past six years, I used to feel that I am not valued for my skills, that my employer is keeping me at work because of the benefits received from the Ministry of Labor and Social Development for hiring an employee with a disability.

Another participant expressed her experience with not being offered equal work opportunities as a result of her physical disability. According to (Han):

I applied once for a job where I noticed that unfortunately some employers and HR personnel view persons with disabilities as an incentive according to the 4:1 system within Nitaqat. They do not view persons with disabilities as potential productive employees. Their attitude is to hire an employee with a disability and ask him/her to do nothing.

Similarly, Participant (Ash), noted:

I do not think I obtained and maintained my current job because of my good performance because the supervisors and the employer do not even communicate with me and are not familiar with sign language... What really

matters for them is to receive benefits from the ministry for hiring an employee with a disability.

In these examples, although the employer is abiding by the letter of the law, the intention of the law, to provide real employment to persons with disabilities has been lost, with the focus on the quota and not the rights or well-being of the person with a disability.

#### **4.4.5 Standard (h), Other Institutions**

In this section, the researcher views the labor market and how it is constructed as an informal institution that influences and impacts the employment of persons with disabilities. There are unique features of the Saudi labor market that enable phantom hiring and preclude women with disabilities from employment.

##### **1. There is no minimum wage**

Deputy Minister of Labor Policies, participant (Ahq), confirmed that minimum wage is not stated in the Labor Law, but it is part of Nitaqat policy. Nitaqat policy requires employers to pay employees with disabilities a minimum of SR 3,000 [equivalent to \$800] to be counted as four Saudi Nationals within Nitaqat. If there were mandated, rather than optional, minimum wage employment regulations enforced by the Labor Law, phantom hiring practices by employers would become too expensive to sustain and, therefore, decline in prevalence.

##### **2. That part-time work, or flex-work, is not yet part of the structure of labor**

Flex-work is not yet enforced by a legislation, policy or a regulation. It is a proposed policy that has been introduced to policy makers in Saudi Arabia and is still under discussion.

Flex work seems like a possible type of employment that would increase the participation of women with disabilities in the labor market.

The Deputy of inspection, participant (Abd), said that flex-work would be suitable employment option for some women with disabilities. According to him:

Flex-work is a very important option that might open opportunities for persons with disabilities in general and for women with disabilities in specific.

The Ministry of Labor and Social Development has set legislation for flex-work, but it is in the process of enactment.

### 3. Eligibility for employment services for persons with disabilities and for Nitaqat:

Many women with disabilities encounter challenges against qualifying for disability-related services. Eligibility for such services requires an identity card as proof that the person has a disability. To receive this identity card, a person with a disability must obtain a medical report from a governmental hospital that states the existence of a disability. Participant (Ath), who has a physical disability, has been struggling with different government clinics to obtain an official medical report. Until such a report is provided, participant (Ath) remains ineligible for a variety of services reserved by the government for persons with disabilities. According to her:

Currently, the system is electronic which is more helpful, all requests are done now online. The biggest suffering I encountered since my accident, is that whenever I ask for medical reports, the doctors' diagnosis are always inaccurate. The government departments require a periodical clear medical report of my condition to receive any services related to my disability. It is so

hard to ask for a new medical report and wait in hospitals. This is the biggest struggle that I am facing till now in my life for 12 years. The medical report should be done in governmental hospitals or centers.

Barriers of this type make it difficult for persons with disabilities who would like to find jobs and make use of programs and support meant to benefit them to access those services.

#### **4.4.6 What Affirmative Action Policies Might Promote the Employment of Women with Disabilities?**

From the data, there appears to be two key affirmative action policies that may enhance employment opportunities for women with disabilities. Firstly, there seems an absence of understanding and emphasis on the unique barriers to employment for women with disabilities. Secondly, transportation is a key issue.

1. Acknowledgement and exploration of the unique barriers to employment for women with disabilities

Women with disabilities experience discrimination in employment because of their dual status, as both a person with a disability and a woman. Intersectional theory and research point to the overlapping and interdependent systems of discrimination that are unique to women with disabilities and cannot be fully understood as merely the sum of sexism and ableism (Crenshaw, 1989). In the context of intersectionality, addressing sexism and ableism separately cannot adequately respond to the unique disadvantages of women of with disabilities accessing employment in Saudi Arabia. However, the employment policies in Saudi Arabia address the issue of employment of women with disabilities through two

separate strategies (promoting the employment of women and the employment of persons with disabilities) rather than addressing the unique needs of women with disabilities and acknowledging the mutually reinforcing disadvantage of gender and ability status. A former Vice Minister at the Ministry of Labor and Social Development, participant (Aha) noted:

At the ministry we do not differentiate between male and female job seekers with disabilities. We aim at employing everyone with equal efforts. There are no separate strategic plans for males and females with disabilities. The plan is unified regardless of gender... I do not think women with disabilities face exceptional barriers as opposed to men with disabilities. As long as there is an increase in job opportunities for women in general, women with disabilities will have more job opportunities consequently.

There is a need for affirmative action policies to address the unique needs of women with disabilities

## 2. Transportation

women with disabilities encounter difficulties to commute to and from work despite the current legislation allowing women to drive. Participant (Su) who has visual impairments (blind) shared her suggestions to better employment opportunities for women with disabilities and women with visual impairments specifically. According to (Su):

I will talk about women with visual impairment. One of the biggest challenges they face in terms of employment is transportation. I met girls here at the organization who do not have an immediate male relative who can pick her up and/or drop her off to any place. In addition, it is hard for those girls to

be alone with the male drivers. So, they need someone to be with them...

The family would also worry from this situation. But if there were a specialized company that have female volunteers who work in this company, for example Careem [similar to Uber in the USA], they can work in those companies and help women with visual impairments reach their job places.

Despite the existence of programs that support employment of women in general including women with disabilities, such as Wusool program that was introduced in standard (e), women with disabilities still face transportation barriers.

Participant (Ai), who has a physical disability, also added:

Providing transportation services for employees with disabilities is very important, especially women with disabilities. For example, not all persons with physical disabilities are able to use the same car or type of vehicle. Some persons with physical disabilities can carry themselves using their arms, some of them have weak arms and cannot carry themselves to enter the vehicle. Therefore, they may need someone's assistance. Females with physical disabilities may be embarrassed to receive physical assistance from male drivers

The need for special designed cars that meet the specific needs of women with disabilities is a barrier to their employment.

An HR manager in a mega company, whom himself has a physical disability shared the same view. According to participant (Mu): "We have zero infrastructure in public



transportations. We [persons with disabilities] commute with a driver in a car and we suffer on the way, let alone women with disabilities who need further privacy.”

#### **4.4.7 Conclusion**

From the analysis presented under standard (h), it is apparent that despite the existence of policies, affirmative action programs, incentives and other measures to promote the employment of persons with disabilities in the private sector, deviation from the policies is common amongst both employers and employees with disabilities. Monitoring the impact of the existing programs that promote employment of persons with disabilities would increase its effectiveness. Nitaqat policy is the most important policy that has a significant impact on the employment of women with disabilities. Based on the data analysis, it is apparent that many women with disabilities experience phantom hiring. Detecting phantom hiring practices may be challenging due to different factors such as the different degrees of phantom hiring that range from unproductive employment to asking employees with disabilities to stay home and not attend work.

