



POSITION PAPER ON EMPLOYMENT FOR
PERSONS WITH DISABILITIES
November 2009

Thessaloniki Declaration

Introduction

Today, over 50 million European citizens with disabilities represent close to 11% of the population of the European Union. While about 68% of non-disabled people have a job, only about 20% of the disabled citizens are employed. These figures showing employment in the open labour market have not improved in the last 10 years. 2.5 million disabled people are employed in a protected environment.

Only very few of the people with disabilities, who do have a job, receive some assistance to help them in their professional lives, whereas many more of them being unemployed believe they could work if adequate assistance was provided to them.

The situation of disabled women is even worse than the one of their male counterparts. People with learning or intellectual disabilities have similar problems: they have even less chances to get a paid job than people with physical disabilities.

The current situation, blighted by the economic and financial crisis, has worsened the employment prospects of disabled citizens, who are pushed out of the labour market, while sheltered and social workshops have lost some contracts and therefore are not able to provide enough work for the people they employ.

Yet, employment of people with disabilities on the open labour market will be an even more pressing issue in the years to come. As a consequence of this development, an employment strategy that outlines these issues is needed. This would be complementary to other political priorities such as a labour supply increase, a reduction of spending on benefits and social security and, last but not least, the fight against social exclusion.

Furthermore, when developing new legislation in this field governmental financial support of employment for people with disabilities is necessary. However, a clear and complete legal framework is fundamental, but not of course sufficient: law needs to be linked to educational and other measures. Yet without clear and explicit national law, all other measures will be undermined and ineffective. Therefore, the Member States should be able to provide sufficient room for measures implementing supported employment which also illustrates a new shift that was clearly expressed during the 2003 European Year of People with Disabilities: "nothing about us without us".

Persons with disabilities should have the possibility to choose a job, they should be able to enjoy work and contribute to society like anybody else.

International labour market trends

From an international perspective, a number of specific trends with regard to integration policies for people with disabilities in the open labour market can be identified.

These are:

- ★ Employment in the open labour market is considered to be the best option for persons with disabilities, supplemented by specific measures;
- ★ Sheltered employment, based on vocational rehabilitation, is questioned
- ★ Policies aiming at activating vulnerable groups and persons with disabilities are promoted at all government levels;
- ★ 'Mainstreaming' is the policy approach implemented in most Member States. Measures aiming initially at a specific target group are opened up to bring benefits for all people trying to enter the labour market and to combat discrimination and stigmatization
- ★ Decentralisation to and 'responsabilisation' of the local level and local actors are promoted in order to be able to provide person centred support to each individual;
- ★ Financial and fiscal stimuli for disabled employees and employers are used in order to achieve the desired results, i.e. to increase the number of disabled people entering the open labour market. The main idea is that work should be paid!
- ★ One of the expressed goals is the policy harmonisation and an improved coordination of the institutional context in order to increase the effectiveness of policy implementation and the efficiency of the organisations,
- ★ The ultimate aim is to offer tailor-made solutions as more attention is paid to the wishes of individual people with disabilities in policy development and during implementation. Case management has been introduced as a new tool.
- ★ Stakeholder cooperation and networking are seen as crucial elements of a structural communication between all relevant actors.

Declarations

The delegates of the European conference "Bringing People to Work", held in Thessaloniki, Greece, on 11th and 12th June 2009, including the following stakeholders

- ★ Persons with disabilities
- ★ Service providers
- ★ Policy makers and Civil servants
- ★ Employers
- ★ Trade Unions
- ★ Lawyers
- ★ Researchers

Declare with reference to:

- ★ The Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- ★ The Commission Regulation (EC) No 800/2008 of 6th August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation)
- ★ The Council of Europe's Recommendation Rec(2006)5 of the Committee of Ministers to Member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;
- ★ The EU Disability Action Plan, COM(2007) 738 final: Communication from the Commission to the Council, the European Parliament, the European economic and social Committee and the Committee of the Regions: Situation of disabled people in the European Union: the European Action Plan 2008-2009;
- ★ International Labour Organisation, Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, C 159;
- ★ International Labour Organisation: Employment Promotion and Protection against Unemployment Convention, 1988, C 168.

