

# EUROPEAN SEMESTER : DEVELOPING MORE INCLUSIVE LABOUR MARKETS FOR ALL?



**EASPD**

IMPROVING SERVICES  
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EASPD IS THE EUROPEAN ASSOCIATION OF SERVICE PROVIDERS FOR PERSONS WITH DISABILITIES AND REPRESENTS OVER 12,000 SOCIAL SERVICE PROVIDER ORGANISATIONS ACROSS EUROPE AND DISABILITY

*“Despite the action taken at EU level, lack of equal opportunities in the labour market remains the most important challenge for persons with disabilities. Efforts should be enhanced to ensure focus on abilities instead of disabilities”*

European Commission: “Annual Growth Survey 2017”<sup>5</sup>.

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# INTRODUCTION

The European Semester should focus more attention on the significant unemployment rates of persons with disabilities and how to create more inclusive labour markets throughout Europe. Developing adequate support measures to help enable persons with disabilities – and other disadvantaged groups- onto the open labour market would have a positive impact on the European economy, in addition to the evident impact this would have on the people themselves.

Whilst the European Semester – and in particular the Country Reports- focuses significantly on labour market policies, attention to disadvantaged groups is rather weak and -when done- in a particularly ad hoc way. The following report looks into why the European Semester should look further into the employment rates of persons with disabilities (and disadvantaged groups as a whole) and which measures should be taken at national level to improve the current situation where too many persons with disabilities are excluded from the labour market.

**Chapter II** – Employment and the UN CRPD- looks into the current context of employment of persons with disabilities in Europe, within the framework of the UN Convention on the Rights of Persons with disabilities and its meaning for the European Union (EU).

**Chapter III** – Employment and the European Union- looks into what the EU is currently doing when it comes to developing more inclusive labour markets through its Employment policy and the European Semester process (and where it falls short).

**Chapter IV** – Why should the European Semester focus on the employment of persons with disabilities?- assesses the legal, political and economic arguments for why the European Commission should do more in this regard. The economic arguments regarding the cost-benefits of developing more inclusive labour markets for persons with disabilities is also presented here through a Study developed specifically for this report by Professor Stephen Beyer.

**Chapter V** – How can the European Semester further promote inclusive labour markets- presents several ideas as to how the European Commission could focus more on this issue, with feasible and pragmatic recommendations. Chapter VI includes specific national messages from EASPD members on what changes are needed to tackle the significant unemployment rate of persons with disabilities throughout Europe; including in Bulgaria, the Czech Republic, Finland, France, Greece<sup>1</sup>, Ireland, Poland, Portugal, Slovakia and Spain.

The report will end with conclusions as to why the European Semester should develop in a more structured way assessments of the unemployment rates of persons with disabilities – and other disadvantaged groups- in the European Semester process; as well as how this could be done.

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<sup>1</sup> Greece is currently under an economic adjustment programme and is therefore not currently included in the European Semester process. EASPD believed it important nonetheless that these messages be included in the study to strengthen the European Commission's understanding of labour market policy for persons with disabilities in Greece.

## a. Employment in UN CRPD – Article 27

Work is an important part of human life, leading –if in the right conditions- to greater individual autonomy, personal fulfillment and societal participation. The right to work is a human right, enshrined in the [Universal Declaration of Human Rights](#)<sup>2</sup> and recognised in international human rights law through its inclusion in the [International Covenant on Economic, Social and Cultural Rights](#)<sup>3</sup>.

Yet throughout Europe – and indeed the world-, persons with disabilities have less chances to participate in the labour market than people without disabilities; thus placing them far more at risk of poverty and social exclusion. Although the reasons for why this happens are complex, only too often international, european, national and regional legislation and practices fail to provide adequate measures to support the ability of persons with disabilities to gain access to the labour market and have equal pay, working conditions, job security and promotion opportunities as other people. Even in cases when legislation does not directly hinder the employment of persons with disabilities, it can often indirectly develop unintentional barriers.

For this reason, the [UN Convention on the Rights of Persons with Disabilities](#)<sup>4</sup> – and in particular Article 27- re-iterates obligations states parties have towards breaking down these barriers and towards ensuring persons with disabilities have access to work and employment, on an equal basis with other people in society.

Article 27 indicates that “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, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- 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;
- b. Protect the rights of persons with disabilities, 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;
- c. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e. Promote 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;
- f. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business;
- g. Employ persons with disabilities in the public sector;
- h. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j. Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

<sup>2</sup> Universal Declaration of Human Rights (1948): <http://www.un.org/en/universal-declaration-human-rights/>  
International Covenant on Economic, Social and Cultural Rights (1966):

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights (1966): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>4</sup> United Nations Convention on the Rights of Persons with Disabilities (2006): <http://www.un.org/disabilities/convention/conventionfull.shtml>

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

In October 2016, EASPD, the European Disability Forum, the European Network on Independent Living, Inclusion Europe, COFACE Families Europe and Mental Health Europe signed a Joint Declaration "[Developing together the support services of tomorrow](#)".<sup>5</sup> The Joint Declaration clearly points out the responsibilities State Parties have towards implementing the UN Convention, including in the area of work and employment.

The Joint Declaration argues that "Article 27 of the UN Convention obliges state parties to ensure that persons with disabilities have equal rights to work and to gain a living. Ensuring equal access for persons with disabilities to the open labour market is to be a priority in this regard.

Under article 27, support measures must help to overcome structural and functional barriers to the labour market, including issues linked to stigma. These should be based on sustainable legislative and financial frameworks that ensure that long-term support and income needs can be met. The support for both the person with a disability and the employer may include vocation and educational training, reasonable accommodation, accessible services, technical guidance, the possibility to use personal assistance for employment, subsidies for employers, among others. Other anti-discrimination measures can also play a positive role to ensure equal access to the labour market for employment of persons with disabilities.

States parties of the UN CRPD, which includes the EU, must help to create more inclusive labour markets through pro-active labour market policies if they are to efficiently and effectively tackle the underemployment rates of persons with disabilities.

## b. Unemployment rates for persons with disabilities in the European Union

According to [Eurostat](#)<sup>6</sup>, and its latest statistics on the issue, the employment rate of people with "basic activity difficulties" in the EU 28 in 2011 was 47.3%, almost 20% below that of people without such additional support needs. EASPD remarks that the rate of people with disabilities employed is far lower in reality than what is presented by Eurostat due to the fact that it does not include those considered as "unable to work"; a controversial categorisation in many if not all countries. Disabled people are two to three times more likely to be unemployed for longer periods and face higher risks of losing their jobs than non-disabled people. EASPD views the employment rates of persons with disabilities as close to 20%, a number also presented by the [European Disability Forum](#)<sup>7</sup>. Whilst there is very little data on the employment rates of persons with disabilities since then, it is assumed by the [International Labour Organisation](#)<sup>8</sup> that the rates have been disproportionately affected since the onset of the crisis.

5 Joint Declaration: "Developing together the support services of tomorrow" (2016): [http://www.easpd.eu/sites/default/files/sites/default/files/joint\\_declaration\\_v2\\_final.pdf](http://www.easpd.eu/sites/default/files/sites/default/files/joint_declaration_v2_final.pdf)

6 Eurostat : Disability Statistics – Labour market access (July 2014): [http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability\\_statistics\\_-\\_labour\\_market\\_access](http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics_-_labour_market_access)

7 European Disability Forum : Employment: [http://www.edf-feph.org/Page\\_Generale.asp?DocID=13379](http://www.edf-feph.org/Page_Generale.asp?DocID=13379)

8 International Labour Organisation: Including People with Disabilities in Crisis Response: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms\\_149675.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_149675.pdf)

This was also picked up by the [UN Committee on the Rights of Persons with Disabilities' Concluding observations on the EU's initial report](#)<sup>9</sup>, which expressed concern “about the high unemployment rates of persons with disabilities (...) in comparison with other groups of population in the European Union”. The Committee consequently recommended that the EU “takes effective actions to measure the employment of persons with disabilities and to increase their employment rate in the open labour market (...)”. The European Semester should be a key aspect of this approach. The millions of persons with disabilities in Europe who do not have a job has led to far higher poverty and social exclusions rates for them than for the general population (although this has also increased); with a consequent negative impact on the European economy as a whole.

### c. European Union & UN CRPD

The UN Convention on the Rights of Persons with Disabilities was adopted in 2006 and came into force in May 2008 as one of the main international human rights treaties. The UN CRPD has since been signed by all EU Member States and ratified by 27 out of 28 Member States. The CRPD has also been ratified by the European Union; a first of a kind for an international organisation. The UN CRPD is legally binding for the participating states who have ratified the instrument<sup>10</sup>.

The EU has a framework<sup>11</sup> that promotes, protects and monitors the implementation of the CRPD in matters of EU competence, including EU legislation and policy. The European Commission has adopted a European Disability Strategy 2010-2020 which provides an overview of what the European Commission believes are its obligations towards the implementation of the UN CRPD. Regarding employment, this means to “raise significantly the share of persons with disabilities working in the open labour market”<sup>12</sup>.

In its “Concluding observations to the initial report of the European Union”, the UN Committee on the Rights of Persons with Disabilities recommended that “the European



9 UN Committee on the Rights of Persons with Disabilities : Concluding Observations on the initial report of the European Union (2015). Point 50 and 51:

10 European Commission: UN Convention on the Rights of Persons with disabilities: <http://ec.europa.eu/social/main.jsp?catId=1138>

11 EU Framework for the UN Convention on the Rights of Persons with Disabilities: <http://ec.europa.eu/social/main.jsp?catId=1189&langId=en>

12 European Commission, European Disability Strategy 2010-2020 <http://ec.europa.eu/social/main.jsp?catId=1137>



the European Union should push for the inclusion of persons with disabilities through all its competences, policies and activities

Union take effective action to measure the employment of persons with disabilities and to increase their employment rate in the open labour market<sup>13</sup>. It also calls on the European Union to issue a “cross-cutting, comprehensive view of its legislation aimed at harmonizing it with the Convention”.

#### d. What does UN CRPD mean for the EU?

The ratification of the UN CRPD by the European Union means that the European Union should push for the inclusion of persons with disabilities through all its competences, policies and activities. This includes the European Semester process and the EU's employment policy.

To date, the European Semester has yet to develop a (public) strategy in which it details the European Commission's plans and ideas as to how the European Semester could be used to implement the UN CRPD. As assessed by EASPD in 2015 in its report on [“how the European Semester can help to implement the UN CRPD”](#)<sup>14</sup>, the European Semester's focus on disability issues appears to be done in an ad hoc manner.

This was picked up the European Parliament which has since twice called on the European Commission to do more to implement the UN CRPD through the European Semester. On 25th February 2016 the [European Parliament resolution on the European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2016](#) called on “the Commission to develop a concrete plan on how the European Semester will be used to implement the principles of the UN Convention on the Rights of Persons with Disabilities”<sup>15</sup>. This was followed by another [European Parliament resolution on the implementation of the UN CRPD](#) in June 2016 which “calls on the Commission, in the context of the European Semester, when evaluating the social situation in Member States (country reports and country-specific recommendations) to also focus on monitoring the situation of persons with disabilities as part of the EU's shared commitment to building a barrier-free Europe”<sup>16</sup>.

The European Commission is yet to produce a plan or a strategy responding to these calls by the European Parliament and EASPD.

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13 UN Committee on the Rights of Persons with Disabilities : Concluding Observations on the initial report of the European Union (2015), Point 64. 65

14 EASPD report: how the European Semester can help to implement the UN CRPD (2015): [http://easpd.eu/sites/default/files/sites/default/files/easpd\\_2015\\_report\\_on\\_european\\_semester\\_un\\_crpd\\_final.pdf](http://easpd.eu/sites/default/files/sites/default/files/easpd_2015_report_on_european_semester_un_crpd_final.pdf)

15 European Parliament resolution – European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2016: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0059+0+DOC+XML+V0//EN>

16 European Parliament resolution on the implementation of the UN CRPD (2016): <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0203+0+DOC+XML+V0//EN&language=en>



## a. EU Employment Policy

Employment is a policy of [shared competence](#)<sup>17</sup> between the European Union and Member States, where the European Union coordinates Member States policies in economic, employment and social policies or implements supplemental policies when not already covered at national level.