## CHAPTER 5

### FINDINGS AND RECOMMENDATIONS

#### **5.1 Introduction**

This dissertation aims to evaluate Saudi Labor Laws and policies relevant to women with disabilities using Article 27 of the Convention of Rights of Persons with a disability. The dissertation design is qualitative utilizing interview methods with employed and unemployed Saudi women with disabilities, key informants from the Ministry of Labor and Social Development and Labor Offices and with employers. In addition, the researcher used policy analysis as a method to analyze the existing Labor Law, policies, legislation and regulations related to employment of persons with disabilities. The data collected was analyzed in relation to four out of the eleven standards of Article 27 of the United Nations Convention on the Rights of Persons with Disabilities based on Frey's institutional framework for analysis. The data collected through the interviews guided the specific choice of the four standards (a, b, e, and h) as that data are significantly related to the mentioned standards. The standards are as following:

- Standard (a): Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment,

hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.

- Standard (b): Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- Standard (e): Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment.
- Standard (h): Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures.

The dissertation intended to answer the following questions:

1. How well do the Saudi legislation, policies, and regulations align with the standards of Article 27 of the Convention on the Rights of Persons with Disabilities relating to employment?
2. How are the legislation, policies, and regulations interpreted and enforced?
3. What are the social norms and conventions regarding enacting the legislation, policies, and regulations?
4. What impact have these legislation, policies, and regulations had on employment opportunities for women with disabilities in Saudi Arabia?

The dissertation answered the research questions extensively. The following section briefly discusses how the findings reported to answer of the four proposed questions.

In regard to the first research question, the findings of this dissertation revealed that the exiting Saudi legislation, policies, and regulations related to the employment of persons with disabilities align with standards (a, b, e, and h) of Article 27 of the Convention on the Rights of Persons with Disabilities. The legislation and policies do not specifically target women with disabilities. They are inclusive of both men and women with disabilities. The text of the legislation and polices is strong and well-written. The impact of these legislation and policies varies from significant to unsubstantial impact in some areas. For example, Nitaqat policy had a remarkable impact on employment of women with disabilities as discussed in chapter four and later in this chapter. Mowamah Certificate significantly influenced the impact of Nitaqat policy in controlling the employment practices of persons with disabilities by enforcing certain standards that companies should implement in the workplace to be able to benefit from 4:1 equation within Nitaqat to receive incentives from the Ministry of Labor and Social Development. Other policies on the other hand, had little impact on the employment of women with disabilities possible due to the lack of awareness about these policies and programs such as Qurrah, Tele-work and Wusool.

In regard to the second research question, data analysis revealed that the interpretation of the legislation, polices and regulations related to the employment of women with disabilities is monitored by labor inspectors from the Labor Offices and inspectors from the General Organization of Social Insurance. It is not a judicial decision and is not publicly announced and accessed. Similarly, inspectors from The Ministry of Labor and Social

Development and from the General Organization for Social Insurance monitor the implementation of the Labor Law and the programs that promote employment of persons with disabilities. Some programs that promote employment of persons with disabilities are voluntary such as Tele-work, Wusool, and Qurrah. Eligible Employees and job seekers with disabilities who seek to benefit from these programs can apply and receive those services Funded by the Human Resources and Development Funds.

In regard to the third research question, data analysis revealed outstanding findings related to the social norms and conventions that impact the enactment of the legislation, policies and regulations related to the employment of women with disabilities. The negative attitudes of employers significantly impact the employment of women with disabilities. Many participants relied on their personal contacts to find jobs instead of benefitting from the services provided by the Ministry of Labor and Social Development such as Taqat and Job Placement Centers. In addition, employers view employees with disabilities as an incentive to receive benefits from the ministry based on Nitaqat system. The data indicated that all the participants with disabilities showed eagerness to find and maintain jobs to become independent. The social norms and conventions circumventing the law lead to practices of phantom hiring and unproductive employment. The data analysis also revealed that most of the participants with disabilities wanted to obtain meaningful employment and did not agree with phantom hiring practices.

In regard to the fourth research question, data analysis revealed significant findings. Nitaqat policy had the most significant impact on promoting employment of persons with disabilities. Executive orders impacted the regulation of the Labor Law articles and provided

a framework for implementing them. In general, the participation of women with disabilities in the Saudi labor market increased. Yet, the proper implementation of the legislation, policies and regulations related to the employment of women with disabilities needs further promotion, monitoring and evaluation.

Detailed discussion of the findings is presented later in this chapter.

Based on Frey's institutional framework, data was analyzed in terms of text, interpretation, social norms and social conventions, enforcement and other institutions. The data analysis revealed significant findings. The Saudi legislation, policies and regulations related to the employment of persons with disabilities align with standards (a, b, e and h) of Article 27 of the Convention on the Rights of Persons with Disabilities. Existing policies and regulations ensure protection of the rights of persons with disabilities to decent work.

As discussed in chapter four, the Saudi Labor Law applies to any laborer inclusive of persons with disabilities. The policies are regulated by orders that are clear in text and direct to what it aims at in terms of employment. The regulative orders address the special needs and requirements of job seekers and employees with disabilities. Thus, according to the law and policies, there is no discrimination against persons with disabilities in employment. Yet, the data indicates that policies are sometimes impaired by the social stereotypes about the competency and skills of women with disabilities and their ability to perform job tasks efficiently. Despite the existence of the non-discriminatory policies, oftentimes, women with disabilities are not recognized and are not fully integrated in the labor market due to challenging societal barriers.

The stereotypes about the employment of persons with disabilities are based on misunderstandings and or a lack of knowledge about the competencies and capabilities of persons with disabilities. Thus, these stereotypes develop based on misconceptions about persons with disabilities. Once the society in general and employers in specific are educated about and aware of the rights of persons with disabilities and their capabilities, these stereotypes will decrease in prevalence.

In general, persons with disabilities are not prominent and integrated into society as part of the workforce as the data analysis indicated, which support the findings of the Economic and Social Commission for Western Asia (ESCWA, 2017, 2018). Women with disabilities face additional challenges because of different social restrictions and factors. Reasons behind that could be shame, stigma, or lack of knowledge of dealing with the social pressures. Once these factors are improved, women with disabilities will become better integrated within society and within the workforce. Seemingly, women with disabilities encounter unemployment, lower payments, negligible tasks and less job security than female workers and job seekers without disabilities. The study indicated Misconceptions about the capabilities of women with disabilities often lead employers to underestimate the skills of women with disabilities.

In most societies, including Saudi society, the norm is that males protect and take care of females. Although the social conventions depict that male family members take the responsibility and obligation of taking care of women with disabilities, the reality in many cases is that women in general and women with disabilities in specific are capable of taking care of themselves and are able to work once they have the opportunity, which supports the

findings of Knabe et al., (2015) in the notion that Saudi women with disabilities are eager to become independent through different means including employment..

## **5.2 Findings**

The following section discusses findings from the data and policy analysis in relation to standards (a, b, e and h).

Standards (a) and (b) were combined in the analysis stage due to their inevitable connection and overlap. The findings from the joined standards are reported together as well.

