

# CIVIL SOCIETY POLICY BRIEF

## Disability Rights and Decent Work

Closing the Gaps in the National Employment and Labour Policy

Issued by **WAG Disability Rights** and **DAPP Malawi**

United for Africa Disability Protocol (U4ADP) Project

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### KEY MESSAGES

- Malawi's National Employment and Labour Policy protects workers in formal jobs. Most persons with disabilities work informally. This is a structural gap that leaves them unprotected.
- Nine in ten workers in Malawi are in the informal economy. Persons with disabilities are among the most affected.
- Malawi ratified the African Disability Protocol in 2024. The Employment Policy does not yet reflect those binding commitments.
- Women with disabilities face compounding barriers to employment. The Employment Policy does not address the gender-disability intersectionality.
- Five evidence-based recommendations are ready for parliamentary and ministerial engagement.

## Purpose of This Brief

This policy brief presents findings and recommendations from a structured disability-lens review of the National Employment and Labour Policy. It was produced as part of the United for Africa Disability Protocol (U4ADP) Project, commissioned by WAG Disability Rights and co-implemented by DAPP Malawi.

The review draws on three sources of evidence:

- A desk review of the policy against the African Disability Protocol (ADP), the UN Convention on the Rights of Persons with Disabilities (CRPD), and the Persons with Disabilities Act 2024.
- A combined Lilongwe and Dowa District Policy Dialogue Meeting (24 April 2026).
- A National Policy Dialogue Meeting in Lilongwe (4 May 2026), bringing together OPDs, civil society organisations, community advocates, and government officials.

This brief is addressed to the relevant Parliamentary Committee that deals with Labour matters, the Ministry of Labour, and all duty bearers responsible for employment policy in Malawi.

## Context

The National Employment and Labour Policy (2017) sets out how Malawi will expand decent work and improve employment outcomes. It covers labour governance, workplace rights, skills development, and employment promotion (Republic of Malawi 2017).

These are the right goals. The problem is that the policy is built for workers in formal jobs. In Malawi, approximately nine in ten workers are in the informal economy (DTDA 2026). Most persons with disabilities are among them. As a result, the policy's core protections do not reach the people who need them most.

Two further facts sharpen the urgency:

**Disability prevalence:** Malawi's 2018 Population and Housing Census recorded a disability prevalence of 10.4%, up from 3.8% in 2008. Policy budgets and plans built on the 2008 figure were already under-resourced from the start (NSO 2019).

**Poverty and gender:** 71.4% of female-headed households are multidimensionally poor, against a national average of 58.8% (NSO 2022). Women with disabilities carry additional barriers that the employment system has not yet addressed.

## The Legal Standard

Malawi has binding obligations under three instruments. These are not aspirational goals. They are legal commitments.

### **African Disability Protocol (ADP), Article 19**

Malawi ratified the ADP in 2024 (Centre for Human Rights 2023). Article 19 establishes the right of every person with a disability to decent work, fair conditions, and protection from exploitation and forced labour. It requires states to take active measures to make this right real.

## CRPD, Articles 6 and 27

Article 27 covers work and employment. Article 6 requires states to address the compounding forms of discrimination faced specifically by women with disabilities. Both have been binding on Malawi since 2009 as ratifying state (Republic of Malawi 2009).

## Persons with Disabilities Act 2024

The PDA 2024 creates domestic legal obligations on reasonable accommodation and anti-discrimination in employment (Republic of Malawi 2024). Importantly, the Employment Policy does not yet operationalise these obligations.

## Gap Findings

The desk review identified six gap areas. All six were confirmed at both district and national consultations by persons with disabilities, OPD representatives, and government officials.

#	Gap Area	Finding	Standard
1	<b>Formal-sector bias</b>	Policy protections apply mainly to formal employment. Most persons with disabilities work informally and are entirely outside the policy's scope (Wånggren et al. 2023).	ADP Art. 19(2)(c) CRPD Art. 27(1)(h)
2	<b>Policy–legislation sequencing</b>	The Employment Act (2000) predates the Employment Policy (2017) by 17 years. The Act was not grounded in a disability-inclusive policy. It now needs reform, but the Policy provides no roadmap for this.	ADP Art. 4(b) CRPD Art. 4(b)
3	<b>Reasonable accommodation</b>	The PDA 2024 creates a legal obligation on reasonable accommodation. The Employment Policy does not operationalise it. Sign language interpreters, braille materials, and emergency alert systems are absent from most workplaces.	ADP Art. 3(g) CRPD Art. 27(1)(i)
4	<b>Women and girls with disabilities</b>	The gender–disability intersection is not addressed. Women with disabilities face discriminatory hiring, inaccessible workplaces, sexual harassment, information gaps, and discriminatory job assignment.	ADP Art. 27(f) CRPD Art. 6
5	<b>Vocational training access</b>	MACODA-operated training centres are concentrated in Lilongwe and near Blantyre. The 2025/26 budget allocated MK3 billion to MACODA (Ministry of Finance 2025), of which approximately 80% goes to salaries, leaving little for programme delivery (UNICEF Malawi 2025).	ADP Art. 16(3)(b) CRPD Art. 27(1)(d)
6	<b>Monitoring and data</b>	Labour force surveys do not disaggregate data by disability status. Without this data, it is impossible to measure whether the policy is working. This violates binding ADP and CRPD obligations.	ADP Art. 32 CRPD Art. 31

