Unfilled Mandate: Addressing the Needs of Disabled Public Servants

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Abstract. The government is obligated to offer access to channel potential in all sectors of state administration and society as a legal state that provides assurance and protection for people with disabilities. This law protects individuals with disabilities from discrimination that restricts, eliminates, recognizes, or implements their rights. The majority of disability-related literature focuses on education, community empowerment, labor rights, and the protection and health of individuals with disabilities. Law No. 5/2014 on the State Civil Apparatus (ASN) and Government Regulation (PP) No. 11/2017 on Civil Servant Management as regulations that serve as a reference for employee management, do not specifically address ASN with disabilities who have special needs as regulated by Law No. 8/2016 on Persons with Disabilities. The purpose of this article is to discuss the implementation of inclusive human resource policies for individuals with disabilities in the public sector. A qualitative approach was adopted, using in-depth interview techniques and literature reviews on employees with impairments. Some related findings include the government's preference for people with disabilities through the establishment of ASN recruitment. In addition, government regulations pertaining to Law No. 5/2014 must be specifically adjusted, and all HRM functions must be implemented in order to better involve people with disabilities working in the public sector. This includes extending the socialization space for ASN recruitment from disability formations to central and regional governments, planning and developing infrastructure and supporting facilities to support people with disabilities as they transition to become ASNs, and conducting a more thorough job analysis.

Keywords: HRM Policy, Inclusive HR Management, Employees with Disability

1   Introduction

The ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006 spurred the formation of the disability and development narrative in international law and policy, which is now virtually universally approved. Its specific requirement to include disability in international cooperation programs in a more detailed and broad language than previous human rights agreements resulted in actual change in how persons with disabilities are accounted for as agents in and beneficiaries of development. The inclusion mandate in the Declaration on the Right to Development (DRD) resonates well with the CRPD narrative. These two mechanisms are

mutually reinforcing, and while they both advance distinct but complementary conceptions of fair and equitable distribution for developing nations and individuals living in poverty, their promise is far from fulfilled [1].

Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities as stipulated, followed by the passage of Law Number 8 of 2016 concerning Persons with Disabilities, is a mandate for the government to provide access to channel potential in all aspects of state administration and society. This law protects individuals with disabilities from discrimination that restricts, eliminates, recognizes, or implements their rights. This includes persons with impairments having the right to work in the public sector. Since 2018, the Indonesian government has opened special formations in the Civil Service Recruitment (CPNS) program for people with disabilities. The government has stipulated that allowances account for at least 2% of overall civil servant allocation [2]. In the recruitment process, ministries and government agencies are not permitted to include requirements that discriminate against people with disabilities.

Regulation Number 27 of 2021 about Civil Servant Procurement by the Minister of State Apparatus Empowerment and Bureaucratic Reform governs the recruitment of CPNS for individuals with disabilities. However, several obstacles remain in the implementation of CASN recruitment for persons with disabilities, such as not optimally filling the disability formations provided and other technical barriers related to persons with disabilities. The selection system's infrastructure and facilities are being improved to make it simpler for individuals with impairments to participate in CASN/CPNS or PPPK recruiting [3].

Applicants must satisfy specific standards in order to become a CPNS. A person with a disability, according to Law Number 8/2016, is someone who has had physical, intellectual, mental, and/or sensory restrictions for a long time and may experience challenges and problems while engaging with the environment and contributing fully. In addition, applicants must fulfill the standard labor qualifications needed by government entities for hiring civil workers. Accommodations must be provided, for example, for those with disabilities who face difficulties and require accessibility in terms of employment and facilities. At least, disability research has become a topic that is widely discussed in many studies, such as the disability-friendly education sector [4], [5], [6], [7], [8]; studies conducted in the private and entrepreneurial sectors [9]; studies focusing on community development [10], [11], [12]; and also focusing on disability health [13], [14], [15], however, the focus on public sector HR policy has not been quite as much. The author focuses on public-sector HR management that is inclusive of individuals with disabilities in this example.