### **5.2.1 Standard (a) of Article 27 of the Convention on the Rights of Persons with Disabilities**

“Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions”

**Standard (b) of Article 27 of the Convention on the Rights of Persons with Disabilities:** “Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances”

The analysis of the data related to standard (a and b) in regard to the text revealed that the existing legislation, regulations and policies that prohibit disability-based discrimination in employment, while well-written and strategically strong, lack proper enforcement. It is interpreted that the articles, regulations and legislation are inclusive of both women with and



without disabilities. Yet, many participants with disabilities expressed their experiences with discrimination in the workplace and employment search process. Data indicated low percentage of female employees with disabilities, which suggests systemic barriers to women obtaining employment. The analysis showed violations of the rights of women with disabilities to obtain and keep employment and to receive equal wages and treatment as other employees without disabilities in spite of existing legislation and policies that aim at protecting the employment rights of persons with disabilities. Identifying the violations is significant: as is the next step to consistently enforce penalties. Punishments for violations, combined with awareness campaigns for both employers and employees, are key factors to increasing women with disabilities access to equal employment opportunities.

In terms of interpretation, as discussed in chapter four, a decision on whether the Articles of the Labor Law have been broken is delegated to the Labor Inspectors at the Labor Offices and the findings are not publicly available.

In terms of enforcement, data analysis revealed that the law articles and the regulations provide specifications for enforcement and fines when the law is violated. Labor Inspectors at the Labor Offices have the duty to make a determination if discrimination has occurred.

In terms of Social norms and Conventions, participants highlighted the importance of building awareness: both with employers to address discriminatory practices and with employees with disabilities about the non-discriminatory legislation and policies related to their employment. Discriminatory practices can be reduced by informing employees and job seekers with disabilities about the complaints procedures in the cases of disability-based

discrimination in employment. In addition, there are prevalent social norms and attitudes that have negative effects on the employment of women with disabilities. The data from the interviews indicated significant themes related to the impact of social norms and conventions on the employment of persons with disabilities in general and women with disabilities specifically. The following are the themes inferred from various sources. Themes were drawn from the interviews and supported by evidence of discrimination from the experiences of women with disabilities as well as the views of employers regarding employment of persons with disabilities in general and, more specifically, women with disabilities. The themes are: (1) discriminatory attitudes that preclude employment, (2) a societal perception that persons with disabilities are not competent or cannot be productive, regardless of their qualifications, (3) employers do not prioritize the need to address physical barriers, (4) the pervading stereotypes about the type of work women with disabilities can do that substantially limits opportunities made available to them, (5) when women with disabilities do obtain employment, they are assigned lowly tasks, regardless of their qualifications, and in some instances are given no work, (6) women with disabilities are offered poorer employment conditions such as low wages, (7) when women with disabilities obtain employment, they are treated poorly by their colleagues and supervisors who have negative attitudes toward persons with disabilities, and (8) lack of explicit company policy protections.

### **5.2.2 Standard (e) of Article 27 of the Convention on the Rights of Persons with Disabilities**

“Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment”

Standard (e) covers legislation and policies promoting employment and career advancement for persons with disabilities and providing career coaching to help find, obtain, maintain and return to employment. In addition, there is an extensive range of programs that promote the employment of all Saudi citizens (that do not exclude women with disabilities and are therefore available to women with disabilities). There are also programs that promote the employment of women and programs that promote the employment of persons with disabilities, but no programs specifically promoting the employment of women with disabilities. Those programs include the following: The National Job-Seeker Support Program (Hafiz), Full-time subsidy program, Part-time subsidy program, Freelance subsidy program, Tele-work program, Direct employment subsidy program, Additional wage support program, Teachers subsidy program in private schools, Taqat National Labor Gateway, HRDF touchpoints and branches, Job placement centers, feminization of shops and feminization of factories programs, *Qurrah* Working women childcare program, *Wusool* Transportation of working women program, Nitaqat, Mowamah, Subsidizing the wage of dialysis days, *Tawafuq* Employment of persons with disabilities program, and *Qaderoon* program.

In terms of text, data analysis related to standard (e) showed that women with disabilities have little awareness about the existing policies and job assistance programs. None of the participants benefitted from the job assistance programs provided by the Human Resources and Development Fund. Promoting those programs would increase the employment opportunities for women with disabilities. For women with disabilities who are currently employed, awareness about programs and services that would support their employment could help them retain positions and advance in their careers. Additionally, it is important to educate employers about these programs to connect them with job candidates who have disabilities and provide support to their current employees. Moreover, Tele-Work programs provide a solution to overcome transportation barriers that many women with disabilities encounter. Tele-work in general aims to provide work opportunities to people who cannot work within a company premises due to conditions such as temporary illness, disability, social family restrictions. Tele-work is the perfect platform to accommodate such cases of employees or job seekers, especially after it has been regulated by the Ministry of Labor and Social Development of Tele-work. Yet, in reality, some companies choose to use Tele-work programs to open global market opportunities for the sake of reducing salary costs. The existence of such regulations is one way to ensure employment of persons with disabilities with percentages according to the regulations which mandate employers to hire a certain number of employees with disabilities as part of their workforce. What may be missing from the programs are measurement and participants' feedback. For example, monitoring the impact of the existing programs that promote employment of persons with disabilities would increase their efficacy by showing what is working well for the employers

and the employees with disabilities and what areas need improvement. Participants' feedback from job seekers and employees with disabilities through program evaluation would provide valuable insights into how to best design and improve programs. Including the lived experiences of people with disabilities, particularly women, would improve the quality of information stakeholders use to make decisions about programs and policies impacting labor participation.

In terms of enforcement, ensuring that companies and employers are adhering to the Law is monitored by inspectors from the Labor Offices of the Ministry and from the General Organization for Social Services. The programs sponsored by the Human Resources and Development Funds are optional for job seekers, employees and employers. Implementing these programs is monitored and evaluated by the Human Resources and Development Funds.

In terms of social norms and conventions, data analysis related to standard (e) showed themes as following: (1) Employers' attitudes, (2) Relying on personal contacts to find and maintain jobs, (3) Employers viewing employees with disabilities as an incentive to receive benefits from the ministry based on Nitaqat system, (4) Women with disabilities' eagerness to find and maintain jobs to become independent.

In terms of other institutions, employers and training programs were analyzed as institutions that affect the employment opportunities for women with disabilities. Data analysis revealed that some disability institutions are hindering the promotion of employing persons with disabilities as opposed to advocating to encourage the private sector to increase the participation of women with disabilities in the labor market. In addition, some female

employees with disabilities do not find the appropriate opportunities for career advancement. Women with disabilities lack access to appropriate basic skills training opportunities, no one offers them customized trainings, so they are technologically illiterate, they do not know how to use computers in the first place to be able to work in data entry jobs for instance.

### **5.2.3 Standard (h) of Article 27 of the Convention on the Rights of Persons with Disabilities**

“Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures”

In terms of the text, analysis of the data related to standard (h) showed that despite the existence of policies, affirmative action programs, incentives and other measures to promote the employment of persons with disabilities in the private sector, deviation from the policies is common.

Themes around the social norms and social conventions emerged from data collected under standard (h) as the following (1) Participants colluding with employers in the practices of phantom hiring, (2) Employers attitudes to view persons with disabilities as incentives to the companies instead of assets, (3) Difficulties to commute to and from work despite the current legislation allowing women to drive, (4) Employers negative attitudes towards the abilities of persons with disabilities to perform job related tasks.

## **5.3 Recommendations**

The following section provides policy recommendations, practice recommendations and suggestions for future studies based on the dissertation findings.

### **5.3.1. Policy Recommendations**

The policy and data analysis showed several areas for improvement. The recommendations that follow could help persons with disabilities, especially women with disabilities, in Saudi Arabia participate equally and fully in the labor market.