## Voices from the Consultation

These statements were made by persons with disabilities and OPD representatives at district and national consultations. They are reproduced here as evidence.

“We believe we are competent, but we are not given the equipment we need. Give us the equipment and see if we are incompetent.”

— Participant, National Policy Dialogue Meeting, 4 May 2026

“Disability has taken far longer than gender to be mainstreamed. We need a strong direction, not encouragement, not guidelines, but a clear policy position that cannot be ignored.”

— Participant, National Policy Dialogue Meeting, 4 May 2026

“When persons with disabilities go out to look for jobs, they are perceived as beggars at most workplaces, not as job seekers.”

— Participant, Lilongwe and Dowa District Consultation, 24 April 2026

“Most persons with disabilities are not provided with the tools or materials needed to do their work. They struggle, and then they are called incompetent.”

— Participant, Lilongwe and Dowa District Consultation, 24 April 2026

## Recommendations

These five recommendations were validated and finalised at the National Policy Dialogue Meeting on 4 May 2026. They are ready for submission to a parliamentary portfolio committee responsible for labour and employment, as well as the Ministry of Labour.

#	Area	Recommendation
1	<b>Data and monitoring</b>	Disaggregate labour force data by disability type, severity, gender, and location. NSO must include disability classification in all future surveys. Primary community-based data collection must supplement desk research. This is a binding obligation under ADP Article 32 and CRPD Article 31.
2	<b>Employment quota</b>	Introduce a 5% mandatory employment quota for persons with disabilities across all government departments and public and private sector employers. Financial penalties must apply for non-compliance. Persons with disabilities must be hired on merit, not charity.
3	<b>Labour inspection and training</b>	Embed disability inspection as a formal, performance-appraised function in the job description of all labour officers. Require HR officers in all sectors to complete disability-inclusive recruitment training by December 2028.
4	<b>Reasonable accommodation</b>	Operationalise the PDA 2024 reasonable accommodation obligation through the Employment Policy. Mandate sign language interpreters, braille materials, adaptive equipment, and emergency alert systems in all workplaces. Require periodic accessibility inspections.
5	<b>Rights-based revision and Employment Act reform</b>	Revise the Employment Policy to be explicitly rights-based and include a timed mandate for reform of the Employment Act (2000). The Act must be aligned with ADP Article 19, CRPD Article 27, and the Persons with Disabilities Act 2024.

## Call to Action

### Parliamentary Portfolio Committee responsible for Labour Matters

- Review the National Employment and Labour Policy against the binding obligations of ADP Article 19.
- Mandate a timed review of the Employment Act (2000) to align it with current ADP, CRPD, and PDA 2024 obligations.
- Require disaggregated reporting on the employment of persons with disabilities across all sectors.
- Provide representation mechanisms for persons with disabilities in all labour-related planning and decision-making forums.
- Introduce a 5% mandatory employment quota for persons with disabilities across all government departments and public and private sector employers.

### Ministry of Labour

- Embed disability inspection as a formal, performance-appraised function in the job description of all labour officers.
- Lead a revision of the Employment Policy that is explicitly rights-based and operationalises the PDA 2024 reasonable accommodation obligations.
- Coordinate with MACODA on expanding inclusive vocational training reach beyond current geographic concentrations.
- Establish a monitoring framework that disaggregates employment data by disability type, severity, gender, and location.

### About This Brief

This policy brief was produced as part of the U4ADP Policy Review Assignment commissioned by WAG Disability Rights. The review was conducted by Dr. George Mwika Kayange, Independent Research and Policy Consultant, from 13 April to 13 May 2026. The U4ADP project is co-implemented by DAPP Malawi and funded by the European Union through Leonard Cheshire Disability Zimbabwe.

The brief draws on a desk review (13–19 April 2026), the combined Lilongwe and Dowa District Policy Dialogue Meeting (24 April 2026), and the National Policy Dialogue Meeting (4 May 2026).

**Issued by:** WAG Disability Rights and DAPP Malawi

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**Sister programmes are running in Zambia and Zimbabwe as part of the same regional U4ADP initiative.**

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