Declare in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities, on Work and Employment:

- ★ that all people with disabilities have the right to decent 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. This implies the revision of legal frameworks declaring people – as a group or social category – unable to work.
- ★ that 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 shall be prohibited by the legislation of the EU member states. This implies the full and correct implementation of the EC Equality in Employment Directive.
- ★ that persons with disabilities have the rights, on an equal basis with others, to just and favourable 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. This implies the development of appropriate legal frameworks and support mechanisms at Member State level.
- ★ that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others. This implies the provision of the needed structures and training facilitating the needed developments.
- ★ that persons with disabilities shall be enabled to have effective access to general technical and vocational guidance programs, placement services and vocational and continuing training. This implies the setup of specialised and main-stream support systems underpinning these objectives.
- ★ that employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment shall be promoted. This implies the inclusion of a real career perspective as part of all employment related policies and strategies.

- ★ that opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business shall be promoted. This implies to rethink the concept of reasonable accommodation and accessibility.
- ★ that persons with disabilities shall be employed in the public sector. This implies the revision of recruitment procedures and strategies focussing on the outcome more than on bureaucratic processes.
- ★ that the employment of persons with disabilities in the private sector shall be promoted through appropriate policies and measures, which may include affirmative action programs, incentives and other measures. This implies that support should be made available to employers.
- ★ that reasonable accommodation shall be provided to persons with disabilities in the workplace. This implies the availability of specialised advice as the need for law enforcement.
- ★ that the acquisition by persons with disabilities of work experience in the open labour market shall be promoted. This implies the full implementation of 'reasonable accommodation concept' in vocational and professional training systems and services.
- ★ that vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities shall be promoted. This implies strategies tackling the benefit trap.
- ★ That discrimination by association (families that are discriminated because they have a disabled family member), indirect discrimination should be recognized and stopped

Recommendations

1) to the European Commission

Since the effects of the economic and financial crisis have started to hit European countries in autumn 2008, the consequences have been felt by people with disabilities and the sector of social service providers all over Europe. For this reason, the European Commission needs to consider the specific situation sheltered employment schemes are in due to the crisis. In addition, a very focused and specific approach needs to be included in the recovery plans.

Furthermore, the European Commission should stimulate the transition from sheltered employment to employment in the open labour market, by encouraging Member States to use the structural funds developing alternatives. The full potential of a 'flexicurity approach flexible employment schemes -aiming at tailor made job opportunities addressing the needs and abilities of persons with a disability and providing the needed security for people including flexible social protection scheme should also be used and promoted. Moreover, it is crucial to identify and to promote models of good practice with regard to policies and approaches providing 'flexibility' and 'security' on the basis of a thematic peer review.

Instruments to collect accurate and comparable data on employment rates of persons with disabilities must be developed and a close cooperation with Eurostat and stakeholders will be needed. Consequently, a study to map the impact of the benefit trap should be facilitated and financed by the European Commission. It is also important to suggest plans to tackle and implementing it by integrating actions combating the benefit trap in the National Action Plans of the Member States.

The European Commission should benchmark the National Action Plans of the Member States addressing employment of persons with a disability related issues. The Open Method of Coordination and work of the Social Protection Committee will be crucial in this respect. It must also further promote the correct understanding and implementation of the State aid regulation with allows the provision of tools and instruments covering all disability related costs when employing persons with disabilities

The construction of European Networks is an important element to voice the concerns of people with disabilities. Hence, a stakeholder network that focuses on the employment of people with disabilities, promoting structural relations between stakeholders at all local, regional, national and European levels has to be established and financed. At EU level the network would ideally include, in addition to political authorities EASPD, the European Disability Forum, the EC Unit for integration of people with disabilities, the social partners (the European Trade Union Confederation and representatives of employers).

In order to have a clear overview of the needs and issues of the disability sector, it is crucial to involve the representatives of the disability sector in political consultations on topics of relevance for the employment of people with disabilities. The European Commission needs to consider the impact of any European policy on relevant schemes for people with disability, like sheltered employment.

The UN Convention on The Rights of Persons with Disabilities provides a recognized international standard for disabled people's human rights in one document. In order to have a real effect on peoples' lives, the European Commission needs to promote the correct implementation of the UN convention art. 27 by launching a study on people declared unable to work by national legal frameworks and the effect this might have on the full enjoyment of their rights. Finally, the EU should promote ratification of the UN Convention.