2 Research Method

This study qualitatively describes the implementation of HR policies that are inclusive of people with disabilities, supported by in-depth interviews with leaders at the Indonesian Civil Service Agency as policy maker or regulator and secondary literature studies relevant to the research's focus by collecting various literature related to inclusive HR management of people with disabilities. According to Creswell & Creswell [16], a qualitative method is a study design

that entails gathering and evaluating non-numerical data, such as words, pictures, and observations, in order to better understand social phenomena. This method is used to investigate complicated events, produce new hypotheses, and get a thorough grasp of individuals' or groups' experiences and viewpoints. Interviews, focus groups, observations, and document analysis are all examples of qualitative research methodologies. The analysis technique is carried out in stages, beginning with selecting the topic to be studied, followed by gathering articles relevant to HR planning that include people with disabilities, gathering and reviewing supporting HR planning theories and drawing conclusions and recommendations based on the results and discussion.

3   Results and Discussions

Access to and protection from work and occupations is one of the recognitions of justice and equality for people with disabilities granted by this law. This encompasses the right to earn a living through freely selected or accepted employment in the labor market, as well as the right to an open, inclusive, and accessible work environment for people with disabilities. Making policies and procedures inclusive of individuals with disabilities is part of inclusive human resource management. Inclusion of people with disabilities is vital to ensuring human rights, sustainable development, and peace and security [17]. Organizations may identify and engage individuals with disabilities, orient workers on disability inclusion, give training for people with disabilities, and employ people with disabilities to build disability-inclusive HR policies and practices. Organizations may also map their present disability inclusion HR policies and practices by consulting with disability specialists. Employees with disabilities should be provided with reasonable accommodations, and records of acceptable accommodations should be retained.

The UNSDG includes several further examples of disability-inclusive HR practices [17]. In conjunction with disability specialists, the United Nations (UN) provides a service that maps existing HR policies and practices relating to disability inclusion among participating organizations. Physical workplace accessibility, ICT/digital accessibility, and inclusive HR services such as engagement and recruiting of people with disabilities are all covered by the service.

Human resource management techniques have been regarded as a critical facilitator of inclusiveness. Research on disability-related human resource management, on the other hand, is dispersed among disciplines. A literature study on human resource management in the context of hiring persons with disabilities was undertaken. As an organizational framework, the study included high-performance work practices such as staff selection and placement, training and development, assessment, promotion, and career management, as well as compensation and benefits.

According to the findings of the study, HR processes may be altered to better support the employment of individuals with disabilities. Human resource (HR) practices were recognized as a significant facilitator of inclusion in a study undertaken by [18], however, research on disability-related HR management is still dispersed among disciplines. Key strategies for disability inclusion have been recognized as "selection and placement," "training and development," "appraisal, promotion, and career management," and "compensation and benefits."

The Disability Equality Index (DEI) collects best practices from the firms that obtained the Best Places to Work for Disability Inclusion™ designation. Benefits, recruiting, employment, education, retention and promotion, and accommodations are all covered under the DEI. The research highlights best practices and efforts for employers, highlighting the highest DEI-scoring organizations that focus on critical employment practices such as reasonable accommodation [19].

Organizations can also assist all workers in understanding the difficulties that persons with disabilities encounter and contributing to solutions. Required training for all workers with and without impairments, particularly those in management or supervisory roles, can help them better understand and sympathize with the obstacles their colleagues may experience, as well as lessen the stigma associated with disability. Employee resource groups (ERGs), particularly those focusing on disability inclusion, can also be introduced to new recruits by organizations [20].

3.1 Partisanship in the Government through ASN Disability Formation Recruitment

As one of the employers, the government is not exempt from this regulation. With the Minister of Administrative Reform and Bureaucratic Reform Regulation Number 27 of 2021 concerning the procurement of civil servants, mandating the existence of a special formation path for persons with disabilities as a form of fulfilling the government's obligation of at least 2% through the SSCASN portal, the government opens special formations for persons with disabilities through the procurement of CPNS. In order to recruit people with disabilities in the workplace, methods that are inclusive of people with disabilities must be implemented. Some best practices include training recruiters and hiring managers on how to screen and interview candidates with disabilities, sourcing candidates from a pool of candidates for job seekers with disabilities available through government agencies that provide vocational and employment services, and utilizing external support services and networks that assist job seekers with disabilities. The government must also ensure that ASN job postings indicate the agency as an equal opportunity employer, promote persons with disabilities to apply, and make recruiting and application materials accessible [21]. The government must better prepare recruiters and candidates, as well as provide training for all employees with and without disabilities, particularly those in management or supervisory positions, to help them better understand and empathize with the challenges their colleagues may face, and to reduce the stigma associated with disability.