In recent years, the European Union has launched two main employment initiatives; both of which include persons with disabilities as possible beneficiaries. The [Youth Guarantee](#)<sup>18</sup>, implemented since 2014, aims to ensure all young people under 26 receive a quality offer for a job, continued education, an apprenticeship or a traineeship within four months of leaving formal education or becoming unemployed. Although the Youth Guarantee is a positive step towards tackling youth unemployment, it is [not particularly suited](#) to tackling the unemployment of persons with disabilities insofar as it does not provide proposals in terms of possible support needs required to make it fully inclusive<sup>19</sup>. There is also a risk that the Youth Guarantee excludes persons with disabilities due to national policies which [prevent many persons with disabilities](#) from being registered on the public employment agencies<sup>20</sup>.

[The Council recommendation to combat long-term unemployment](#)<sup>21</sup> is much more suited to [supporting persons with disabilities into employment](#)<sup>22</sup> due to its holistic nature. Indeed, its emphasis on providing individualised support and recognition of the importance of structural cooperation and adequate financial support for employment programmes is rather well suited to tackling the barriers impeding the labour market participation of persons with disabilities.

European Structural and Investment Funds are also an important EU initiative which supports the employment of persons with disabilities through funding training opportunities and other labour market policies.

## b. Employment & the European Semester

The [European Semester](#)<sup>23</sup> is a multi-annual dialogue between the European Commission and Member States looking to coordinate Member State economic policies towards achieving the [Europe 2020 strategy](#)<sup>24</sup> and the [Stability and Growth Pact](#)<sup>25</sup>.

The Europe 2020 strategy includes five targets to be achieved, one of which focuses on employment. The Europe 2020 Employment target is to raise the employment rate of the general population aged 20-64 to at least 75%. Similarly, the Stability and Growth Pact aims at ensuring that EU Member States “pursue

17 Division of competences within the European Union: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Aai0020>

18 European Commission - European Youth Guarantee: <http://ec.europa.eu/social/main.jsp?catId=1079>

19 EASPD Briefing Paper – Youth Guarantee: <http://easpd.eu/en/content/briefing-paper-youth-guarantee>

20 EASPD report: how the European Semester can help to implement the UN CRPD (2015) – Irish Messages: [http://easpd.eu/sites/default/files/sites/default/files/easpd\\_2015\\_report\\_on\\_european\\_semester\\_un\\_crp\\_d\\_final.pdf](http://easpd.eu/sites/default/files/sites/default/files/easpd_2015_report_on_european_semester_un_crp_d_final.pdf)

21 Council recommendation on the integration of the long-term unemployed into the labour market (2016): [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016H0220\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016H0220(01))

22 EASPD Position Paper – Service provision to tackle Long-term Unemployment( 2015): [http://easpd.eu/sites/default/files/sites/default/files/PressReleases/position\\_paper\\_on\\_tackling\\_ltu\\_-\\_april\\_2015.pdf](http://easpd.eu/sites/default/files/sites/default/files/PressReleases/position_paper_on_tackling_ltu_-_april_2015.pdf)

23 European Commission – European Semester: [http://ec.europa.eu/economy\\_finance/economic\\_governance/the\\_european\\_semester/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/the_european_semester/index_en.htm)

24 European Commission – Europe 2020 Strategy: [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm)

25 European Commission – Stability and Growth Pact: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/index_en.htm)

sound public finances and coordinate their fiscal policies". Tackling unemployment and bringing people out of poverty is an important element of achieving sustainable public budgets and therefore an important part of the Stability and Growth Pact. The European Semester therefore clearly has a role in implementing these policies and thus on focusing its attention on national measures and policies in the field of employment, including for disadvantaged groups.

It also fails to take into account the significant macro-economic impact of having millions of people with disabilities unemployed in Europe.

As part of the Semester process, each Member State receives several [country specific recommendations](#)<sup>26</sup> from the European Commission providing guidance on which policies the Member States should implement to achieve the EU's long-term objectives. In 2016, 20 EU member states received a recommendation on employment activation policies, demonstrating both the size of the issue at stake (chronic and high unemployment in Europe) and the economic consequences of failing to improve employment rates at national level.

This being said, only the [country-specific recommendation to Ireland](#)<sup>27</sup> 2016 references directly to the high levels of unemployment of persons with disabilities stating that "the challenge remains to expand job support services to those traditionally excluded from the labour market, including people with a disability and those with caring responsibilities". This is despite the unemployment rates of persons with disabilities being considerably high throughout EU member states and not only in Ireland. It is also despite the fact that 9 [country reports](#)<sup>28</sup> (country analyses upon which the CSRs are based) account for the extremely high unemployment rates for persons with disabilities. This demonstrates fully well the ad hoc nature to the European Semester's approach to the UN CRPD and the high unemployment rate of persons with disabilities. It must nonetheless be said that disadvantaged groups are mentioned rather regularly; although from a very broad perspective and coverage and therefore fail to really engage with the different needs people may have.

Some may argue that the European Semester is focused on broader macro-economic issues and is not built to focus on specific disability issues. However, this fails to explain why some country reports – and a country specific recommendation – raises the issue and others do not, despite high levels of unemployment for persons with disabilities in all EU Member States. It also fails to take into account the significant macro-economic impact of having millions of people with disabilities unemployed in Europe.

In November 2017, the European Commission's [Annual Growth Survey 2017](#)<sup>29</sup>, which sets out their economic and social priorities for the following year highlighted the lack of equal opportunities for persons with disabilities on the labour market as a significant issue and called for efforts to be made in this field. This should be reflected within the Commission's work on the European Semester over the following few years.

26 European Commission – Country Specific Recommendations 2016: [http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm)

27 Council Recommendation to Ireland (2016): [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.299.01.0065.01.ENG&toc=OJ:C:2016:299:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.299.01.0065.01.ENG&toc=OJ:C:2016:299:TOC)

28 European Commission – Country Reports 2016: [http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm)

29 European Commission: "Annual Growth Survey 2017": [https://ec.europa.eu/info/sites/info/files/2017-european-semester-annual-growth-survey\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/2017-european-semester-annual-growth-survey_en_0.pdf)





The following part will explore in detail why the European Semester should focus more attention and in a structured way on tackling the high levels of employment for persons with disabilities.

### a. Legal and Political Arguments

Having ratified the UN CRPD, the EU is legally obliged to promote measures to tackle barriers to the right to work for persons with disabilities throughout its legislation and activities, past and future. The European Semester falls within the realm of issues affecting the implementation of the UN CRPD insofar as it has an impact over the day to day lives of persons with disabilities; including employment, education and long-term care policies.

Therefore, legally speaking, there is significant ground to argue that the European Semester should focus in a structured and coherent manner on the employment of persons with disabilities in its country reports and country-specific recommendations.


Ms Marianne Thyssen, Commissioner for Employment, Social Affairs, Labour Mobility and Skills, expressed the relevance herself when she [stated in June 2015](#) that the “European Commission is also continuously monitoring progress (against discrimination on the ground of disability in employment and occupation) through the European Semester”<sup>30</sup>, followed by “in 2015, most country reports touched on issues concerning people with disabilities”. It is justifiable to understand these comments as a clear sign of both the relevance of disability issues within the European Semester and an indication of the ad hoc nature of the inclusion of disability issues in the process.

Taking this statement by Ms Marianne Thyssen alongside the calls by the European Parliament, there is also a political argument as to why the European Semester should focus on employment issues for persons with disabilities in a more structured and coherent manner.

<sup>30</sup> Marianne Thyssen, European Commissioner for Employment, Social Affairs, Skills and Mobility – Keynote Speech at Conference “Towards barrier-free Europe. European Disability Card” (2015): [https://ec.europa.eu/commission/2014-2019/thyssen/announcements/keynote-speech-conference-towards-barrier-free-europe-european-disability-card\\_en](https://ec.europa.eu/commission/2014-2019/thyssen/announcements/keynote-speech-conference-towards-barrier-free-europe-european-disability-card_en)

## b. Economic Arguments

This being said, the European Semester is considered by many as first and foremost about macro-economics and budgetary stability. Is it therefore relevant in economic and fiscal terms to tackle the high unemployment rates of persons with disabilities within the European Semester process; in particular when it comes to achieving the Europe 2020 Strategy and the Stability and Growth Pact?



Considerable research has been done assessing the cost-benefit of increasing the employment rates of persons with disabilities

Considerable research has been done assessing the cost-benefit of increasing the employment rates of persons with disabilities. EASPD commissioned a [study](#)<sup>31</sup> – launched alongside this report- to bring together an extensive overview of studies and research on the economic added value of developing active labour market policies for persons with disabilities. In this study, the lead Author – Dr Stephen Beyer- assesses through an analysis of a significant amount of global research and data – covering the last 30 years- that “while there will be transitional costs (...) the over-riding

conclusion of this review is that governments and taxpayers are likely to benefit financially from greater investment in inclusive employment”. Dr Beyer also argues that two models in particular – Supported Employment and Individual Placement and Support- show significant financial benefits for taxpayers and individuals; in addition to assisting people to move out of poverty with better paid jobs than alternatives.

In addition to the political and legal arguments, there are therefore also clear economic arguments for the European Semester to look in more detail into how to tackle the high unemployment rates of persons with disabilities; in particular given the context of an ageing population, decreasing workforce and high levels of debt.

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31 Dr. Stephen Beyer & Dr. Annie Beyer: “The economic impact of inclusion in the open labour market for persons with disabilities” (2016). Available on EASPD’s website.

# HOW CAN THE EUROPEAN SEMESTER FURTHER PROMOTE INCLUSIVE LABOUR MARKETS?



The European Semester is already very active in recommending developments to national labour market policies; as is noticeable with 20 country-specific recommendations in the field of employment and labour market policy. Yet, the European Semester's approach to labour market policy when it comes to persons with disabilities (and often other disadvantaged groups) is extremely ad hoc; as previously mentioned. This is despite the economic gains that can be achieved through well targeted inclusive labour market policies; including for persons with disabilities (See Beyer report).

EASPD recommends the European Commission to include in each country-report a targeted section on the employment for disadvantaged groups, including a specific section regarding labour market policies for persons with disabilities.

In 2015, EASPD proposed that the European Commission assesses the following STAR recommendations in each country report, as based on [EASPD's position paper on the role of support in tackling long-term unemployment](#).<sup>32</sup>

- **Stakeholder cooperation:** level of participation and commitment of stakeholders (employers, persons with disabilities, support providers, etc), as well as localized social service provision;
- **Targeted actions:** Extent of individualized approach, decent working conditions and career paths;
- **Availability of support:** Development of coherent legislation and funding systems and the promotion of supported employment agencies;
- **Research:** support research to better understand the reasons of unemployment, develop detailed unemployment statistics and analysis for disadvantaged groups.

Additionally, EASPD also recommended the European Commission to use data it developed whilst working on tackling long-term unemployment which led to the following recommendations in their [factsheet on Long-term Unemployment](#).<sup>33</sup>

- More continuity in support delivery in Bulgaria, Cyprus, Greece, Spain, Croatia, Italy, Lithuania, Malta and Romania
- Increased individualised support in the Czech Republic, Croatia, Portugal, Romania, Cyprus, Greece, Spain, Italy, Latvia and Hungary
- Stronger employers' engagement in Hungary, Germany, France, Croatia, the Czech Republic and Latvia.

To better inform the European Commission of the main barriers at national level in terms of the labour market inclusion of persons with disabilities, EASPD members from Bulgaria, the Czech Republic, Finland, France, Greece<sup>34</sup>, Ireland, Poland, Portugal, Slovakia and Spain have developed national messages; which can be found in the following chapter.

32 EASPD Position Paper – Service provision to tackle Long-term Unemployment( 2015): [http://easpd.eu/sites/default/files/sites/default/files/PressReleases/position\\_paper\\_on\\_tackling\\_ltu\\_-\\_april\\_2015.pdf](http://easpd.eu/sites/default/files/sites/default/files/PressReleases/position_paper_on_tackling_ltu_-_april_2015.pdf)

33 European Commission – Factsheet on Long-term Unemployment (2015): <http://ec.europa.eu/social/keyDocuments.jsp?pager.offset=0&langId=en&mode=advancedSubmit&advSearchKey=LTUfactsheet>

34 Greece is currently under an economic adjustment programme and is therefore not currently included in the European Semester process. EASPD believed it important nonetheless that these messages be included in the study to strengthen the European Commission's understanding of labour market policy for persons with disabilities in Greece.