#### ***5.3.1.1 Enforcement of Laws and Policies***

The first set of recommendations centers around education. This dissertation identified areas among each element of the system from women with disabilities to employers to government representatives who could benefit from greater education about the policies in place to support women with disabilities entering and remaining in the workplace. Many were unfamiliar with the rights or persons with disabilities, responsibilities of employers regarding persons with disabilities and existing programs to support employers and job seekers throughout the employment cycle. Among women with disabilities, more education should be provided regarding their rights to file grievances when they face discrimination in the workplace.

To increase education, awareness plans should be included in new policies that state how the information in the policy will be disseminated to women with disabilities, employers and within the Department of Labor. Existing policy should also be revised to incorporate awareness plans, particularly policies relating to grievance procedures.

Additionally, persons with disabilities should be encouraged through policy and regulations changes to form advocacy organizations. Advocacy organizations would play a meaningful role in disseminating information, connecting persons with disabilities to programs and consulting on policy development.

### ***5.3.1.2 Enforcement of Laws and Development of Policies***

The second set of recommendations are regarding enforcement of current laws and development of new policies. Enforcement is an important element of improving women with disabilities work experiences because it will help ensure that the laws and policies designed to support them are being followed by employers. Improving the systems for investigating and enforcing employment laws is one of the most pressing areas. From the data, it was revealed that investigations into phantom hiring are often siloed, with each group of investigators following their own methods and keeping their own records. Practices are not standardized, and data is not shared between investigators. Evaluating the existing enforcement procedures and practices would provide the necessary groundwork to unify and standardize the investigations between the labor offices.

Following unification, the focus should turn to transparency. Data from investigations is not currently made available to the public. Adding procedures to share and provide public records on violations of Labor Law Articles and discrimination against persons with disabilities in employment on the portal of the Ministry of Labor and Social Development would greatly increase transparency and efficacy. Furthermore, there should be guarantees of proactive and periodic inspections of workplace accessibility conditions and individualized accommodation provided for persons with disabilities in their workplaces.

In terms of policy development, there is room for improvement. Data analysis presented in chapter four indicated that the existing policies and employment programs for persons with disabilities are inclusive for both men and women with disabilities. Yet, policy development around the specific need female job seekers with disabilities and female



employees with disabilities would increase their participation in the labor market. Broadly, women with disabilities should be visible in policy by mainstreaming their rights across all laws, policies and programs using an intersectional perspective. The dissertation recommends measures be established to permit and promote the participation of women with disabilities in political and public life, including their voices in policy development, and setting specific quotas for their employment. Lastly, repealing all discriminatory provisions in current legislation that affect women with disabilities, in particular policy that requires a male guardian to authorize a woman's exercise of her rights under the Convention.

A specific step that could aid in this process would be to develop policies to expand the existing Qaderoon program. It already exists to support employers in the inclusion of persons with disabilities. Qaderoon could be expanded to more companies and serve as a connection to educate employers and persons with disabilities about new policies. It could also more widely disseminate best practices around hiring and employing persons with disabilities.

Additionally, policies should be developed that target the specific needs of female job seekers and female employees with disabilities. This process could start with expanding awareness, access and reach of programs like Qurrah, Doroob and Telework programs which are all well-suited to meet the needs of women with disabilities, but are currently underutilized.

Lastly, the data indicated that women with disabilities are eager to work. Additionally, policy should also be developed in the form of a national strategy for recruitment and employment of persons with disabilities. The development of a robust

database connecting employers to potential employees with disabilities would increase the employment opportunities for the target population, while providing employers with access to a broader pool of skilled workers. Each of the program recommendations should be paired with robust systems for monitoring and evaluation of their impact and effectiveness.

### **5.3.2. Practice Recommendations**

#### ***5.3.2.1 Education and Awareness***

One of the most fundamental steps is to increase awareness about inclusion and the rights of persons with disabilities to employment among persons with disabilities themselves, employers and Ministry of Labor and Social Development staff.

Persons with disabilities should be educated about their rights to employment. The Ministry of Labor should develop educational resources for employees with disabilities on their right to employment, accommodations, discrimination and the grievance procedure for violation of the Labor Law. This information should be accessible through the portal of the Ministry of Labor and Social Development.

Additional educational programs and resources should be provided to employees with disabilities and employers about the rights persons with disabilities have to employment and their general rights under the CRPD. Of those programs, some should specifically target women with disabilities to teach them about their rights, existing employment programs and newly created resources they could benefit from. Employers would also benefit from specific education on the benefits and process for hiring women with disabilities.

#### ***5.3.2.2 Program Development***

Many of the necessary actions around the next recommendation, program development, focus on building connections. One significant step is to develop systems or mechanisms to connect the different stakeholders and entities serving persons with disabilities to eliminate the scattered and duplicated data and services provided, which confirms the findings and recommendations of KPMG study (KPMG, 2012c). KPMG confirmed that the services supporting persons with disabilities in Saudi Arabia are scattered between different entities and ministries. (KPMG, 2012c). The findings of this dissertation indicated that the participants with disabilities expressed the need for individualized and comprehensive vocational training programs. Based on that, it is important to develop specialized educational and vocational training programs based on the needs of persons with disabilities who do not have the qualifications to enter the labor market. These programs should support persons with disabilities gaining job skills. Many participants with disabilities criticized the role of job placement centers and expressed that they did not benefit from the services of job placement centers in helping them in obtaining and maintaining job. Based on that, activating the role of job placement centers can support the programs that promote employment by training participants on job matching skills to enhance the employment opportunities for persons with disabilities. Lastly, developing programs to promote collaboration between talent acquisition companies and company business leaders to identify jobs that fit the skills and qualifications of job seekers with disabilities will result in better employment opportunities for employment of persons with disabilities.

### ***5.3.2.3 Monitoring and Evaluation***

Monitoring and evaluating existing and new programs for women with disabilities is essential. Two areas became apparent through analysis of the policies and data: Monitor and evaluate the practices and outcomes of Nitaqat System for Saudization in the cases of hiring persons with disabilities and monitor and evaluate all other programs and services provided for persons with disabilities related to employment. Rigorous monitoring and evaluation of programming will identify best practices and further areas for improvement. Additionally, there is scarcity of quantitative and qualitative data around women with disabilities as the analysis showed, which supports the findings of the study conducted by (Peter et al., 2018) and KPMG (2012c). This indicates the importance of improving the responsible collection, use and governance of rigorous and comparable data on persons with disabilities in general and on women with disabilities in specific. This study recommends dissemination of information around the statistics and in-depth information around women with disabilities.

### **5.3.3 Research**

Additional research in the area of employment for women with disabilities is necessary. Improving the responsible collection, use and governance of rigorous and comparable data on persons with disabilities in general and on women with disabilities in specific would greatly improve understandings of this population. This study recommends dissemination of information around the statistics and in-depth information about women with disabilities. For example, research regarding successful experiences of female employees with disabilities to gain insights into how they navigated the labor market. Additionally, conducting similar studies on women with disabilities in rural areas of Saudi

Arabia would offer even more comprehensive understandings of the barriers facing employment for women with disabilities. Another way to build on this study would be to conduct further studies that include the remaining standards of Article 27 (c, d, f, g, I, j, and k). To drill down into the findings of this study, a comparative research study that includes the barriers to employment and experiences of men and women with disabilities would provide a more comprehensive understanding of the barriers to employment of persons with disabilities and women with disabilities in the context with men. It would also show the social norms and social conventions that hinder the appropriate implementation of policies and regulations related to employment of persons with disabilities and how they impact men and women.