Organizations may enhance the employment process for persons with disabilities by making a case for filling openings, casting a broader net, making reasonable adaptations, and reversing established hiring practices [22]. It is also critical to pay attention to terminology, prevent hiring prejudice, and solicit input from current workers to ensure that the hiring process is inclusive. Centralized accommodation systems are best practices for hiring and keeping people with disabilities, and self-identification programs may assist establish a climate in which candidates and employees feel comfortable admitting their impairment, even if it is not visible.

Although general formations can be filled by applicants with disabilities and disability-specific formations cannot be filled by general formations, acceptance of CPNS from disability formations has fallen short of the target of 100%. The results of the author's team's initial

interview with the BKN Public Relations Bureau year 2023 demonstrate that the greatest acceptance of CPNS from the disability special formation route was recorded in 2021, reaching 90%. Some of the challenges include a lack of optimal cooperation between the central and regional governments in socializing this special disability formation to Indonesian regions; the Computer Assisted Test (CAT) selection threshold score not being met; and physical limitations that are incompatible with the position formation.

According to the findings of interviews with the State Personnel Agency of the Republic of Indonesia, there are three major issues related to inclusive HR planning for people with disabilities, including a lack of widespread socialization of disability recruitment, the absence of a career development plan for employees with disabilities, particularly in regional agencies, and disability-friendly facilities and infrastructure that have not been supported.

Those who have been approved as civil servant candidates must nevertheless demonstrate to society that they possess the necessary abilities. That the organization's required abilities and competencies have nothing to do with physical deficiencies. The manner of living and thought must constantly be contemporary. We need to be more specific in our approach to challenges relating to related duties. Attitudes and ideals that are professional, responsible, synergistic, transparent, and inventive must be maintained.

According to the findings of interviews with the Public Relations Bureau of the State Civil Service Agency, the achievement of disability formations was not optimal under the Law's mandate of 2%, with the highest achievement of nearly 90% of all formations recorded in 2022. This is due to a lack of disability recruiting socialization, the absence of a career development plan for employees with disabilities, particularly in regional agencies, and disability-friendly facilities and infrastructure that have not supported employees with disabilities.

Despite its support, the policy's execution is still focused on the medical model of disability, which considers persons with impairments based on physical ailments and hence implies that they can only work in fields specified by the state. This thus limits participation and the development of an inclusive work environment for individuals with impairments [23].

3.2 ASN Recruitment Socialization for Disability Formation has not been Optimum

Employees with disabilities' socialization in the workplace are significant since it has been connected to a range of outcomes, including new employee job satisfaction, organizational commitment, job knowledge, and performance [24], [25]. The process of incorporating new workers with impairments into the workplace culture and ensuring they feel accepted and supported is referred to as the socialization of disability recruiting. Best practices for disability inclusion in the workplace foster an inclusive culture that fosters increased self-identification, employees feeling truly accepted for who they are, and innovation fueled by disability inclusion built into participating employers' products and services [19]. Employers should emphasize important employment practices such as recruiting, benefits, education, retention and development, and accommodation to ensure that persons with disabilities are included. Inclusive hiring techniques are crucial for attracting and recruiting a disabled workforce.

People with disabilities may have a different socialization process than non-disabled individuals since many of their agents (parents, instructors, and peers) may be unaware of the options accessible to them. As a result, it is critical to give accommodations and assistance to ensure that they feel integrated into the workplace culture and welcome. Several studies have identified a number of key agents and institutions thought to influence the socialization of people with disabilities into sports, including face-to-face contact, which is especially important in the early stages of socialization [26].