# VI

National  
Recommendations  
to make  
labour markets  
more inclusive  
for persons  
with disabilities.



## General context and legal framework

Bulgaria has been a member of the European Union since 2007. The country specific recommendation for Bulgaria in 2016 regarding employment states the need of “Reinforcement and integration of social assistance, including relevant social services, and active labour market policies, in particular for the long-term unemployed and young people not in employment, education or training”. According to WHO directions that state that the number of people with disabilities is about 10-15% of the population, it can be assumed that people with disabilities in Bulgaria are about 1 million. In accordance with generally accepted principles for the population at working age the number of people with disabilities at working age is assumed of about 50% or about 500 thousand. Even though these numbers are approximate, there are actual figures of working people with disabilities in Bulgaria as follows:

- 1700 people are working in specialized enterprises,
- 2000 people are supported for work by subsidized employment
- Total of 15-18 thousand working in all forms of employment.

These numbers of employed people with disabilities in Bulgaria give an extremely alarming setting whereas employment rate of disabled people is below 5% and resp. unemployment rate is over 95%.

## Targeted Action

### Legislative Amendments

In an amendment of the National Reform Agenda of August 2016 this recommendation is reflected in several additions that include activities to encourage employers in hiring long-term employed and implementation of a program of training and employment of long-term employed people. These measures will be funded mainly by the Operational Programme “Human Resources Development”, whereas people with disabilities are part of the target group of long-term unemployed and despite the extremely high unemployment rate of those people - more than 95%, special programs and measures aimed at them are not provided. As a result and despite tackling unemployment rates, the overall employment of people with disabilities in Bulgaria lacks effectiveness of existing activities and decisions, as well as meaningful efficient solutions and the number of working people with disabilities is continuously decreasing over the last years.

In July 2016 Bulgaria adopted a new National Strategy of People with Disabilities 2016 – 2020, which revoked the old National Strategy of Long-term Employment of People with Disabilities. Having such strategy is a good solution accompanied however, by uncertainty in its implementation due to lack of analyzes, evaluations and future adoption of action plans, which delays the assessment of its applicability and effectiveness in the future. In a situation where the new national strategy revokes the current strategy of long-term employment for people with disabilities, the Employment section should contain significant short-term solutions and long-term vision to ensure positive change of the alarming situation in the disabled people employment sector and achieve effective results. Regardless this urgent demand, the Employment section of the strategy does



not bring the necessary answers, lacks precision, and therefore does not guarantee the expected effect. Eventually, the alarming questions about employment improvement will be solved with the development of action plans in future.

Legal changes in 2015 defined the term “supported employment” for the Bulgarian legislation.

### **Weaknesses of the current system**

Until August 2016 however, the practical implementation of this type of employment in the country has not begun yet. The regulation of supported employment in the Bulgarian legislation as a good European and world practice is certainly a very good solution that will require additional efforts in implementing follow-ups and will ensure effective practical application to achieve practical results.

The lack of legal regulation of sheltered employment - another European and international practice, uncertainties about regulation of other existing forms of employment, such as specialized enterprises, also has inhibitory effect on the development of effective and efficient solutions to improve the employment of people with disabilities.

Social services that provide occupational and rehabilitation integration of their customers and have the potential to expand this support to additional services for activation of unemployed on the labor market meet legislative and administrative limitations. Therefore, social services cannot provide such support officially, nor are able to organize a real labor process or market output production, which makes implementation of this type of measures and activities impossible.

## **Additional recommendations**

Based on the facts stated above, we consider that the following proposals may be made:

- Adoption of changes in the legislative framework that would regulate the employment of people with disabilities, incl. decrease of the administrative burden, introducing support and incentives for usual employers on the open labor market for wide employment of people with disabilities.
- Providing the best possible conditions for accelerated practical implementation of supported employment as a form and method providing support for disabled people themselves and employers, which would make real and significant progress in tackling unemployment of people with disabilities.
- Legal regulation of other forms of support, such as sheltered employment, specialized enterprises, social enterprises, social services and etc., as well as introduction of significant and adequate changes of employment funding support.





## General context and legal framework

Persons with disabilities form one of the most vulnerable groups in terms of employment. The rate of unemployment for persons with a basic activity difficulty (such as sight, hearing, walking, communicating) in Czech Republic was 15.7%<sup>35</sup> in 2011, as opposed to 6.3% for persons with no such limitations. The difference between unemployment rates of persons with and without activity difficulties, of 9.4 percentage points, was among the highest in EU-28.

The relatively low participation of persons with disabilities in the labour market can mostly be explained by the existence of prejudices and stigma in the society as well as by the lower level of education among persons with disabilities (due to difficulties linked to access to education). It should be noted that persons with the 3rd degree of disability (a total of 160,884 persons in 2015) cannot officially register as jobseekers.

The number of economically inactive persons with disabilities is estimated at 239,000. At the same time, the number of persons with disabilities in the labour market is estimated at 200,000, out of which about 90,000 are in the so-called “grey market.” Low income and the fear of losing disability benefits cause persons with disabilities to seek employment informally.

The employment of persons with disabilities is regulated by the Part III of the Law on Employment No. 435/2004 Coll. (on employment of persons with disabilities). The country ratified the United Nations Convention of the Rights of Persons with Disabilities (UN CRPD) on 28 September 2009. Other legislative frameworks regulating the employment of persons with disabilities include:

- Act no.198/2009 Coll. on equal treatment and legal means of protection against discrimination.
- National Plan supporting equal opportunities for people with disabilities 2015-2020 (non-binding).
- Act no.518/2004 Sb. Directive on vocational rehabilitation for people with disabilities.
- Act No. 329/2011 Coll. on Providing Benefits for People with Disabilities.
- Employment Strategy 2013-2020.


The Czech Republic provides a number of financial and non-financial incentives to employ persons with disabilities.

### Financial incentives:

Contribution for creating a protected workplace: employers can be paid by a local Labour Office a contribution to establish a protected job. The contribution can be used for purchasing special equipment. The maximum contribution depends on the number of jobs created and the degrees of disability. It can go up to CZK 362,642. According to Act No. 435/2004 Coll. on Employment, Part Three, Section 79, Labour Offices are also responsible for providing information and advice on issues related to employing people with disabilities, as well as funding for adaptations to workplaces in the open labour.

Contribution to partially cover operating costs of a protected workplace: can go up to a maximum amount of CZK 48,000 per annum per protected job.

<sup>35</sup> Source: Eurostat, hlth\_dlm030 [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth\\_dlm030&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_dlm030&lang=en)



a significant percentage of employers preferred sourcing from organisations that employ persons with disabilities, instead of employing persons with disabilities directly

Contribution to support the employment of persons with disabilities: up to 75% of actual wage costs for employees with disabilities, but no more than CZK 8,800 per month (CZK 5,000 for persons with a physical disability). Furthermore, the employer can claim an allowance increase of CZK 2,700 per month (CZK 1,000 for persons with a physical disability).

Reductions on income tax: employers receive a discount on income tax of CZK

18,000 for each employee with a disability, and CZK 60,000 for an employee with a severe disability.

The Czech government spends about CZK 12 million annually on financial contributions to employers. However, the intervention is not 100% cost effective. Expenditure incurred from the “mandatory share of employment of persons with disabilities,” under §78 of the Employment Act, almost tripled since 2006 from CZK 1.4 billion to CZK 4 billion. However, the rate of employment of persons with disabilities did not correspond to this increase. In addition, there are cases of abusing the system: employers may hire persons with disabilities only for the sake of receiving the benefits, while in reality not engaging them in work.

The focus should be shifted from merely creating protected workplaces towards better examining employers. Cooperation with employers should be secured on agreement-basis.

### **Mandatory share of employment of persons with disabilities**

Under the Act No. 435/2004 Coll., employers with workforce of more than 25 people are required to employ individuals with disabilities to the proportion of 4% of the total number of employees. This obligation can be met by:

- Actually employing persons with disabilities;
- Buying products or services from employers with a workforce consisting for more than 50% of persons with disabilities;
- Paying a penalty to the State;
- Combing all the above-mentioned methods.

According to the Ministry of Labour and Social Affairs (MOLSA), in 2014, a significant percentage of employers (41.96%) preferred sourcing from organisations that employ persons with disabilities, instead of employing persons with disabilities directly. Moreover, 6.67% of employers paid the penalty to the state for not meeting the requirement of mandatory employment of persons with disabilities.

The system of subcontracting needs to be assessed. Before changing the existing system, more data is needed about what is working and what is not working. Currently there are works done on improving the system. By January 2017, a new system might be already in place.

### **Disability benefits:**

Persons with disabilities can be entitled to:

- Full disability pensions – paid to insured persons who become “fully disabled” as a result of an injury at work or an occupational disease;
- Partial disability pensions - paid to insured persons with a disability caused by an injury at work or an occupational disease.

However, the fear of loss or reduction of benefits prevents persons with disabilities from seeking employment. This creates the 'benefits trap'.

There is a need for mechanisms that would ensure that persons with disabilities are not discouraged from entering the labour market, in particular to avoid the benefit trap.

## Stakeholder Cooperation

Several challenges have been experienced by the government in relation to the cooperation of stakeholders involved in the process. One of them relates to the inability of various ministries to work together effectively to find a systemic solution; each authority currently protects their own interests. There is a need for an integrated and coordinated rehabilitation system. Overall, there is a need to see the interdependence of various issues (such as unemployment, disability pensions and Social Services) within MOLSA.

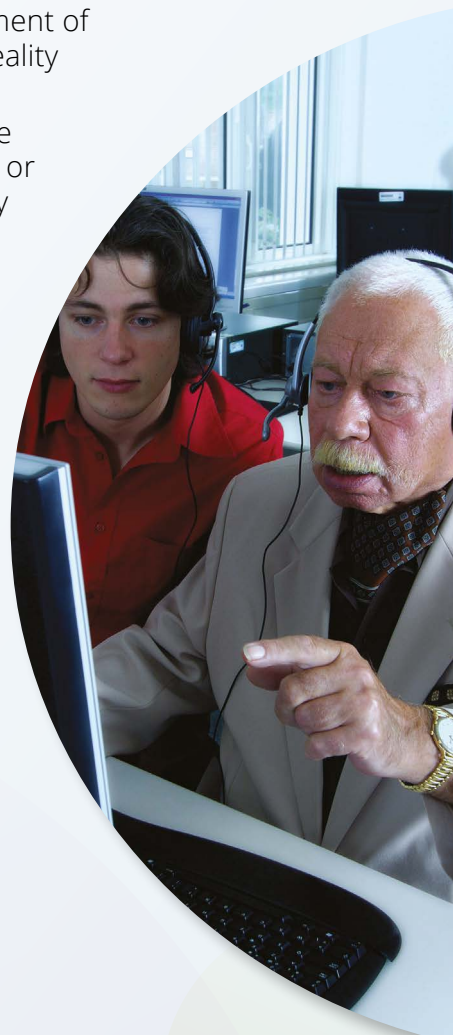
Another issue recognized by the stakeholders concerns the fragmentation of individual items in the budgets of ministries. This is the problem of creating the state budget. Socio-therapeutic workshops need to be combined with unemployment support for persons with disabilities. The rehabilitation aspect of therapeutic workshops should be emphasized. Currently, the labour/rehabilitation aspect of social-therapeutic workshops is poorly addressed in legislation. This potentially leads to a greater risk of sham employment of persons with disabilities who are employed only on paper but in reality do not participate in productive activities.

Additionally, the system that is currently in place does not prioritise early intervention for vocational rehabilitation. Following accidents or serious consequences of diseases, people are first retired and only then given employment support by the Labour office.

## Targeted Action

The main tool used in the Czech Republic to facilitate supported employment in the open labour market is vocational rehabilitation (Pracovní rehabilitace). The tool was introduced in Part III of the Law on Employment No. 435/2004 Coll.<sup>36</sup> It is defined as a continuous activity aimed at obtaining and maintaining suitable employment for people with disabilities. Vocational rehabilitation envisages employment in the labour market and involves **measures tailored to individual needs** and counselling.

Even though the law emphasized individual and targeted support, in practice, Labour Office staff often does not know how to work with persons with disabilities, especially with persons with severe disabilities. Sometimes, there seems to be a misunderstanding among the staff that persons with severe disabilities require life-long support. The solution to this problem would be further/better training of staff.