Lastly, conducting research studies that utilizes both qualitative and quantitative research methods to investigate the barriers to the enforcement of the policies and regulations relating to the employment of persons with disabilities would increase the integrity of the research and provide an extended and thorough understanding of the barriers facing women with disabilities who strive to work in Saudi Arabia.

#### **5.4 Conclusion**

The data and policy analysis in relation to standards (a, b, e and h) of Article 27 of the Convention on the Rights of Persons with Disabilities revealed significant findings. There is a notable lack of awareness amongst employers and employees and job seekers with disabilities about the rights of persons with disabilities to employment. Another major finding from the data analysis is the practice of phantom and unproductive employment of persons with disabilities. Almost every participant shared her experience with forms disability-based discrimination in the workplace. Data analysis indicated employers'

negative attitudes towards employees and job seekers with disabilities, stigmatization of disability and negative perceptions about the productivity and competency of persons with disabilities. Findings showed that women with disabilities encounter barriers to employment that include transportation, physical accessibility, and employers' negative attitudes. A major finding from the data analysis is improper implementation of Nitaqat System for Saudization as an incentive for employing persons with disabilities. According to the findings, many employers hire persons with disabilities for incentivizing purposes. Based on the data analysis, there is a significant need for better investigation procedures to eliminate phantom hiring and discrimination practices against persons with disabilities.

## APPENDIX A

### INTERVIEW QUESTIONS FOR EMPLOYED WOMEN WITH DISABILITIES

1. Tell me a little about how your life has been influenced or shaped by your disability.
2. Tell me about the services that you have received in regard of your disability.
3. In your opinion, what are the barriers to women with disabilities obtaining employment?
4. Tell me about your current job? Would you describe your current job as satisfying?  
Tell me more.
5. Tell me more about your educational background and any previous work experience.
6. Tell me about your current workplace.
  - a. Are there other women in the workplace?
  - b. Are there other persons with disabilities in the workplace?
  - c. Do you feel support from your colleagues and supervisors?
  - d. What special accommodations are you receiving or would like to receive because of your disability and/or gender?
7. How has your family supported (or not supported) your career goals?
8. How did you find your current job?
  - a. Tell me about your hiring experience.
  - b. How do you deal with any physical or social barriers?
  - c. Was your employment part of any employment program? How did you hear about it?

- d. Why do you think you were successful in obtaining this job? (because you knew people, because you were qualified, because of the employment program etc.)
- 9. In your opinion, what would possibly improve the employment opportunities for you as a woman with disabilities?
- 10. What are your thoughts/opinions about the enforcement of employment legislations/policies in general and for women with disabilities in particular?



## APPENDIX B

### INTERVIEW QUESTIONS FOR UNEMPLOYED WOMEN WITH DISABILITIES AND/OR SEEKING EMPLOYMENT

1. Tell me a little about how your life has been influenced or shaped by your disability.
2. Tell me about the services that you have received related to your disability.
3. In your opinion, what are the barriers to women with disabilities obtaining employment?
4. I understand that you are currently seeking employment. Can you please describe the process you're following for getting a job?
  - a. What types of jobs are you looking for? Did you apply for jobs in that area? Why or why not?
  - b. How do you feel about your job search?
  - c. Did you take breaks during your job search? If so, why? If not, what kept you going? Why did you decide to seek employment?
5. Have you faced challenges in finding a satisfactory job? If yes, tell me about those challenges.
  - a. What went well in the process for looking for a job?
  - b. What could have improved it?
6. Are you interested in working for private or governmental sectors? Tell me more.
7. In your opinion, what would possibly improve the employment opportunities for women with disabilities?

8. What are your thoughts about the enforcement of employment legislations/policies in general and for women with disabilities in particular?

## APPENDIX C

### INTERVIEW QUESTIONS FOR KEY INFORMANTS FROM THE MINISTRY OF LABOR AND SOCIAL DEVELOPMENT

1. What is your understanding of the mission of the Ministry of Labor and Social Development regarding employment of persons with disabilities in general?
  - a. What is the role of the Ministry of Labor and Social Development in regard to employment of women with disabilities?
2. Tell me about your role in the Ministry of Labor and Social Development.
3. What policies and programs are in place to facilitate the employment of women with disabilities?
  - a. How effective are these programs and policies?
  - b. What is working?
  - c. What is not working?
  - d. What might enable these policies and programs to work better?
  - e. According to KPMG's reports to *Tawafuq* program, there has been anecdotal evidence of phantom hiring in some private companies – what is your reflection on these findings?
4. In your opinion, are there barriers to the employment of women with disabilities? If so, what are the most significant barriers?
5. In your opinion, what are some strategies that might overcome the employment barriers faced by women with disabilities?

## APPENDIX D

### INTERVIEW QUESTIONS FOR STAFF FROM THE LABOR OFFICES AND FROM THE LABOR INSPECTION DEPARTMENT

1. Tell me about your professional role in the Labor Office.
2. What percentage of your time would you spend working on issues related to the employment of persons with disabilities and women with disabilities?
3. If you receive a complaint about a company violating the rules of hiring persons with disabilities, walk me through the process that the Labor Office (and you in particular) takes to investigate this problem?
  - a. How often are such complaints received?
  - b. How are most of these complaints resolved?
  - c. What is the reporting mechanism? To whom do you submit your reports?
4. According to KPMG reports to *Tawafuq* program, there has been anecdotal evidence of phantom hiring in some private companies – what is your reflection on these findings?
5. In your opinion, are there barriers to the employment of women with disabilities? If so, what is the most significant barrier?
6. In your opinion, what are some strategies that might overcome the employment barriers faced by women with disabilities?

## APPENDIX E

### INTERVIEW QUESTIONS FOR PRIVATE SECTOR EMPLOYERS (HR DIRECTOR IN A COMPANY AND/OR DIRECT SUPERVISOR TO AN EMPLOYEE WITH A DISABILITY)

1. Have you hired any women in your company in the past 5 years?
2. What do you see as disincentives to hiring women with disabilities?
3. What benefits do you see from hiring women with disabilities?
4. Have you hired persons with disabilities in your firm during the past five years? If yes, what kind of disability do they have?
5. What do you see as disincentives to hiring persons with disabilities?
6. What benefits do you see from hiring persons with disabilities?
7. Have you hired women with disabilities in the past 5 years?
  - a. If yes, tell me more about this person.
  - b. Did they need accommodations, such as flex time or working remote?
  - c. If no, can you help me to understand why not?
8. Does your organization have a policy regarding the employment of women in general?
  - a. Can I have a copy?
9. Does your organization have a policy regarding employment of persons with disabilities?
  - a. Can I have a copy?
10. How aware are HR staff of laws, legislations and policies concerning the employment of persons with disabilities?

11. How does your organization comply with the legal requirement to hire 4% of persons with disabilities?
12. Have you received incentives from the Ministry of Labor and Social Development for hiring persons with disabilities?
13. In your opinion, are there barriers to the employment of women with disabilities? If so, what are these barriers? What is the most significant barrier?
14. According to KPMG reports to *Tawafuq* program, there has been anecdotal evidence of phantom hiring in some private companies – what is your reflection on these findings?
15. In your opinion, what are some strategies that might overcome the employment barriers faced by women with disabilities?