In terms of career development strategies, HR planning should begin with an analysis of disability-friendly professions. As a result, the job analysis function must be developed with considerations that individuals with disabilities may make. Position analysis, according to Minister of Administrative Reform and Bureaucratic Reform Regulation Number 1 of 2020 concerning Guidelines for Position Analysis and Workload Analysis, is the process of collecting, recording, processing, and compiling position data into position information. Position identification, position name, position code, position summary, position qualifications, job description, work outcomes, work materials, work equipment, duties, authority, and position requirements are all part of position information. Representative position information will be useful for other HRM activities, such as workload analysis, HR procurement, and recruitment and selection of persons with disabilities, by identifying positions that can be performed by persons with disabilities supported by work materials and tools, as well as responsibilities, authority, and work results produced.

By establishing inclusive workforce recruiting processes, offering anti-discrimination and disability inclusion training, and developing cases to cover gaps, the government may encourage disability inclusion in recruitment. Inclusive workforce recruitment practices entail sourcing and acquiring workers with disabilities, which can be accomplished by sourcing candidates from a pool of available candidates for job seekers with disabilities through government agencies providing vocational and employment services, utilizing external support services and networks that support job seekers with disabilities, and utilizing local government-supported employment programs. Governments can also provide recruiters and interviewers with instructions on screening and interviewing candidates with disabilities, as well as conduct reviews of candidates with disabilities who were screened out early in the recruitment process to ensure there are no barriers to their being fully considered. Identifying the government as an equal opportunity employer, encouraging persons with disabilities to apply, ensuring that recruiting and application materials are accessible, and offering reasonable accommodations are all part of building the case to fill the gap. The government should also make anti-discrimination training mandatory for all employees, with an emphasis on disability, and ensure that this training is continuing.

3.3 Work Facility and Infrastructure Planning and Readiness for ASN with Disabilities

Implementing policies and procedures that promote inclusion and accessibility is required while providing work facilities for individuals with impairments. Creating a centralized accommodation system, offering appropriate accommodations, and training staff on disability inclusion are examples of best practices [17], [19], [27]. Employers can also establish accessible

workplaces by designing facilities and training programs. Inclusive recruiting strategies are also critical for attracting and maintaining employees with disabilities. Employers should focus on important employment practices such as recruiting, benefits, employment, education, retention and development, and accommodation to foster an inclusive culture and encourage employees with disabilities to socialize. Employers may assist workers with disabilities to flourish in the workplace and beyond by incorporating disability inclusion into workplace design and culture.

Creating an inclusive workforce entails implementing workplace initiatives that encourage diversity, equality, and inclusion. Emphasizing the business case for diversity and inclusion, detecting prejudice, practicing inclusive leadership, offering sponsorship programs, and holding leaders accountable for diversity and inclusion objectives are some best practices for developing an inclusive workforce [28]. Other approaches include empowering employees, offering helpful tools in their attempts to become more inclusive, and giving employees a voice inside the firm [29]. Celebrating each team member's individuality, being fair in project placement, and conducting inclusive meetings are all critical tactics for fostering an inclusive working atmosphere [30]. To build an inclusive workplace culture, employers should lead by example, adopt inclusive recruitment tactics, provide places for interaction, and request input from employees. Many businesses are concerned about the value of cultural inclusion in the workplace, as it may promote a sense of belonging, improve staff engagement, and benefit an organization's bottom line [31].

Disability infrastructure preparation entails making sure that infrastructure and services are accessible to individuals with impairments. Any new infrastructure must adhere to universal design principles, which does not always imply increased costs. Governments and communities should remove barriers for people with disabilities by ensuring the universal design of infrastructure and services and allocating dedicated resources to ensure that venues, accommodations, transportation, information and communication materials, online platforms, and events are accessible and available in a variety of formats to accommodate various types of disabilities. People with disabilities frequently rely more on public energy and infrastructure in the energy and infrastructure sectors, and they confront additional challenges to access [28].