<sup>36</sup> <http://business.center.cz/business/pravo/zakony/zamestnanost/cast3.aspx>

## Availability of Support

The possibility of support to be provided to the government by interested groups or other stakeholders is lined with certain challenges that preclude effective cooperation between them and the governmental bodies. One such challenge concerns the financial support for organisations employing persons with disabilities. These are more market oriented and not well suited to the nature of social service providers. Financial support to social services employing

persons with disabilities is provided with a delay. This is detrimental for social services, whose operations are dependent on these allowances; unlike businesses, they cannot operate without such a support. There is a need for a 'social allowance' that would be flexible and that would bridge the employment market and the social sphere.

Additionally, training is needed for staff in Labour Offices to better understand the needs of persons with disabilities.

More services, such as social counselling, social services, work rehabilitation and social rehabilitation, are needed for persons with severe disabilities. In this connection, persons with the 3rd degree of disability cannot be registered with the Labour Office as job seekers, but they can be in a register of person who are interested in job seeking. The Labour office has to help them find a job. Thus, they can work under special conditions or they can participate in vocational rehabilitation.

The government stresses that there is a need for data to further the implementation of changes

## Research

The government stresses that there is a need for data to further the implementation of changes. Action without data support may hurt the system that is currently working.

There exists a working group (MOSLA, Labour Office, National Council for disabled persons, Union of Czech Production Cooperatives, etc.), which is working on mapping the situation in these areas:

- evaluation of the work potential of persons with disabilities for employment on the labour market
- transferability of social services, supported labour market and open labour market
- motivation of persons with disabilities for the use of vocational rehabilitation)
- optimization of the mandatory proportion of employment of persons with disabilities
- increase of professional competencies of employers on the open labour market
- employment of persons with disabilities on protected labour market - providing contributions to employers with more than 50% of persons with disabilities.

The outcome of the study will be available in 2018.

# DEVELOPING AN INCLUSIVE LABOUR MARKET IN FINLAND



## General context and legal framework

There are approximately 25000 persons with intellectual disabilities in the working age group (17-65 years old) in Finland. Out of this number, approximately 500-600 persons are involved in day-time activities, 9000 persons in sheltered workshops and 2000 persons with disabilities involved in community employment. Only less than 500 persons have a paid job based on a work contract, while estimates show that there are more than 3000 persons with intellectual disabilities with clear work potential.

There are different forms of employment for persons with disabilities which may or may not ensure a salary and work contract. Sheltered workshops provide vocational training and daytime activities, such as carpentry, handicrafts, kitchen work, cleaning, sub-contract work (packaging, assembly, etc.). The allowance in sheltered workshops can vary between 0€-12€/day. Community employment involves work in the open labour market, but as a part of the municipality's social service. In this context, people with disabilities will not benefit from a real salary or other benefits such as paid annual leave, sick leave, insurances, etc. While community employment should be used as short-term training period ensuring the transition to full employment, many people with disabilities remain in the same type of employment for years with no further prospects. The allowance in community employment ranges from 0€ to 12€ per day.

Most people with intellectual disabilities receive a disability pension in Finland. While receiving a disability pension, they are entitled to work and receive a salary. Nevertheless, if the salary exceeds 743, 84€ per month, the pension has to be put aside. This "benefit trap" does not allow or motivate persons with disabilities into full employment.

In theory, the legislative framework in Finland could enable the employment of persons with disabilities in an inclusive labour market; nevertheless, this is not a widespread reality. The long history of institutions is still very visible in organizing daily activities. There are very few people with disabilities working with real contracts. There is a strong tendency of work under social contract, while persons with disabilities benefit from their pensions and not a full salary.

In Finland, unemployment figures are relatively high. In 2015, the unemployment rate was at 11.8%, the highest rate in a 15-year period. This has created obstacles for people with disabilities entering the labour markets. Apart from this, societal attitudes are also not favourable towards the inclusion of persons with disabilities in the labour market.

## Stakeholder Cooperation

In Finland, different stakeholders are involved in developing an inclusive labour market. The two largest are Kela, The Social Insurance Institution of Finland, and The Employment and Economic Development Office (TE Office). TE Office is a national organization which provides services to jobseekers, unemployed people, employers and enterprises at a regional level throughout Finland. Apart from this, the social and health care services of each municipality as well as the service providers play an important role in supporting the development of an inclusive labour market in Finland.

Nevertheless, there are contrasting regional differences in terms of stakeholder cooperation. While some communities benefit from good quality services based on



cooperation, there is a lack of knowledge and resources in other areas. Even though the TE Office may have the necessary knowledge, it does not further explore cooperation with other service providers or clients. Also, the digitalization of certain services has restricted their access to some people. The transition from the vocational school to the labour market is not properly organized in a sustainable way. There should be more cooperation between schools, jobseekers and job coaching. As a result of this, there are many people “trapped” in day-center activities instead of a job, in spite of their work potential and job opportunities. Support is needed already since the last year of vocational school to guarantee a successful transition into the labour market.

Apart from this, enterprises should be better supported in employing persons with additional support needs. Some good targeted actions supporting enterprises exist, such as the Helsinki’s supported employment programme. Through this support service, job coaches assess and support the career path of persons with disabilities. The coach then searches for appropriate companies and customizes work tasks together with the employer. Although supported employment programmes are financially covered, they are not well known in companies due to the lack of sufficient cooperation between the TE Office and enterprises. Additionally, more job coaches are needed and knowledge about special needs of people with intellectual disability should be made available.

## Targeted Action

There are different targeted actions defined by the law in relation to the employment of persons with disabilities in Finland. The most commonly known is the financial aid given to enterprises employing persons with disabilities to cover their salaries. Nevertheless, as this type of support is linked to the yearly budget availability, enterprises may not eventually receive the support at the end of the year. This is also problematic in establishing long-term employment contracts as the employer does not have the guarantee to receive the financial support for the next year. Although not very well known, the employer can also request support for adapting the working environment. There is no special quota for employers to hire persons with disabilities.

The TE Office offers some support for persons who already have a job in order for them to keep the job. Nevertheless, the support is not generally available and it is, again, dependable on the available budget. Training for jobseekers is also offered by municipality but is not available nation-wide.

Practice has shown that the best results are brought on by individualised and

customised support. However, due to the scarcity of available job coaches, this approach cannot be applied for all persons with disabilities wishing to enter the labour market. As alternative to this method, trainings are possible but these do not match the results of customised trainings in the work environment.

Although targeted actions exist, as it can be seen, these depend on the available budgets, attitudes, knowledge of decision makers and the availability of services in the local community. These actions should be made legally-binding in order to mainstream them. Also, the unlimited period of time a person can work under social contract makes it far too tempting for employers not to hire people with disabilities and to deal with the legal demands involved in a work contract.

Although targeted actions exist, as it can be seen, these depend on the available budgets, attitudes, knowledge of decision makers and the availability of services in the local community

## Availability of Support

There is a wide variety of easy-to-read information regarding employment (how to find a job, what support is available etc) in Finland. In spite of this, this is not easily accessible, as people with disabilities do not know where to find the information and how to use it. There should be more care management and social work to help people find information.

The availability of job coaches and personal assistants depends from one municipality to another. They can be successfully used to support inclusive labour markets but the availability of such support depends on the decision makers and budgets.

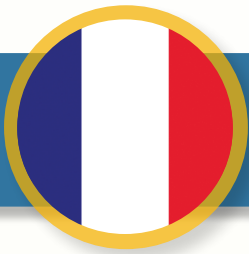
As mentioned before, this leads to a situation in which the accessibility to labour market depends on factors which do not take into consideration the wishes of persons with disabilities. There should be more binding elements in the law and more possibilities to monitor, signal and report if authorities are not fulfilling these obligations.

At the moment, there are structural changes in Finland through which municipalities are transitioning from a local model to a regional one. Currently, each municipality is responsible for health and social care. The system will be centralized from 330 municipalities into 18 areas. Municipalities are entitled to carry taxes but in the new system, the central government will distribute the money. One objective brought along by this structural change is to create more equal opportunities for people living in different areas.

For 2017, a special funding stream from the Ministry for Social and Health Affairs will be made available for the regional authorities in order to develop inclusive labour markets. This should lead to further regional programmes and activities in this regard.

## Research

One of the challenges faced by the government in advancing its system is the fact that here is limited research regarding inclusive labour markets in Finland. The terminology used defers from one research to another which makes it difficult to have a clear picture of the current situation. Self-advocates are often not directly included in this type of researches and they are mostly done by asking the authorities. On top of this, not all municipalities give their feedback and therefore, the results are not always relevant. This type of researches should be higher on the agenda of universities and high level education and applies to all topics of disability research.



# DEVELOPING AN INCLUSIVE LABOUR MARKET IN FRANCE

## General context and legal framework

In France, the right to employment for persons with disabilities is based on the 1987 Act which established the AGEFIPH (Association de Gestion du Fonds pour l'Insertion des Personnes Handicapées) and the Law 2005-102 (Law for equal rights and opportunities, participation and citizenship of people with disabilities).

This right however still faces, despite some improvements, many obstacles. Employment of people with disabilities in the ordinary working environment faces many challenges at all stages: access, retention, and career development.

At the moment, the unemployment rate for disabled workers is increasing more strongly compared to non-disabled workers. This may also be due to the low qualification of persons with disabilities, as well as to the lack of comprehensive employment-related support to be provided in a long-term framework; the current existing tools indeed allow only for ad hoc support measures.

If companies with more than 20 employees are subject to an employment obligation of disabled workers (the "Obligation d'emploi des travailleurs handicapés" (OETH)), it should be noted that many of them remain cautious vis-à-vis the recruitment of persons with disabilities. This reluctance is explained by the lack of understanding of disability needs and their practical implications for the workplace. The concept of reasonable accommodation is also misinterpreted. For these and other reasons, companies often prefer to use the services of sheltered workshops – the "Etablissements et Services d'Aide par le Travail" (ESAT) with production units in order to fulfill their legal obligations through outsourcing contracts, services or supply orders.

For those furthest from employment in the mainstream labour market, actors of the social and medical sector seek to develop support towards and within the mainstream labour market. Supported employment or Job first's objective is to provide support to persons with disabilities to enable them to obtain a remunerated employment and to maintain it over time. The support is realized through a job coach who provides support on work related issue and on other issues such as transportation or coordination with existing partners on social or care issues (see definition on page 24 of the Scoping Study on the accompanied job: [http://respiroh.fr/cariboost\\_files/etude.pdf](http://respiroh.fr/cariboost_files/etude.pdf)).

These solutions do not have a sustainable and consistent financial framework (Le Houérou report page 34), which is likely to worry enterprises.

All these obstacles, together with the difficulty in changing the perception of disability, make the development of an inclusive labor market a complex issue. However, it is essential to note the progress in this area.

## Stakeholder Cooperation

Stakeholder cooperation in the country results in a variety of beneficial effects and approaches such as a targeted effort on schooling (**primary and secondary**) on inclusion, due to which, the penetration rate has improved, since such an effort cannot be inclusive without employment inclusive school systems.

The inclusion of persons with disabilities is promoted in France by an incentive or restrictive social and fiscal policy. This policy is implemented by economic and social players and more or less by people themselves. The actions and efforts of



professionals in this field is supported, structured and financially assisted, both at operational level as well as at the level of users representation.

Furthermore, the strength of the French system in this area is the reliance of many actors with complementary skills and expertise, wishing to work together: CAP USE, SAMETH (**the Support Service of Maintenance of the job for disabled employees**), social and socio-medical services, local missions, training providers, social support services, employer networks, etc... In France there are so called "Zero unemployed" territories (experimentation) that combine financial resources and transform them into support for employment.

However the operating system does have some loopholes that preclude effective cooperation between stakeholders. One of these is the lack of cooperation between public employment services, people, social and solidarity economy, enterprises.

Problems in career management and transitions are also present in the current situation of the country.

There are organized silos that do not promote the exchange of good practices and the establishment of effective actions on inclusion. These create difficulties in promoting inclusion at school due to a lack of cooperation between the national education system, health and social sector and businesses.

The lack of mobilization of social actors (**employers unions, employee unions**) and a clear distribution of the competences of the actors involved in the inclusion in the labour market (social and health organisations, training centers, etc.), which is usually based more on "declarations" rather than concrete actions, result in a not completely effective and efficient system.

Furthermore, the lack of coherence in **Career management**, the poor knowledge of the stakeholders of European mechanisms and the lack of exploitation of experiences acquired outside France create additional difficulties in furthering the system.

