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# Rethinking Sheltered Workshops and Crippling the Institution of Work

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## Résumé

In March 2021 the European Parliament voted to declare sheltered workshops as a prohibited form of institutionalization. This vote reflects a growing sentiment, echoed by a global abolition movement, declaring sheltered workshops as an anachronism. In fact, sheltered workshops have long been thought of as the quintessential disability/disabling institution: a segregated space created to meet the ‘special needs’ of a population that was neither expected nor allowed to contribute to the open labor market. Initially conceived as a transitional rehabilitation space, the sheltered workshop has largely failed to lead workers with disabilities back into open employment. Today, it is the primary and often the only institution that allows people with developmental disabilities to experience the right to work. This paper explores the theoretical foundations of the contemporary disability discourse surrounding sheltered work, the sub-minimum wage, and the future of the institution of work. It uses contributions by disability theorists and end of work theorists to explore the possibilities and tensions of realizing a “right to work” for people with disabilities. The paper is part of a larger empirical research project investigating movements and counter-movements surrounding the future of sheltered work in Germany, Japan, and the United States, based on previous comparative research (*Rights Enabled, the Disability Revolution* (2015)).

The paper will investigate persistence of sheltered employment in Germany in light of the UN Convention on the Rights of Disabled People’s inclusion mandate. While the UN CRPD does not explicitly prohibit sheltered work, Article 27 mandates that any protective or sheltered workspaces must contribute to the transition to the open labor market and apply all labor law protections. In that sense, sheltered workshops in Germany are an implicit violation of the CRPD’s equality principle, as they contribute to segregation and deny workers the formal recognition of their employment status on the equal basis of others. The public debate surrounding the future of sheltered work, sparked by the CRPD Committee’s intense criticism of Germany’s insistence on a “separate path” towards disability inclusion, is a powerful illustration of the stakes involved rethinking the institution of work.

The German debate illustrates fundamental tensions between the meaning of protection and equality, and the future of the open labor market. Rather than abolishing sheltered workshops as demanded by the CRPD Committee, the German government strengthened its commitment to sheltered workshops as a primary path toward realizing the right to work, warning that their abolition would lead to an “equal right to be jobless.” The powerful industry association of sheltered workshops launched social media campaigns underscoring the importance of workshops as “more than a job.” Disability activists, in turn, are mobilizing international law to argue that the right to work can only be realized in the open labor

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market. The German engagement with right to work discourse offers an important space for intervention by disability theorists seeking to crip the future of work, while also pointing to global efforts promoting disability inclusion and meaningful notions of disability equality.