Companies can give reasonable accommodations in the workplace, which are changes or adaptations to the job, work environment, or typical manner of doing things, to enable employees with disabilities to be productive [32]. The Disability Equality Index (DEI) captures the best practices of the companies that have been named Best Places to Work for Disability Inclusion™, enabling a culture of inclusion that promotes increased self-identification, employees who feel truly accepted for who they are, and innovation fueled by disability inclusion built into participating companies' products and services. To promote a culture of inclusion and support the socialization of employees with disabilities, companies should focus on important employment practices such as recruiting, benefits, employment, education, retention and development, and accommodation [19], [33].

Furthermore, the readiness and provision of facilities and infrastructure for ASN with disabilities must consider an ergonomic work environment and support their performance while working. Creating an ergonomic work environment for individuals with impairments entails using ergonomic principles to increase social and occupational engagement [34]. To foster an inclusive culture and support the socialization of employees with disabilities, governments should focus essential employment practices such as recruiting, benefits, employment, education, retention and development, and accommodation. To assist employees with disabilities in being productive,

reasonable accommodations, such as changes or alterations to occupations, work environments, or methods of accomplishing work, should be offered. Ergonomics for individuals with disabilities should be tackled from several angles, including technological, social, psychological, and informational.

Specific ergonomic examinations should be carefully chosen to examine the demands of persons with impairments with their medical diagnoses [35]. To enable eligible workers with disabilities to engage in the job, accommodations, such as alterations or adaptations to the task or work environment, should be offered [36]. Ergonomic workplace design is vital for employees with impairments, and some study shows that in the correct setting, persons with disabilities can perform all tasks [37].

Human resource planning for employees with disabilities includes providing social security, including retirement security, to employees with impairments in the workplace. According to studies, there is a wage disparity between employees with and without pension insurance, with those with pension insurance earning 10% more than employees without insurance. This intervention was implemented to reduce the risk of the government hiring individuals with questionable productivity who are at risk of losing bodily functions [38].

Individuals who are unable to work due to medical conditions are eligible for Social Security disability benefits. People receiving Social Security disability benefits or Supplemental Security Income (SSI) can work and still receive monthly payments under special rules. Individuals can earn up to four Social Security work credits per year based on total yearly wages or self-employment income. There are also certain unique laws known as work incentives that give continued benefits and health care coverage to assist persons in returning to work. Social Security analyzes cases on a regular basis to ensure that individuals continue to have a handicap that prohibits them from working. Individuals will continue to receive benefits if their health has not improved or if their impairment prevents them from working. There are also unique provisions that allow people to continue receiving cash benefits and Medicare while working [39].

4 Conclusion

Finally, the Indonesian government has given people with disabilities opportunities through special formations in the CPNS recruitment program, demonstrating the government's partisanship through ASN recruitment from disability formations. The government requires that at least 2% of the entire allocation go to individuals with disabilities. Civil servant recruitment regulations have been defined by the Minister of PAN and RB Regulation Number 27 of 2021. Certain requirements must be met by applicants, such as the standard qualifications for positions required by government agencies when hiring civil servants. However, recruitment from disability formations is not optimal, so it is necessary to broaden the socialization of ASN disability formation recruitment in central and regional governments, including involving other stakeholders such as non-governmental organizations that interact directly with the disabled community and encouraging participation in the ASN recruitment process from disability formations. Furthermore, government alignments must pay attention to models other than medical and social that prioritize

human rights, in order for government alignments to be responded to as widely as possible by people with disabilities who want to work in government.

To overcome the adjustment and difficulty of working for ASNs with disabilities, the government must plan and prepare facilities and infrastructure that allow ASNs with disabilities to work and perform in the same way as other ASNs, as well as the rules and assessment criteria of the Minister of PAN and RB Regulation No. 38 of 2012 concerning Guidelines for Performance Assessment of Disability Friendly Public Service Units, including the procurement of ergonomic work tools for impaneled employees. Finally, the government must do a more extensive employment analysis that is attentive to the particular requirements of ASN with disabilities while still contributing to the country's growth.

5 Acknowledgements

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