It could be stated that the main weakness of the French system is based on the rigidity of the protected sector that, despite the multiplication of innovative solutions, fails due to the lack of dedicated funding, to perpetuate and disseminate them further.



## Targeted Action

### Key figures on disability for 2016 (Ministry of Social Affairs and Health, May 2016)

In France 2.5 million people (1.8 million in 2011) have the recognition of disabled worker (the "Reconnaissance de la qualité de travailleur handicap" (RQTH)). In 2013, according to the survey "Emploi en continu", the unemployment rate for persons with a RQTH was 18%, almost double than those for persons aged 15 to 64 (10%).

31.500 people were employed in 718 sheltered enterprises - Entreprises Adaptées (EA) - which employ workers under the regular working environment on the 31st December 2014.

On 1 January 2014, 1481 sheltered workshops (ESAT) offered 117,243 seats (2,635 additional spaces were created between 1 January 2011 and 1 January 2014). Only 1% of ESAT workers has a position in the mainstream labour market (page 21 of the Le Houérou report).

ESAT's workers receive a remuneration based on their productivity with an amount included between 55% and 110% of the minimum wage - that means between 806.64 Euro and 1,613.28 Euro gross (the gross monthly salary for the minimum wage in 2016 based on 35 hours of work per week is 1466.62 Euro).

The remuneration of an employee working in an adapted enterprise (entreprise adaptée (EA) may be lower than the minimum wage. Under certain conditions, the employer may benefit from the government subsidy for professional integration given by the State.

## Positive developments

In the last years, targeted effort on inclusive schooling (primary and secondary) has led to a higher inclusion rate in the education, which represents an important step towards the attainment of inclusion also in the labour market. The inclusion of persons with disabilities is promoted in France by an incentive or a restrictive social and fiscal policy.

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The strength of the French system in this area is the reliance of many actors with complementary skills and expertise, wishing to work together: CAP USE, SAMETH (the Support Service of Maintenance of the job for disabled employees), social and socio-medical services, local missions, training providers, social support services, employer networks, etc.

In France there are so called "Zero unemployed" territories which are pilot areas that combine financial resources and

transform them into support for employment. The inclusion of persons with disabilities in the target groups of the Zero Territories could represent a very positive development.

More recently, the draft law reforming the Labor law, Article 23a, includes a proposal to create supported employment, its recognition and implementation. The concept of "supported employment" addresses both employees and employers in the mainstream labour market and the French government may

support the emergence of local projects in this area (e.g. with new loans of 5 million Euro under the Project Finance Act 2017).

Moreover, there are innovative developments concerning the promotion of work-study paths by public employment policies. These schemes may foresee for example:

- the tutoring within businesses: supporting people through a tutor or reference person who is not the supervisor, whereby the training of the tutor is funded by the AGEFIPH
- specific ad hoc services funded by the AGEFIPH and FIPHFP (Fund for the integration of persons with Disability in public services aimed at promoting the employability and job retention in the mainstream labour market of people with psychosocial disabilities whose state is considered medically stabilized).

## Availability of Support

A legal framework is being developed for supported employment. However, the decentralization law and the support to people through training is primarily and particularly under the competence of the regions. Additionally, there exists a strong commitment in the promotion of work-study paths and the promotion of access to education at all levels.

However, the French system recognizes certain pitfalls in practice. To start with, the proposals concerning employment revolve mostly around more flexible rights and less on ethical and economic rules of respect and redistributive taxation. The rules on the redistribution of corporate profits do not include a return on investment for those who develop CSR policies.

Additionally, the employment services are unable to cope with the increase of persons with the Recognition of Disabled Worker Quality (Reconnaissance de la Qualité de Travailleur handicapé), while the services of the MDPH are not competent enough to identify the issue or not of the RQTH, same goes for disability.

## Research

The studies used for this document were conducted by DARES (Direction de l'Animation de la Recherche, des Etudes et des Statistiques (DARES)) and are a very valuable source of information.

Unfortunately, there are no statistics on inclusive employment usable across the Member States and the European Union, the statistics are at best patchy and on the activity produced (Agefiph), there is no definition of information gathering tools and measures at European level also at national level and there is currently no harmonized employment of disabled statistics. To add to that, INSEE, the National Institute of Statistics and Economic Studies, AGEFIPH, the FIPHFP, the Fund for integration of Persons with Disabilities in the Public Service (Fonds pour l'Insertion des Personnes Handicapées dans la Fonction publique (FIPHFP)) offer their own statistics on their activities, which does not give a clear vision of employment of disabled workers.

the employment services are unable to cope with the increase of persons with the Recognition of Disabled Worker Quality



# DEVELOPING AN INCLUSIVE LABOUR MARKET IN GREECE

## General context

Greece has a population of more than 9 million people of 15 years old or over and almost 2 million of them have a disability<sup>37</sup>. In 2013, 36.8% of the disabled people older than 16 years living independently were at risk of social exclusion or poverty in Greece. This number was only 2.3% higher than the risk for non-disabled people. According to the report, this makes Greece the country with the least discrimination towards disabled people.

Eleni Strati, country expert for Greece at ANED (Academic Network of European Disability Networks), explains that “the government has not lowered the pension and benefits of disabled people, and has even kept some tax relief measures. Disabled people have been protected to a certain extent. But [...] it’s still almost 37% that is at risk of social exclusion, and that’s a lot. Things have gotten worse for disabled people to say the least. The eligibility criteria to be certified as being disabled have been severely restricted. [...] Cuts in healthcare – physiotherapy and rehabilitation services – have been made.<sup>38</sup>”

Moreover, Ms. Strati highlights that disabled people in Greece still have to face discrimination and stereotypes. This situation makes it even more difficult to find a job for people with disabilities and, thus, their risk of poverty increase. In 2013, 82 % of the EU-28 population aged 16 or more and having some activity limitation would have been at risk of poverty if social transfers (social benefits, allowances and pensions) had not taken place<sup>39</sup>. Persons with disabilities rely heavily on social transfers. According to EU SILC data for 2009, compiled by ANED, the employment rate for disabled people (aged 20-64) in Greece was 31.4%, compared to 68.1% for non-disabled people (39.6% for disabled men and 24.7% for disabled women)<sup>40</sup>. These percentages made it clear that more effort should be made to activate equal job placement paths for disabled people that are able to work. This would increase their possibilities to find a job which would improve their quality of life and their financial autonomy.

## Legal framework

The Greek legal framework concerning disabled people and employment is covered by the specific legislation on disability issues and by the broader legislation belonging to vulnerable groups. Particularly, the Law 2643/1998 outlines protective measures of employment for the various categories including persons with limited capability for professional employment due to any chronic physical or mental or psychological condition or deficiency. This law establish the quota system for compulsory employment of persons with a minimum disability degree of 50% in private and public sector.

The national law on social economy and social cooperatives provides a framework for Limited Liability Social Cooperatives, which involves provisions concerning employment integration for persons with mental health issues (Law 2716/1999 on development and modernisation of mental health services; Law 4019/2011 on

37 [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth\\_dpeh005&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_dpeh005&lang=en), Eurostat, 2015

38 <http://publications.europeintheworld.com/discrimination-eu-common-thing-disabled-people/>, Euroscope, October 15, 2015

39 [http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability\\_statistics\\_-\\_poverty\\_and\\_income\\_inequalities](http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics_-_poverty_and_income_inequalities), Eurostat, 2015

40 <http://www.disability-europe.net/content/aned/media/EL-%20country%20web%20page%20update%20-%20final.doc>, Academic Network of European Disability experts (ANED), 2009, p. 7

Social Economy and Social Entrepreneurship). Persons with chronic disease with disability rate over 67% are also singled out as a distinct group under the legislation on post-secondary education, as they could pursue their studies in higher educational institutions without entrance exams (5% per faculty or department).

Particular attention should be given to the Equality Law 3304/2005 on the implementation of the principle of equal treatment irrespective of racial or nationality origin, religion, disability, age or sexual orientation. It forbids discrimination on the grounds of disability in accessing employment as well as within the workplace, while it foresees the necessity of reasonable adjustments in order to accommodate access requirements of disabled employees. The battle against discrimination on a legislative basis can achieve significant goals such as accessibility to certain services. However, legislation alone cannot constitute the most effective means to increasing the rates of employment for the disabled people. Political interventions on issues, such as return to the workplace, occupational rehabilitation or welfare in the workplace can prove to be more effective<sup>41</sup>.

Other important national laws, policies or strategies concerning disability and employment<sup>42</sup> include:

- The Greek Constitution (article 4), which establishes the principle of equality among all Greek citizens. Article 21 refers explicitly to the fundamental rights of disabled people for autonomy, employment, and participation in social and political life, as well as the duty of the state to implement measures that safeguard those rights.
- Law 2646/98 on the organisation and operation of the National System of Social Care.
- Law 4067/2012 New Urban Planning Regulations, updated regulations regarding built environment accessibility existing since Law 2831/2000 (article 28). The Regulations require compliance with the Design Guidelines for the Autonomous Movement and Living of People with Disabilities (Disability Office, Ministry of Environment 1986-1990) for all new buildings, ensuring horizontal and vertical access. Buildings dating before 2012 which host public services and spaces as well as industry, trade and offices are required to ensure accessibility according to standards by 2020 (Article 26 par. 4).
- With the Ministerial Decision 1301/B/12-4-2012: e-accessibility standards became compulsory within the framework of the provision of e-government services whereby the websites of the public sector must comply with the Web Content Accessibility Guidelines (WCAG), version 2.0, at least to the AA level.
- Law 3230/2004 all buildings (new and old) hosting public services are obliged to ensure accessibility for disabled people. All public services are required to operate a dedicated



41 [www.asecu.gr/Seeje/issue18/magoulios.pdf](http://www.asecu.gr/Seeje/issue18/magoulios.pdf)

42 <http://www.disability-europe.net/content/aned/media/EL-%20country%20web%20page%20update%20-%20final.doc>, Academic Network of European Disability experts (ANED), 2009, p. 4-5

unit for producing, implementing and monitoring action plans on improving accessibility.

- Law 4074/2012 – Ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol.
- National Strategic Framework for Social Inclusion (2015-2020).

## Stakeholder Cooperation

OAED, the Manpower Employment Organization, is a main body in Greece for mainstream employment services. It has six specialised offices across the country, for “Special Social Groups,” which are in charge of services for groups considered vulnerable in terms of inclusion in the labour market. Unemployed persons with chronic diseases with a certified disability degree of over 50% can be included in this group. Specifically, the services of these specialised offices include career orientation guidance, psychosocial support and referral to mainstream employment and vocational training programmes.

“the coordination among different sectors and the continuity of support have not been adequately achieved in national employment integration services

OAED has seven Regional Directorates and local PES. The latter have gone through a reform to become more integrated with the central PES. This has been done to create a unified employment service that would save time on administrative issues and provide one-stop-shops for unified employment and social insurance services.

Moreover, a programme called TOPEKO (Local Actions for Social Integration of Vulnerable Groups), co-funded by the ESF and the

Ministry of Social Security and Labour Welfare, attempted to adopt an integrated service approach, as they combined vocational counselling, training and internship in specific and relevant subjects. TOPEKO projects were based on a partnership between private and public sector and an integrated effort of municipalities, consultancy businesses, and vocational training centres. The aim of TOPEKO was to provide integrated support services to unemployed people from vulnerable groups who were registered at OAED. From the total of 131 development partnerships established in the context of TOPEKO, 36 included persons with disabilities as target group, 8 also targeted persons with mental health issues and 1 included persons with various types of chronic health conditions.

Nonetheless, training opportunities are scarce due to financial constraints. Another important factor to consider is that the coordination among different sectors and the continuity of support have not been adequately achieved in national employment integration services. This constitutes a significant obstacle to labour market participation and a serious additional difficulty for people with disabilities to find a job.

**Main recommendation:** Establish a central service for employment in each region as well as a national one which coordinate all the employment integration services operating in different areas in order to maximize the matching of supply and demand and to guarantee the continuity of support in the job search.

## Targeted Action

In the public sector, quota for recruiting persons from vulnerable social groups equals to 5%. Persons with disabilities account for 3/8 of this quota amount. Public sector entities (public enterprises and public institutions) private entities (private law organizations) belonging to the State or to the local authorities and organisations providing services in the public interest are obliged to cover 10% of their staff with “protected persons” corresponding to 3% for persons with disabilities. Additionally, public services, local authorities and public bodies shall employ “protected persons” to cover 20% of specific jobs (e.g. guards, porters, gardeners, cleaners), but there is no provision for the precise percentage of positions obtained by persons with disabilities.