## APPENDIX F

### INFORMED CONSENT

**This research is conducted by Sarah Alem from the University of Massachusetts Boston, School of Global Inclusion and Social Development in the United States of America.**

**Participating in this study might not benefit you or your organization directly**, but it will help us to learn about the barriers to the employment of Saudi women with disabilities. This study will help the researcher to design a bigger study on social inclusion in Saudi Arabia.

You may skip any of the questions you don't want to answer, and you may end this interview at any time without any consequences.

The interview will take approximately about 60 minutes and will be held at a place we have agreed upon. The interview will be audio taped to not to distract from the interview by taking in depth notes.

Your part in this research is confidential. The information gathered during the interviews will not be published in a way that would allow anyone to identify you. A pseudo name will be used for you to keep confidentiality. The information gathered for this study will be stored in a locked file cabinet and only the researcher will have access to the data.

If you have questions regarding the study and participation in the study, please feel free to ask Sarah Alem. You can contact Sarah additionally at: [sarah.alem001@umb.edu](mailto:sarah.alem001@umb.edu)

**The decision whether or not you participate in this study is voluntary. If you would like to participate in this study, please sign below.**

**Signature:**

**I have read and understood the consent form.**

**My questions have been answered.**

**My signature on this form means that I consent to participate in this study.**

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Printed Name of Participant

\_\_\_\_\_  
Date

### **Study Fact Sheet**

I am calling to ask for your participation in a study to learn about the barriers to the employment of women with disabilities in Saudi Arabia. This study is of exploratory nature to understand the problem of the underemployment or unemployment of Saudi women with disabilities. It aims to investigate the systemic barriers to the enforcement of policies and

legislations for employment of persons with disabilities. It will specifically focus on the impact of the lack of enforcement on the social inclusion and economic empowerment of women with disabilities. Moreover, the study intends to explore possible strategies to overcome the systemic and workplace barriers faced by women with disabilities.

The study will take place on a day and time that is convenient for you and will take approximately 60-90 minutes. The interview will be face to face. The study will be confidential, and your name will not be published. The information you provide will be presented in a way that it will not identify you. The information gathered for this study will be stored in a locked file cabinet and only the research team will have access to the data.

The participation in this study is entirely voluntary and you can stop your participation at any time, and you do not need to answer any questions that you do not wish to answer



## REFERENCES

- Agocs, C., & Burr, C. (1996). Employment equity, affirmative action and managing diversity: assessing the differences. *International Journal of manpower*, 17(4/5), 30-45.
- Al-Ahmadi, N. A. (2009). *Teachers' perspectives and attitudes towards integrating students with learning disabilities in regular Saudi public schools* (Doctoral dissertation, Ohio University).
- Al-Asfour, A., Tlaiss, H. A., Khan, S. A., & Rajasekar, J. (2017). Saudi women's work challenges and barriers to career advancement. *Career Development International*, 22(2), 184-199.
- Aldabas, R. A. (2015). Special education in Saudi Arabia: History and areas for reform. *Creative Education*, 6(11), 1158.
- Al-Gain, S. I., & Al-Abdulwahab, S. S. (2002). Issues and obstacles in disability research in Saudi Arabia. *Asia Pacific Disability Rehabilitation Journal*, 13(1), 45-49.
- Ali, M., Schur, L., & Blanck, P. (2011). What Types of Jobs Do People with Disabilities Want? *Journal of Occupational Rehabilitation*, 21(2), 199–210. Retrieved from <http://ezproxy.lib.umb.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=s3h&AN=60686993&site=ehost-live>
- Alkahtani, B. N. (2016). Transition services from school to work for students who are deaf or hard of hearing in Saudi Arabia: teachers' perceptions.
- Alkhouli, D. (2015). *Employment policy for people with disabilities in Saudi Arabia* (Doctoral dissertation, Manchester Metropolitan University).

- Al Mithhib, M. (2008). Workforce nationalization in Saudi Arabia: Benchmarking from the private sector. *Dirasat Journal, Administrative Sciences*, 35(2), 539-550.
- Al Morhabi, N., Al Bayaa, I., Khan, S. & Ahmad, W. (2012). *Understanding the disabled employment experience*. Riyadh, KSA: KPMG.
- Al-Mousa, N. A., Al-Saratawi, Z. A., Al-Abduljabbar, A. M., Al-Batal, Z. M., & Al-Husain, A. S. (2008). *The National Study to Evaluate the Experience of the Kingdom of Saudi Arabia in Mainstreaming Students with Special Educational Needs in Public Schools*. Riyadh, Saudi Arabia: Ministry of Education.
- Alnahdi, G. (2013). *Special education teacher transition-related competencies and preparation in Saudi Arabia*. College of Education, Salman bin Abdulaziz University
- Alnahdi, G. H. (2014). Special education programs for students with intellectual disability in Saudi Arabia: Issues and recommendations. *Journal of the International Association of Special Education*, 15(1) 81-93.
- Allothman, A. (2014). *Inclusive education for deaf students in Saudi Arabia: Perceptions of schools principals, teachers and parents* (Doctoral dissertation, University of Lincoln).
- Alquraini, T. (2013). Legislative rules for students with disabilities in the United States and Saudi Arabia: A comparative study. *International Interdisciplinary Journal of Education*, 1(1037), 1-14.
- Alquraini, T. (2011). Special Education in Saudi Arabia: Challenges, Perspectives, Future Possibilities. *International Journal of Special Education*, 26(2), 149-159.

- Al-Rodhan, N. R., & Stoudmann, G. (2006). Definitions of globalization: A comprehensive overview and a proposed definition. *Program on the Geopolitical Implications of Globalization and Transnational Security*, 6(1-21).
- Al rubiyea, A. (2010). *Children with special needs in the kingdom of Saudi Arabia: Their needs and rights* (Doctoral dissertation, University of Leicester).
- Alsaif, A. S. (2009). *The rights of disabled persons and discrimination: a comparative study in British, American and Saudi Arabian disability law* (Doctoral dissertation, Newcastle University).
- Alsuwaida, N. (2016). Women's Education in Saudi Arabia. *Journal of International Education Research*, 12(4), 111-118.
- Babbie, E. (2007). *The Practice of Social Research*. (11<sup>th</sup> Ed.). Belmont, CA: Thomson Wadsworth
- Battal, Z. M. B. (2016). Special education in Saudi Arabia. *International Journal of Technology and Inclusive Education*, 5(2), 880-886.
- Bauer, G. R. (2014). Incorporating intersectionality theory into population health research methodology: challenges and the potential to advance health equity. *Social science & medicine*, 110, 10-17.
- Bromell, D., & Hyland, M. (2007). Social inclusion and participation: A guide for policy and planning. Wellington: Ministry of Social Development.
- Bruyere, S. M., & Horne, R. L. (1999). Disability employment policies and practices in US federal government agencies.

- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *u. Chi. Legal f.*, 139.
- DTI (Department of Trade and Industry) (2011). *Towards An Enabling Environment For Women Economic Empowerment In South Africa: A Status Quo Report*, Republic of South Africa, Pretoria.
- DeKock, J. (2018). Global Disability Summit - Dignity and Respect for All: creating new norms, tackling stigma and ensuring non-discrimination - GOV.UK. Retrieved November 22, 2019, from <https://www.gov.uk/government/publications/global-disability-summit-dignity-and-respect-for-all-creating-new-norms-tackling-stigma-and-ensuring-non-discrimination>
- DePoy, E., & Gilson, S. (2014). Policy legitimacy: A model for disability policy analysis and change. *Review of Disability Studies: An International Journal*, 5(4).
- Disability. (n.d.). Retrieved from <https://www.worldpolicycenter.org/topics/disability/policies>
- Domash, A. (2017). *Increasing Female Employment by Investing in Up-Front Costs : The Critical Lesson in Nitaqat ' s Success*.
- Doumato, E. (2000). *Getting God's Ear. Women, Islam, and Healing in Saudi Arabia and the Gulf*. United States: Columbia University Press.
- DTI (Department of Trade and Industry) (2011). *Towards An Enabling Environment For Women Economic Empowerment In South Africa: A Status Quo Report*, Republic of South Africa, Pretoria.

- Elamin, A. and Omair, K. (2010), “Males’ attitude towards working females in Saudi Arabia”, *Personnel Review*, Vol. 39 No. 6, pp. 746-766.
- ESCWA. (2017). Strengthening Social Protection for Persons with Disabilities in Arab Countries. Retrieved June 2, 2018, from [https://www.unescwa.org/sites/www.unescwa.org/files/page\\_attachments/strengthening-social-protection-persons-with-disabilities-advance-copy-en.pdf](https://www.unescwa.org/sites/www.unescwa.org/files/page_attachments/strengthening-social-protection-persons-with-disabilities-advance-copy-en.pdf)
- ESCWA. (2018). Disability in the Arab Region 2018. Retrieved July 2, 2019, from <https://www.unescwa.org/publications/disability-arab-region-2018>
- Evidence for Policy Design (EPD) (2015), “Back to work in a new economy: background paper on the Saudi labor market”, Harvard University, Cambridge, MA.
- Faundez, J. (2016). Douglass North’s theory of institutions: lessons for law and development. *Hague Journal on the Rule of Law*, 8(2), 373-419.
- Ferraina, S. (2012). Analysis of the Legal Meaning of Article 27 of the UN CRPD: Key Challenges for Adapted Work Settings.
- Flick, U. (2004). Triangulation in qualitative research. *A companion to qualitative research*, 3, 178-183.
- Flick, U., Von Kardorff, E., & Steinke, I. (2004). What is qualitative research? An introduction to the field. *A companion to qualitative research*, 3-11.
- Frey, D. F. (2011). A diagnostic methodology for regulating decent work. In *Regulating for Decent Work* (pp. 339-364). Palgrave Macmillan, London.
- General Authority for Statistics (GSTAT). (2016). Demography Survey. Retrieved from [https://www.stats.gov.sa/sites/default/files/en-demographic-research-2016\\_2.pdf](https://www.stats.gov.sa/sites/default/files/en-demographic-research-2016_2.pdf)

General Authority for Statistics (GSTAT). (2016). The 2016 annual book.

General Authority for Statistics, Kingdom of Saudi Arabia. Annual statistical book (52) of the year 1437/1438H (2016).

General Authority for Statistics (GASTAT). (2017). *Disability Survey 2017*. Retrieved from [https://www.stats.gov.sa/sites/default/files/disability\\_survey\\_2017\\_en.pdf](https://www.stats.gov.sa/sites/default/files/disability_survey_2017_en.pdf)

Hallberg, L. (2013). Quality criteria and generalization of results from qualitative studies.

Hamdan, A. (2005). Women and education in Saudi Arabia: Challenges and achievements. *International Education Journal*, 6(1), 42-64.

Harvard Kennedy School 2015, *Back to Work in a New Economy: Background Paper on the Saudi Labor Market*, Evidence for Policy Design, Harvard University, Boston, Retrieved 23 December 2019 from [https://epod.cid.harvard.edu/sites/default/files/inline-files/hks-mol\\_background\\_paper\\_-\\_full\\_-\\_april\\_2015.pdf](https://epod.cid.harvard.edu/sites/default/files/inline-files/hks-mol_background_paper_-_full_-_april_2015.pdf)

Heymann, J., Stein, M. A., Moreno, G., & de Elvira Moreno, M. R. (Eds.). (2014). *Disability and equity at work*. Oxford University Press.

Hindley, P. A., & Van Gent, T. (2002). *Psychiatric aspects of specific sensory impairment*. In M. Rutter, & E. Taylor, *Child and adolescent psychiatry* (4 ed., pp. pp. 842-857). London: Blackwell.

Human Resources Development Funds (HRDF). (2018). *Annual Report 2018*. Retrieved from [http://annualreport.plus/hrdf2018/en/download/HRDF\\_annual\\_report\\_2018.pdf](http://annualreport.plus/hrdf2018/en/download/HRDF_annual_report_2018.pdf)

Human Resources Development Funds (HRDF). (2019). Third Quarter Report. Retrieved from [https://hrdf.org.sa/files/HRDF\\_Q3\\_report\\_2019\(English\).pdf](https://hrdf.org.sa/files/HRDF_Q3_report_2019(English).pdf)

International Labor Organization (ILO). 2011.

Ingstad, B., Baider, A., & Grut, L. (2011). Where culture really matters: disability and well-being in Yemen. *Disability and poverty: a global challenge*, 137-151.

Japan International Cooperation Agency: Planning and Evaluation Department (2002).

*Country Profile on Disability, Kingdom of Saudi Arabia. Riyadh (KSA)*. Retrieved April 17, 2016, from

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1233&context=gladnetcollect>

Knabe, B. (2015). *Exploring the Perception of Women with Disabilities Quality of Life and Full Life Achievement in the Kingdom of Saudi Arabia* (Unpublished master's thesis). University of Massachusetts-Boston.

Knabe, B., Alem, S., Peter, D. Educational opportunities and barriers for women with disabilities in Saudi Arabia. *Published Proceedings from the International Human Development and Capability Association Annual Conference*. Washington, DC. 2015.

Koh, H. H. (1998). The 1998 Frankel lecture: Bringing international law home. *Hous. L. Rev.*, 35, 623.

KPMG. (2012a). Understanding the disabled Population. *Tawafuq Program: Deliverable two*. Riyadh, KSA: KPMG.

KPMG. (2012b). Understanding the disabled employment experience. *Tawafuq Program: Deliverable two*. Riyadh, KSA: KPMG.

- KPMG. (2012c). Environmental and contextual issues & constraints. *Tawafuq Program: Deliverable Seven*. Riyadh, KSA: KPMG.
- Lee, S., & McCann, D. (2008). Measuring labour market institutions: Conceptual and methodological questions on ‘working hours rigidity’. In *In Defence of Labour Market Institutions* (pp. 32-63). Palgrave Macmillan, London.
- Levitt, H. M., Motulsky, S. L., Wertz, F. J., Morrow, S. L., & Ponterotto, J. G. (2017). Recommendations for designing and reviewing qualitative research in psychology: Promoting methodological integrity. *Qualitative psychology*, 4(1), 2.
- Lord, J. E., & Stein, M. A. (2008). The domestic incorporation of human rights law and the United Nations Convention on the Rights of Persons with Disabilities. *Wash. L. Rev.*, 83, 449.
- Mahdi, S., and Barrientos. 2003. “Saudisation and Employment in Saudi Arabia.” *Career Development International*, Vol. (8), No. (2): 70-77.
- Malewski, E. (Ed.). (2009). *Curriculum studies handbook–The next moment*. Routledge.
- Malik, K. (2018). Dignity and Respect for All: creating new norms, tackling stigma and ensuring non-discrimination. In *Global Disability Summit 2018*. Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/726179/DFIDHandouts\\_Dignity\\_Respect\\_V6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726179/DFIDHandouts_Dignity_Respect_V6.pdf)
- Mansour, M. (2009). Employers’ attitudes and concerns about the employment of disabled people. *International Review of Business Research Papers*, 5(4), 209-218.