2) to the Member States

In order to insure and protect the rights of persons with disabilities, a legal framework is always fundamental. Therefore, EASPD recommends the Member States to promote a legal framework guaranteeing real contracts and real salaries to all who work whether it be it on the open labour market or not. They should also promote the establishment of supported employment agencies who organise assistance, coaching, job carving and all other services required to support people with disabilities in the open labour market. In addition, the Member States should provide financial means for supported employment schemes to enable them to exchange models of good practice in order to fulfil their role as a bridge between labour demand and supply.

Policies based on 'career thinking' as a precondition for sustainable employment should be developed, because employment is not only about finding a job. Therefore it is essential to build up a new Life-Long-Learning-strategy as a very important step forward, to be followed up and included in the relevant Action Plans because sustainable employment is only possible when Life Long Learning is organised and implemented in such a way that people with disabilities can benefit from it.

EASPD does not recommend a reduction in the range of occupational and sheltered employment services without appropriate alternatives, which offer good opportunities leading to decent work on the open labour market.

Sustainable employment of people with disabilities needs to be facilitated by providing incentives for employers to hire disabled people, costs linked to possible production loss, additional training, support, job creation or job carving must be borne by the authorities. The Member States should consequently assess the effectiveness of quota systems for hiring people with disabilities and to launch comparative research on these systems in order to provide guidance for the future.

It is self evident that work should pay. Therefore, EASPD calls on the Member States to fight the benefit trap by assuring real salaries for persons with disabilities who work in the open labour market. This might mean providing support and incentives to people with disability to enter the labour market and providing a flexible safety net in case a situation does not work out.

Employment and career prospects for people with disabilities in the open labour market should clearly be improved by opening up the public sector at local, regional and national levels. A specialised agency might be needed to facilitate this understanding the organisational culture public employers share. To achieve these goals, the Member States should develop National Action Plans including measures to combat discrimination, social exclusion and the benefit traps. Plans with clear targets ought to be achieved on the reduction of unemployment rates and the increase of employment rates of persons with disabilities should be developed.

A smooth transition from sheltered to open employment has to be maintained by providing support to the sector to cope with the crisis and the change our economy is going through. Finally, the promotion of work of persons with disabilities should be based on the concept of stakeholder cooperation and involve relevant stakeholders from the disability sector in all policy discussions on planned legislative changes.

3) to the Social, Health and Employment Service Providers for People with Disabilities

Throughout Europe the disability sector is growing in both complexity and importance. With these changes comes a need for an exchange of relevant models of good practice at local, regional, national and international levels and to actively commit in the stakeholder dialogue setup by the authorities. Thus, service provider for persons with disabilities should employ persons with disabilities in the social services sector in order to set examples of best practice.

Furthermore, it is crucial that service providers for persons with disabilities implement the supported employment concept defined as providing support to people with disabilities or other disadvantaged groups to secure and maintain paid employment in the open labour market through a 5 steps process: engagement, vocational profiling, job finding, employer engagement and on/off the job support. It is equally important to develop an individualised approach focussing on the abilities of each person served. Service providers should clearly enhance links between sheltered employment and the labour market and involve persons with disabilities in the boards and other governing bodies of their organisations.

Accessibility of services is essential when taking about the integration of persons with disabilities in society. For this reason service providers for persons with disabilities must make their services accessible to all persons with disabilities and to provide information in easy to read and other accessible formats.

Innovation is at the core of every organization's competitive advantage so service providers should facilitate innovation and the development of new types of services. To be able to adapt to the challenges of the future and to offer the best possible service to their clients well trained staff is essential so it is imperative that service providers train their professional staff regularly.

Conclusions

The Thessaloniki Declaration aims at identifying the most pressing issues when addressing the unacceptable employment situation of persons with a disability in Europe. The Declaration provides advice and food for thoughts when developing policies. All policies should consider the four key characteristics of successful approaches. Strategies and policies should be build on Stakeholder cooperation at all levels, Targeted actions part of the mainstream approach addressing specific barriers, Availability of support for both employer and employees with a disability, Research and evidence based innovation. These STAR success factors should not be ignored. The percentage of persons with disabilities in the labour market and thus society is too low. This leads to poverty, social exclusion and mental health problems. It also means a huge lost of economic value, skills and competencies and pressures on social protection schemes. By unlocking the employment potential of citizens with disabilities, a win-win situation for both society and persons with a disability will be realised. What are we waiting for?

★ An Executive Summary is available on www.easpd.eu ★



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