Furthermore, according to Law 3528/2007 and Law 4210/2013, recruitment in the public sector requires that the health condition of the prospective employee allows her/him to perform the required duties. The health and physical fitness of candidate employees for related positions are certified by a physician or a general practitioner and a psychiatrist, based on a referral document, which describes the tasks related to job posts. Issues arising from the above mentioned laws concern: (a) the reduced coverage of expenses from the Insurance Institute in order to secure the necessary devices/adaptations, (b) existing infrastructure in the workplaces, (c) adequacy of the physician/general practitioner and the psychiatrist to assess accurately the requirements and duties of the positions and therefore the suitability of disabled people for specific jobs. Under the Law 2643/1998, the government is supposed to issue a call for job vacancies and job placements for socially vulnerable groups on yearly basis; however, only a few have been issued since 1998.

Moreover, according to article 13 of the Law 4331/2015, persons with disabilities entitled to welfare benefits can participate in paid training programmes or in programmes promoting employment, including self-employment programmes or social cooperatives offering them regular incomes, without losing their welfare benefits. In practice, however, the payment of benefits has been problematic due to budgetary constraints.

Greek laws clearly state that persons with disabilities eligible for welfare benefits can participate in social cooperative enterprises as workers, without losing their benefits. However, there are no clear specifications about what happens to disability pensions. Therefore, this can be considered as a disincentive for many persons who have a lower rate of disability and are eligible for disability pensions. This can create confusion and result in the fact that people decide not to work and continue receiving disability benefits.

This analysis shows that a person-centred approach is not given a priority in the





The employment of persons with disabilities is not mere assistance; the qualifications and skills of each individual should play a primary role in job placement.

Greek system of employment activation. In fact, individual qualifications and skills may play a secondary role in job placement because the system is built in a way that persons with a recognised disability are given points based on the severity of their conditions or other factors, and those with the highest score can benefit from protection in job placement. Thus, selection for a protected job may be based not

only on professional and personal competences, but on the procedural aspects of the system. Employers, in turn, cannot select an employee based mainly on the requirements for specific job vacancies, which creates further complications as they can appeal the placement and delay the recruitment.

**Main recommendations:**

- Activate a call for job vacancies and job placements in the public sector for socially vulnerable groups on yearly basis.
- Ensure the payment of welfare benefits to entitled individuals and make sure the circulation of information on this topic is correct and widely spread.
- The employment of persons with disabilities is not mere assistance; the qualifications and skills of each individual should play a primary role in job placement.

## Availability of Support

In Greece there are several protections and privileges entitled to employees with disabilities.

- Persons with disabilities or chronic illnesses are exempted from the legislation concerning the suspension of employees in the public sector due to the disestablishment of working positions.
- In the private sector, employees with a disease that requires blood transfusions and HIV patients are entitled to an additional leave. In the public sector, employees with chronic diseases are entitled to paid sick leaves and a reduction of the working hours.
- Law 3846/2010 grants the right to “telework” and allows the conversion of a regular employment into telework.
- Employees dismissed due to a physical and/or mental disability can be re-appointed within five years from their dismissal after the assessment of the Health Committee confirming that the person has the physical and/or mental capacity to perform their duties.
- Employers are required by Article 10 of the Law 3304/2005 to take all necessary measures concerning reasonable adjustments and accessible workplaces for disabled people, as long as this does not constitute a disproportionate burden to employers. Funding for workplace adaptations is made available through ESF funds, managed by the OAED, which announces call for such funding schemes.

However, there is a lack of protection of persons with disabilities in other areas.

- Persons with a disability degree over 50% cannot benefit from compulsory recruitment under the quota scheme for seasonal jobs (e.g. tourism);



- The lack of specific provisions for professional reintegration hinders the return to employment, especially when the person is absent from the workplace for a long time.

Regarding the financial incentives for employers, there are no wage subsidies currently paid to employers for hiring persons with disabilities, due to the impacts of the crisis. There are still, however, subsidies in terms of employers' insurance costs.

- A 3-year special programme is implemented by the OAED with an aim of promoting the recruitment of the unemployed from special vulnerable groups through a subsidy paid to an employer, corresponding to the total social insurance contributions' amount. The programme aims at recruiting 2,300 unemployed people from vulnerable social groups (2.200 full-time jobs, corresponding to 2.080 positions for registered unemployed persons with official disability levels of over 50%).
- Another subsidy programme is also in place for 800 new entrepreneurs with disabilities, ex-drug addicts and ex-convicts aged 18-64 years (600 beneficiaries were persons with disabilities).
- Supplementary to the above mentioned programmes, subsidies are also available for 50 jobs involving the ergonomic arrangement of workplaces for people with disabilities.

These subsidy programmes are limited in time and it is unclear whether the completion of the particular programme will entail the absence of financial support to employers or whether the implementation of another similar programme will follow.

#### **Main recommendations:**

- Ensure an adequate funding programme to support the costs of hiring disabled people.
- Establish that persons with a disability degree over 50% can benefit from compulsory recruitment under the quota scheme for seasonal jobs (e.g. tourism).
- Develop a professional reintegration system to facilitate the return to employment of persons with disabilities.

There are no wage subsidies currently paid to employers for hiring persons with disabilities, due to the impacts of the crisis

## Research

Enquiries about official data on disability issues<sup>43</sup> can be directed to:

- The National Statistical Service of Greece: [Statistics on Disability and Employment; Labour Force Survey \(2002\) People with Health Conditions or Disability](#)
- The General Secretariat of Social Security: [Online Statistical Data](#)

Key academic journals or networks on disability issues<sup>44</sup> are:

- [Journal of Special Education](#), Pan-Hellenic Scientific Association for Special Education.

43 <http://www.disability-europe.net/content/aned/media/EL-%20country%20web%20page%20update%20-%20final.doc>, Academic Network of European Disability experts (ANED), 2009, p. 5-6

44 Ibidem



- [Journal of Social Work](#) Association of Social Workers of Greece.
- <http://www.specialeducation.gr/> Independent online scientific network.
- [Information Centre for Children's and Adolescents' Mental Health](#) Department of the Institute of Psycho- Social Health of Children and Adolescents.
- [Centre for Universal Access & Assistive Technologies](#) Department of the Institute of Technology and Research.
- [Centre for Research and Technology Hellas/ Institute of Transport Research](#) Institute for the accessibility of Transport and Mobility Service for older people and people with disabilities.

Recent research studies and publications on disabled people and employment<sup>45</sup> include:

- Grigoriou N., Petridou V., Paulopoulou A., Arvanitis C. (2009) [Inclusion of disabled people in employment and combating discrimination due to disability in employment](#) The study was carried out under the project "Actions for promoting Equal Treatment" Progress/VP2008/005. Primary data identifies obstacles disabled people face when accessing employment, while secondary research highlights a distinctive lack of available statistical evidence and studies in that field. The study further proposes recommendations for combating disability discrimination in the labour market based on current experience and legal framework in Greece.
- Inspection Body of Public Services (2008) [Inspection of accessibility of buildings hosting public services: A case study](#) Under the order of the Ministry of Internal Affairs, given that only a small minority of public services reported action plans for accessibility as required by Law 3230/2004, the study found that most public services surveyed in one municipality were only partially accessible.
- Observatory of the Information Society (2007) [ICT & Disability](#) The study involves primary research on the use of ICT by disabled people in comparison with the general population, as well as assessment of e-accessibility of basic electronic government services and websites of central, regional and local authorities. Secondary research provides a record of current status of ICT use & disability, including legislation, best practices and recommendations for accessible e-government services.
- ESAEA (2005) [People with Severe Disabilities and Multiple Needs: The excluded](#) A reference document for the shortcomings of institutionalized care and proposals for a shift towards alternative support structures.

#### **Main recommendations:**

- Guarantee an updated data collection on disabled people and employment.
- Involve researchers to enable assessment of initiatives and approaches for the employment of persons with disabilities in the open labour market.
- Activate an exchange of good practices with other countries on the employment of disabled people and data.

# DEVELOPING AN INCLUSIVE LABOUR MARKET IN IRELAND



## General context and legal framework

People with a disability account for approximately 13% of the population of Ireland, according to the last Census carried out in 2011. It is also estimated that at least 1 in 10 adults of working age have a disability (15-64 years).<sup>46</sup>

Both Irish and international research consistently demonstrates that people with a disability are less likely to participate in the labour market and are more likely to be unemployed when they do so.<sup>47</sup> Of the total 542,277 people aged 15 and over with a disability, 20.7 per cent were at work in 2011. This compares with 50.1 per cent for the overall population aged 15 and over who were at work.<sup>48</sup> The rate of unemployment for people with a disability was 30.8 per cent, compared with 19 per cent for the overall population. Ireland also has the third highest number of young people on Disability Allowance between the ages of 20 and 34.<sup>49</sup> Even at the height of the country's "economic boom" when long-term unemployment was at an all-time low, the percentage of people with disabilities in employment was also less than half that than for those without a disability.<sup>50</sup> People with a disability are also more likely to be working part-time when they are employed.<sup>51</sup>

People with disabilities can face serious systemic barriers to accessing employment opportunities and earning an independent income, with many dependent on social welfare as their only source of income. The fact that over half of the household income for adults with a disability comes from social transfers displays an over-reliance on social protection payments in Ireland and is indicative of the underlying inequality of Irish society.<sup>52</sup> Furthermore, current government payments do not provide sufficient financial assistance for people with disabilities to obtain adequate living standards or to obtain supports for their meaningful participation within Irish society.

Disabled people experience high levels of consistent poverty (almost 13% compared to 2% for those at work). While 51% of people not at work due to illness or disability experience enforced deprivation (an increase of over 30% since 2008), in contrast to the national average of 29%.<sup>53</sup> This means that they have a low income and have difficulty with basic provision such as a meal with meat or fish every second day or the ability to have adequate heating. In addition, the 'at risk of poverty' rate for people 'at work' was 6% compared to almost 23% for people 'not at work due to illness or disability'.<sup>54</sup> The living standards of people with a disability are also affected by costs associated with their disability which have been calculated to be over one third of an average disposable weekly income, or €207 per week.<sup>55</sup>

Disabled people experience high levels of consistent poverty (almost 13% compared to 2% for those at work).

46 Census 2011 Profile 8 Our Bill of Health - Health, Disability and Carers in Ireland.

47 Watson, D., Banks, J., & Nolan, B. (2015). Educational and Employment Experiences of People with a Disability in Ireland: An Analysis of the National Disability Survey. ESRI Research Series No. 41.

48 Census 2011 Profile 8 Our Bill of Health - Health, Disability and Carers in Ireland.

49 Watson, D. & Nolan, B. (2011) A social portrait of people with disabilities in Ireland. ESRI

50 Ibid.

51 Watson, D., G. Kingston and F. McGinnity (2013). Disability in the Irish Labour Market: Evidence from the QNHS Equality Module 2010. Dublin: The Equality Authority and the Economic and Social Research Institute.

52 <http://www.welfare.ie/en/downloads/STandPABrief2013.pdf>

53 CSO (2015) Survey on Income and Living Conditions (SILC) 2013.

54 CSO (2015) Survey on Income and Living Conditions (SILC) 2013, Table 2. [www.cso.ie](http://www.cso.ie)

55 Cullinan, J., Gannon, B. and Lyons, S. (2008) Estimating the Economic Cost of Disability in Ireland. ESRI Working Paper 230.



## People in receipt of Disability Allowance are excluded from mainstream activation programmes and employment measures

People in receipt of Disability Allowance are excluded from mainstream activation programmes and employment measures such as Momentum and Gateway as they are not on the Live Register. There also remains an underlying issue as to their inclusion in the Youth Guarantee. The structure of the system which provides disability payments for those unable to work separate from unemployment

assistance/benefit for those on the Live Register has led to a number of discriminatory practices that are detrimental to social inclusion for people with disabilities.

However, government policy of focusing activation on the Live Register was pursued because conditionality was attached to these payments and there is now a serious concern that involuntary activation may be on the horizon for those with a disability with the prospect of attaching conditionality to disability payments. This is part of a wider culture of focusing on the responsibility of the person in receipt of a social welfare payment to adjust their behaviour as opposed to the responsibility of the State to implement economic and social policies that create employment opportunities. This is not a direction in which Ireland should go.