- Marschark, M., & Hauser, P. C. (2008). *Cognitive underpinnings of learning by deaf and hard- of-hearing students*. In P. C. Hauser, & M. Marschark, Deaf cognition: Foundations and outcomes (pp. 3-23). New York, NY: Oxford University Press.
- Mertens, D. M., & Ginsberg, P. E. (2009). *The handbook of social research ethics*. Sage.
- Maxwell, J. A. (2012). *Qualitative research design: An interactive approach* (Vol. 41). Sage publications.
- Ministry of Education of Saudi Arabia (2012). General Directors of special education. Retrieved from: <http://www.se.gov.sa/hi>
- Mulazadeh, M. A., & Al-Harbi, T. S. (2016). Design of the Built Environment and the Integration of Wheelchair Users in the Kingdom of Saudi Arabia: Commentary and Exploratory Study. *Journal on Developmental Disabilities*, 22(2).
- Nagata, K. K. (2003). Gender and disability in the Arab region: The challenges in the new millennium. *Asia Pacific Disability Rehabilitation Journal*, 14(1), 10-17.
- North, D. (1990), *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.
- Noyes, J., Booth, A., Flemming, K., Garside, R., Harden, A., Lewin, S., ... & Thomas, J. (2018). Cochrane Qualitative and Implementation Methods Group guidance series—paper 3: methods for assessing methodological limitations, data extraction and synthesis, and confidence in synthesized qualitative findings. *Journal of clinical epidemiology*, 97, 49-58.

- Peter, D. J., Alem, S., & Knabe, B. (2018). Reassessing cultural capital: access to employment for women with disabilities in Saudi Arabia. *Equality, Diversity and Inclusion: An International Journal*, 37(3), 265-282.
- Polit, D. F., & Beck, C. T. (2010). Generalization in quantitative and qualitative research: Myths and strategies. *International journal of nursing studies*, 47(11), 1451-1458.
- Rioux, M., & Pinto, P. C. (2014). *Are We Moving Forward? Regional Study on the Rights of Women with Disabilities in the Middle East*.  
<https://doi.org/10.1017/CBO9781107415324.004>
- Riyadh Municipality. (2007). Special conditions of municipal service for disabled people no. 7/h/1402 (21/01/1402. Islamic calendar.
- Saka-Helmhout, A., Deeg, R., & Greenwood, R. (2016). The MNE as a challenge to institutional theory: Key concepts, recent developments and empirical evidence. *Journal of Management Studies*, 53(1), 1-11.
- Saudi Arabia: Basic Law* [Saudi Arabia], 1 March 1992, available at:  
<https://www.refworld.org/docid/3ae6b5a44.html> [accessed 5 March 2019]
- Saudi Building Code (SBC). (2007). Saudi building code requirements. Retrieved from  
<http://www.sbc.gov.sa/pdf/14.pdf>
- Saunders, B., Sim, J., Kingstone, T., Baker, S., Waterfield, J., Bartlam, B., ... & Jinks, C. (2018). Saturation in qualitative research: exploring its conceptualization and operationalization. *Quality & quantity*, 52(4), 1893-1907.
- Scharle, Á., & Váradi, B. (2013). *Identifying barriers to institutional change in disability services* (No. 41). WWWforEurope Working Paper.

Scott, W. R. (2005). Institutional theory: Contributing to a theoretical research program.

*Great minds in management: The process of theory development*, 37, 460-484.

Sidani, Y.M. and Gardner, W.L. (2000), "Work values among Lebanese workers", *Journal of Social Psychology*, Vol. 140 No. 5, pp. 597-607.

Smith, D. (1987). *The Everyday World as Problematic*. Toronto: Toronto University Press.

Smith, W. K., & Tracey, P. (2016). Institutional complexity and paradox theory:

Complementarities of competing demands. *Strategic Organization*, 14(4), 455-466.

Strauss, A., & Corbin, J. (1994). Grounded theory methodology. *Handbook of qualitative research*, 17, 273-85.

Suddaby, R. (2015). Can institutional theory be critical?. *Journal of Management Inquiry*, 24(1), 93-95.

The Office of the High Commissioner for Human Rights (UN Human Rights). (21 March 2019). Committee on the Rights of Persons with Disabilities examines the report of Saudi Arabia. Retrieved from

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24388&LangID=E>

The World Economic Forum. (2018). *Global Gender Gap Report 2018*. Geneva: The World Economic Forum.

Tina Dacin, M., Goodstein, J., & Richard Scott, W. (2002). Institutional theory and institutional change: Introduction to the special research forum. *Academy of management journal*, 45(1), 45-56.

- Tlaiss, H. (2013), "Women entrepreneur motivation: evidence from the United Arab Emirates", *International Small Business Journal*, Vol. 33 No. 5, pp. 562-582.
- Tlaiss, H.A. (2014a), "Conformers, fighters and rebels: the unfolding of the careers of women in the United Arab Emirates", *Human Resource Development International*, Vol. 17 No. 3, pp. 339-357.
- Tlaiss, H.A. (2014b), "Between the traditional and the contemporary: careers of women managers from a developing Middle Eastern country perspective", *International Journal of Human Resource Management*, Vol. 25 No. 20, pp. 2858-2880.
- Tlaiss, H.A. and Dirani, K.M. (2015), "Women and training: an empirical investigation in the Arab Middle East", *Human Resource Development International*, Vol. 18 No. 4, pp. 366-386.
- Turnbull, R., & Stowe, M. J. (2017). A model for analyzing disability policy. *Intellectual and Developmental Disabilities*, 55(4), 223-233,276,278.  
doi:<http://dx.doi.org.ezproxy.lib.umb.edu/10.1352/1934-9556-55.4.223>
- United Nations Committee on the Elimination of Discrimination against Women. (2007). Consideration of reports submitted by States parties under article 18 of the Convention: Saudi Arabia. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>
- United Nations Organization. (2010). Monitoring the Convention on the Rights of Persons with disabilities guidance for human Rights monitors professional training series No.17. (Accessed 5 October 2019, from: [https://www.ohchr.org/Documents/Publications/Disabilities\\_training\\_17EN.pdf](https://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf))

UN Women (2015). Addressing gender equality in the context of disability. United Nations,

[Online], Available at:

[www.un.org/disabilities/documents/hlmdd/hlmdd\\_unwomen.doc](http://www.un.org/disabilities/documents/hlmdd/hlmdd_unwomen.doc).

Velasquez, M., Andre, C., Shanks, T., & Meyer, M. J. (2014). Justice and fairness. *Ethics* 123 N, 2.

WHO [http://www.who.int/disabilities/world\\_report/2011/report/en/](http://www.who.int/disabilities/world_report/2011/report/en/)

World Policy Analysis Center (n.d.). Disability Policies. Retrieved January 2018, from

<https://www.worldpolicycenter.org/topics/disability/policies>

Yousef, R. (2019). *Disability, social work and social exclusion: new strategies for achieving social inclusion of people with physical disabilities in the Kingdom of Saudi Arabia* (Doctoral dissertation, University of Salford)