### Legal framework

People with a disability must be able to exercise their right to work under just and fair conditions as well as their right to social security and an adequate standard of living when they are unable to work due to their disability or if the work/working conditions are not appropriate.

There are a number of relevant legally binding obligations which outlaw discrimination on the grounds of disability in employment. Domestically, there is the Disability Act 2005, Employment Equality Acts 1998-2015, and Equal Status Acts 2000-2015, and internationally the Covenant on Economic, Social and Cultural Rights, and the United Nations Convention on the Rights of Persons with Disabilities (although this has yet to be ratified in Ireland).

The wider policy framework includes the National Action Plan for Jobs which, in 2016 has begun to mirror some of the actions outlined in the Comprehensive Employment Strategy, launched in 2014. Whilst actions attached to the National Action Plan for Jobs have progressed, for example employer support documents and helpline have been established, actions under the CES alone are happening more slowly.

### Stakeholder Cooperation

On an overarching level, the Comprehensive Employment Strategy for People with Disabilities is an example of a lack of engagement with relevant stakeholders. The consultation process for developing the strategy lacked genuine engagement with those with a disability. The monitoring and accountability mechanisms for the strategy are also somewhat incoherent and lacking transparency.

Integration of services on the ground is ad hoc and it is questionable as to whether the Comprehensive Employment Strategy has the capacity to remedy the often siloed mechanisms of government departments.

There is also a lack of local coordination between different stakeholders locally.

Local Employment services, Employability services and rehabilitation services are coordinated in an advocacy hoc manner. This is compounded by a lack of integration with other policies at a strategic and implementation level, including health and transport. A major health service reform Progressing People Lives for example, promises to develop a new model of day services that emphasises living and working work in the community.

**Main recommendation:** Engagement with people with disabilities, employers, and services at a local level through a recognised central point of contact responsible for co-ordinating all employment services.

### Stakeholders Trust in the Infrastructure:

The recent review of medical cards, which ended with people leaving jobs they could no longer afford to stay in, difficulties with accessing the Partial Capacity Benefit in a timely manner to support entry into work, as well as the lack of flexibility in entering or leaving social welfare support, has resulted in a lack of trust of the system. This has been further compounded by attitudinal barriers encountered when seeking work via Intreo offices.

**Main recommendation:** This issue needs to be addressed with a robust infrastructure that can respond to individual need in a timely manner and afford people the right to redress situations in which they feel unfairly treated. It requires assurances from the Department of Social Protection backed by proactive policy implementation and feedback mechanisms that ensure that no one will be left with income gaps or lags in payment, or insufficient income on which to live and meet the cost of having a disability when they move in and out of employment according to their circumstance. It requires nothing short of a communications plan and a deeper understanding of what stakeholder engagement is all about.

## Targeted Action

There are certain disincentives for people with a disability to take up employment. Disability Allowance is the entry point into numerous vital services and so it can easily become a benefit trap. The relinquishing of this allowance and its accompanying access to services to enter employment with no guarantee of stability or adequate pay is a very real concern for people with a disability. Having DA restored when employment ends is a further problem as this can be a lengthy process which many cannot afford. Receiving DA at 16 with no connection to some form of engagement in education, activation, rehabilitation, or work also acts as a long term barrier to accessing employment.

**Main recommendation:** Make work pay for people with disabilities. We cannot talk about employment for people with disabilities without dealing with the major obstacle to activation: the cost of disability. The potential loss of benefits, particularly the medical card, as well as unfavourable tax credits in most cases, are too great a risk for people with disabilities to take. Work must pay and must provide the medium to long-term security a person requires to take up or return to education, training, and employment. The introduction of tax credits to support people with disabilities to earn an adequate income should be a priority. The removal of the medical card at any point for some people whose medical costs are high is also a disincentive and needs to be assessed on an individual basis. Furthermore, greater flexibility and timeliness in transitioning to employment without affecting social protection payments is necessary in order to support employment for persons with disabilities.

## Availability of Support

### Job Retention:

According to the latest research 85% of cases of disability for those of working age is acquired and 41% have had to leave work because of their disability.<sup>56</sup> It is therefore essential that people with acquired disability or chronic illness are supported to retain employment. The lack of flexibility, inaccessible work environments, and the absence of appropriate supports demonstrate the ineffectiveness of current obligations on employers to make reasonable accommodation for staff with disabilities.

The recently published guidelines on job retention National Disability Authority's will be insufficient unless it is accompanied by a larger systemic response. The current situation favours large employers as smaller employers don't have the Human Resource departments, medical facilities etc. that facilitate job retention. There is also too much onus on employers to inform themselves as to the guidelines. Often the disability is quite specific and employers need targeted help and support. Individual disability organisations end up with this responsibility.

**Main recommendation:** A more complex understanding of reasonable accommodation is required. Currently the impetus to create reasonable accommodation and the understanding of what it might be lacks clarity. There is neither an incentive for employers nor a coherent support system to help them implement it effectively. For example, expenditure on the Workplace/Equipment Adaptation Grant, a demand led scheme, dropped from €71,000 in 2012 to €62,000 in 2014.<sup>57</sup> Contributing to the very low take up of this fund is the lack of specific workplace assessments, therefore employers do not know the specific needs of the person or the adaptations required. A rapid, effective response for retention on a systemic level is urgently needed.

### Coordination of Supports

Of those with a disability not in work, about half state they would like a job if the circumstances were right. A survey was also conducted where participants were asked what would support them to hold a job. 46% identified flexible work arrangements such as reduced hours, 29% said modified job tasks and disability accessibility modifications were highlighted by 32 per cent.<sup>58</sup>

It is clear that people with disabilities want to work. Currently, we have a system that provides specialist employment supports for people with disabilities, and mainstream activation and employment measures for everyone else. The experience of the majority of people with disabilities is that they are falling into the gaps between these two pillars of the system, with neither meeting their needs.

The current situation favours large employers as smaller employers don't have the Human Resource departments, medical facilities etc. that facilitate job retention

56 Watson, D. Banks, J. & Lyons, S. (2015) Educational and employment experiences of people with a disability in Ireland. ESRI:41

57 DFI query to the Department of Social Protection on the Workplace/Equipment Adaptation Grant (WEAG), 09/09/15.

58 Watson, D., Banks, J., & Nolan, B. (2015). Educational and Employment Experiences of People with a Disability in Ireland: An Analysis of the National Disability Survey. ESRI Research Series No. 41.



**Main recommendation:**

Actions from the Comprehensive Employment Strategy (CES) must be made compatible with other activation policies, such as the Pathways to Work scheme. This will ensure that those closest to the labour market can proceed into work through a clear route without having to wait for specialist activation programmes. Intreo is expanding its services and train its staff appropriately to have the capacity and time to support people with disabilities and the complex needs that they may require. This needs to be communicated to disabled jobseekers. Greater emphasis also needs to be placed on education and skills and utilising workplace-based support, including apprenticeships. Flexible working arrangements, with work being adaptable/flexible to the specific needs of the person is also required.

Structural unemployment is another issue of concern. The government's Action Plan for Jobs is far too focused on entrepreneurial job creation. Jobs created in this area are often high-skilled and full-time. As a result disadvantaged groups such as those with a disability are excluded. These groups often end up being funnelled into low-paid, precarious work. There needs to be further attention given to the digitalisation of the workplace, knowledge based work as well as traditional workplace settings.

## Research

Poverty statistics do not take into account the added cost of living with a disability. Many policy decisions have impacted negatively on the poverty rates of people with disabilities. The Poverty Impact Assessment is designed to measure the impact that policy decisions have on poverty levels, yet considering the negative impact of many policy decisions it seems that these assessment measures are not fully integrated into the policy making process even though the government has clear guidelines. In line with the Irish Human Rights and Equality Commission recommendation the investment in a wider application of Poverty Impact Assessments as a comprehensive planning tool for social policy are needed.

**Recommendation:** Revise the way that poverty statistics are calculated to take account of the extra cost of living with a disability. This is critical to creating a level playing field against which work can be said to pay for people with disabilities.

Extensive research is required in the context of the changing nature of work. There is a need to consider the digitalisation of the work place, remote working and working from home, all of which impact on people with disabilities ability to both enter and return to employment.



# DEVELOPING AN INCLUSIVE LABOUR MARKET IN POLAND

## General context and legal framework

According to the data of the Labour Force Survey (LFS) from 2015, after the period of the gradual increase of the employment rate of the persons with disabilities in the years 2007-2012 of 23% the increase is maintained in the years 2013-2015. It should be emphasized that persons with disabilities inhabiting rural areas and small towns are in a particularly difficult situation. This group, figuring more than 1 million people, is characterized by a lower level of education than persons with disabilities from cities (5% in relation to 13% in the case of higher education), lower level of employment and a higher unemployment rate. Persons with so called special medical conditions (among others: intellectual disability, mental disorders, pervasive developmental disorders) and persons with multiple disabilities are in the most difficult situation. According to the data obtained from the Poviats Labour Offices, this group comprises the least frequently working and the least professionally active persons, who are characterized by the lowest level of education or the lack thereof.

It should be emphasized that persons with disabilities inhabiting rural areas and small towns are in a particularly difficult situation

2.5 million (LFS 2015) persons with disabilities in Poland are unemployed and professionally inactive. In December 2015, in the Poviats Labour Offices (PLO), the share of persons with disabilities among all registered persons was 6.9 %. Only 63 thousand people registered in the PLOs, which means that more than 2.4 million people at the productive age do not work and are not looking for a job through the state units dedicated to that purpose.

The Poviats Labour Offices insufficiently includes this group of unemployed and they themselves use the support of NGOs. However, such support realizes itself in unpaid cooperation, and not in commissioning of services, which makes these services non-available to everyone. The PLOs insufficiently use both statutory solutions (the Act on the Promotion of Employment and Labour Market Institutions) and the special programmes or the Activation and Integration Programme.

Moreover, these programmes do not support persons registered in the Poviats Labour Offices as persons looking for a job. Persons with so called special medical conditions do not have the right to the status of unemployed persons due to achieved revenues on account of the social pension.

Hence, specialized NGOs are taking over the key role in activation of persons with disabilities, offering support programmes including such active instruments of labour market policy as vocational and psychological guidance, and assistance in finding and maintaining employment using intermediaries and labour coaches. This support is individualized and tailored to the identified needs of persons with disabilities and the needs of the employers.

NGOs are continuously improving their work methods and developing new solutions, achieving better results in the activation of this group, which considering the alarming demographic data for Poland (ageing society), is highly necessary. Certainly, persons with disabilities constitute unused potential on the Polish labour market, whose inclusion will allow the assurance of sufficient number of workers required by the market.



The Structural Funds are an important source of support in the area of labour market policy towards persons with disabilities in Poland. Owing to these funds, systemic solutions have been developed in the scope of vocational inclusion of persons with disabilities, whose implementation by the government would allow solving the problem of low employment of persons with disabilities. Despite the fact that the solution was developed under the partnership programmes of the government and public institutions acting for the benefit of social-vocational activation of persons with disabilities and NGOs, the full implementation has not yet occurred.

An interesting example of the use of structural funds is a model of supported employment, which takes into account unusually difficult situations and specifics regarding persons with disabilities inhabiting rural area and small towns. The programme –“Take a Bet on Work”- increased involvement of local organizations and other stakeholders in the implementation of activities.



The Structural Funds are an important source of support in the area of labour market policy towards persons with disabilities in Poland

## Stakeholder Cooperation

The following solutions in the scope of vocational training of persons with disabilities, developed by NGOs jointly with the government (The State Fund for Rehabilitation of Disabled Persons) should be implemented:

1. Institution of supported employment<sup>59</sup> according to the principles developed in the project of the Polish Forum of Disabled Persons (Polskie Forum Osób Niepełnosprawnych) entitled “The labour coach as a way to increase the employment of disabled persons”.

Implementation of institutions of supported employment according to the standards mentioned by the Polish Forum is necessary to reduce the problems, which could appear in the case of using unverified labour methodology within supported employment, which in the longer perspective could translate into lower than expected effectiveness in terms of improving the situation of persons with disabilities on the labour market.

2. “Take a Bet on Work” programme developed by the Activation Foundation (Fundacja Aktywizacja), which focuses on the increased involvement of local organizations and stakeholders in the implementations of activities for the benefit of persons with disabilities and individualized approaches to the inclusion of persons with disabilities in the open labour market.

The above-mentioned Programme requires the engagement of experienced entities fulfilling the function of Competence Centres. The success of this Programme depends on their preparation and knowledge of the inclusion of persons with disabilities, as well as specifics regarding the functioning and cooperation with local entities (employers, organizations and representatives of local government). Without an adequate merit-based criteria the proposed formula of re-granting within this Programme may not bring the expected results as it will not provide entities using the support of the above-mentioned Centre with the knowledge necessary for conducting the effective vocational activation process of persons with disabilities.

<sup>59</sup> European Union for Supported Employment (EUSE) defines supported employment as „paid employment in integrated environment on an open labour market while assuring permanent support to a disabled employee”.

## Targeted Action

Labour market policy is implemented in Poland based on two legal acts:

- The Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions. This act specifies actions taken towards unemployed persons and persons looking for a job, registered in the Poviats Labour Offices, including persons with disabilities.
- The Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities. In this Act, the issues of disability adjudication and the issues of co-financing of remuneration of employed persons with disabilities are regulated. Apart from the legal acts mentioned above, employment of persons with disabilities is regulated in the form of collective agreements between the employers and trade unions at the level of an enterprise or a sector.

According to the recommendations of the European Union, taking measures to increase the share of a third sector both in shaping and the implementation of social policy is necessary. NGOs having experience in social-vocational inclusion of persons with disabilities should be structurally and systematically included in the implementation of services for the benefit of this disadvantaged group.

The most efficient solution in this area is applying the formula of commissioning of the implementation of services – contracting labour market services dedicated to persons with disabilities, where the local government is the ordering party and the specialized NGO is a contractor. These entities are aware of the local labour market context and by applying individualized methods of work with the various stakeholders constitute a real potential to be used to improve the situation of persons with disabilities.

The Act on the Promotion of Employment and Labour Market Institutions creates the foundations for such activities – solutions which can in principle be applied immediately. New systemic solutions can also be proposed, which would prescribe commissioning or cooperation with NGOs in the scope of activation activities directed towards persons with disabilities. The current legislation, assuming cooperation between the public institutions of the labour market with NGOs based on the formula of freedom do not result in the actual high level of its application, which is visible, inter alia, in the area of the implementation the Activation and Integration Programmes. Moreover, these programmes do not provide support for the persons registered in the Poviats Labour Offices as persons looking for a job. Persons with so called special diseases do not have the right to the status of an unemployed person due to the received revenues on account of the social pension. Extending the group of recipients of such programmes to include persons looking for a job is recommended.



## Availability of Support

Expanding the scope of contracting for NGOs will enable using their potential and experience in the labour market policy. To avoid the risk connected with a possibility of choosing incompetent or negligent entities for cooperation, as frequently pointed out by public institutions, it is justifiable to pay particular attention to merit-based criteria of the offers received. Fulfillment of these criteria must be demonstrated through a documented experience in the area of implementation of activities, experience and organizational potential in a given area and, very importantly, experience of the local labour market. The involvement of entities operating in a given region on a permanent basis will ensure the real impact on the labour market policy and the possibility of shaping it according to the principle of subsidiarity as understood by the European Union.



Expanding the scope of contracting for NGOs will enable using their potential and experience in the labour market policy

## Research

### Data concerning the number of persons with disabilities


Access to statistical data concerning the number of persons with disabilities is exceptionally difficult and does not provide the possibility of unequivocal determination of the size of this group in Poland. Data concerning the number of persons with disabilities comes from the General Census. Recent survey under the General Census was conducted in 2011; participation in this survey is not obligatory and the status of a given person is determined on the basis of individual declarations of respondents. Pursuant to the provisions of the Act of 4 March 2010 on the National Population and Housing Census in 2011, it is explained that application of such a method results primarily from the fact that art. 51 of the Constitution of the Republic of Poland does not permit to obtain information concerning health status (including disability) on an obligatory basis. By the same token, available data concerning the number of persons with disabilities in Poland is not reliable and does not present a full and fair picture of the size of this group of people.

### Data concerning persons with disability outside the labour market

The Labour Force Survey is the main source of information concerning the situation of the persons with disabilities on the labour market. In the quarterly publication "Aktywność ekonomiczna ludności Polski" ("Polish Labour Force Survey"), information is placed concerning gender, age, level of education, marital status, place of domicile and the level of disability. The scope of data concerning the situation of persons with disabilities on the labour market includes performed work, unemployment or vocational passiveness.

Another source of data is the annual and quarterly data from the LFS in the scope of the value of an employment rate of persons with disabilities of productive age by regions and provinces.

Information concerning persons with disabilities, registered in the Poviats Labour Offices as unemployed persons or persons looking for a job is placed on the basis of the Report of the Ministry of Labour and Social Policy MPIPS-01 in the



Unfortunately, data concerning persons with disabilities who are not registered in the Poviats Labour Offices is insufficient

publication “Bezrobocie rejestrowane” (“Registered Unemployment”) and on the website of the Public Employment Service.

Unfortunately, data concerning persons with disabilities who are not registered in the Poviats Labour Offices is insufficient. Getting to know the situation of the group of persons with disabilities would enable better planning and implementation of the activation processes dedicated to these persons.

### **Data concerning persons with disabilities functioning on the labour market**

The main source of data concerning the employment of persons with disabilities is data provided by the Central Statistical Office of Poland in its publication entitled “Popyt na pracę” (“Demand for Work”), which places data concerning employment of persons with disabilities by sections, sectors and size of entities in which these persons are employed.

To be able to evaluate the actual situation on the labour market of persons with disabilities and their performance on this market, and to compare the situation of non-disabled employees with that of disabled ones, it is necessary to obtain data concerning earnings at the equivalent job profiles of the above-mentioned groups, conditions of signed employment contracts, professional mobility, and the structure of the positions occupied by persons with disabilities. Without such data, it is difficult to assess whether working persons with disabilities experience equal treatment and have the same opportunities of vocational development. Development of research in this area will allow for better coordination of the labour market policy directed towards subjects functioning on this labour market.



## General context and legal framework

Unfortunately, nowadays people with intellectual disabilities (PwID) still represent one of the foremost marginalized groups in our societies. PwID are, in a systematic way, remembered of their impairment and their rights are frequently dishonored.

In Portugal accurate data upon disability are difficult to find. Nevertheless, in 2011 a population census was carried out and some figures appear along with deep changes on census criteria's regarding disability mainly due to the evolution seen on concept itself. Therefore, an analysis focused on functionality (respecting the stated on International Classification of Functioning, Disability and Health - ICF) was conducted for the first time ever. As a result, it was possible to esteem that, in comparison with previous data available (2001) where 6.13% of the Portuguese population presented at least one disability, currently 17.8% of population, with five years or more, showed high difficulties or it didn't accomplish independently to carry out at least one of the six daily life activities (see, hear, walk, memory/ concentration, take bath/ dress, understand others).

Persons with disability face several obstacles and constraints accessing to work, education opportunities and to vocational training and even to social equipments. These obstacles are the product not only of the limits of their disability, which limit their competitiveness but also the outcome of cultural constraints and attitudes in a social environment that difficult the parity of equal access conditions to work.

There various legal instruments that establish and protect people with disabilities, in a broader sense, such as:

1. Portuguese Constitution (article 58<sup>o</sup>) establishes the fundamental right to work of all Portuguese citizens;
2. Working Code - This act translates into national law the European Directive 2000/78/CE. The Working Code comprises a set of measures to avoid the discrimination of people with disabilities into access to employment and work. The code also protects parents of disabled persons in all cases they must fail to work to provide proper assistance to their children. The article 71, sustains that employers should facilitate access to employment and adjusted working conditions. Disabled persons are entitled to the same rights to work as Portuguese citizens;
3. Law 46/ 2006 – Non Discrimination Law - this Law aims to prevent and forbid discrimination based on disability (in all its forms) and to punish such acts which clear can result on violation/ refusal of any economic, social, cultural or other rights;
4. United Nations Convention on the Rights of Persons with Disabilities/ Optional Protocol – Signed and ratified by the Portuguese government in 2009, that in its Article 27: Work and employment recognize the right of persons with disabilities to work on an equal basis with others including the right to the opportunity to gain a living by work in a labour market/ work environment open, inclusive and accessible to persons with disabilities.

Persons with disability face several obstacles and constraints accessing to work, education opportunities and to vocational training and even to social equipments

In the general national employment policy there are a set of relevant programs, policies and measures that aim for granting the right to work of disabled people in the labour market:

1. Decree 29/2001 – Establishes the Quota System to employment for people with disabilities with more than 60% incapacity, in local and central public administration services and public institutes;
2. Decree-Law 290/09 – establish the Employment and Support Program for people with disabilities and the technical and financial support system for of employment policies development and qualification support;
3. Law n. 24/11 – Strengthens the support provided to sheltered workshops/ sheltered employment centers and entities that promote supported employment programs; states that IEFP (Employment and Vocational Training Institute) can provide technical support to sheltered workshops/ sheltered employment centers management; reintroduced supports the maintenance and conservation of Sheltered Employment Centers; Creates an award to encourage transition to the open labor market;
4. Decree n. 18/10 – Establish Qualification Measures for People with Disabilities; Accreditation and Financial Support for Network Resource Centers; Investment Support measures for Vocational Training Entities;
5. European funds – to create sustainable means to services providers and to make available continuous services to people with disabilities. This is actually the funds/ grants with more impact in the field of professional rehabilitation of disabled persons.

In Portugal the main public entity responsible for the employment and vocational training is IEFP, I.P.<sup>60</sup>, which also covers, as managing entity in a broader sense, the inclusion and maintenance of people with disabilities in the labour market.

The Professional/ Vocational Training for Persons with Disabilities is guaranteed by an informal network (“specialized” structures, almost 125 private organizations), which have been financed over the years by European funds. Moreover, employment support for disabled people is guaranteed by a formal network of Resource Centers accredited for this purpose by the IEFP and working with the Employment Centers run by that Institute. These resource centres develop information, assessment processes and vocational guidance, support placement and post placement support and are also responsible for people with disabilities evaluation processes, particularly in the allocation of technical assistance (workplace adaptation and architectural barriers elimination). This network consists in eighty decentralized entities accredited. In FENACERCI universe, there are twenty five entities accredited and it’s estimated that 31% of the users are integrated in this services and that almost one thousand are in regular labour market.



60 IEFP (Instituto de Emprego e Formação Profissional, I.P.) is the public institution for employment and professional training.

## Stakeholder Cooperation

At macro level it is advisable to improve the cooperation between public institutions and organizations. At local level there are gaps between regional institutions and training and educational centers on developing the right training according to people with disabilities needs and wishes and also with the market labour requirements. – e.g. there are people doing trainings in fields they are not interested in.

IEFP, I.P. manages a network of entities (e.g. social economy entities) and thus to give more support to the employment centers - through this network of entities it is possible to give access to other type of vocational training services namely for people with intellectual disabilities, among others, that otherwise wouldn't be possible. It is also important to reinforce the working cooperation between IEFP, I.P. and field organizations and to improve the communication channels. Although for IEFP it remains a challenge to cooperate with large enterprises in order to promote people with disabilities full/ long term employment (not only with multinational enterprises but also with the bank sector) namely due to its own organization framework/ centralized model of coordination.

### **Main recommendations:**

- Reinforce the work of proximity and communications channels between public authorities, organizations working in this particular field, enterprises and people with disabilities;
- Develop a closer work with the community, understand local specificities and put in place targeted/ customized actions/activities for and by the community;
- To establish a common language or common message about PwD training and employment;
- To develop a more proactive involvement (in spite of the reactive one) – e.g.- a platform of consultation for the process of making laws; guarantee an effective cooperation work (participation/co-responsibility);
- Improve social marketing;
- Establish long term cooperation: requires long term planning on training/ employment from public authorities avoiding financial unrest due to funding rules and time tables;

Learn from national and European good examples of stakeholder cooperation

## Targeted Action

In the field of vocational training, organizations and IEFP, I.P are both trying to improve many aspects including at the present moment the work capacity evaluation. The medical evaluation is considered as a non-decisive stage in defining the working conditions of an individual and that many times it even constrains the individuals' development and integration in labour market. IEFP, I.P. is also taking active employment measures defying the same constraints to people with and without disabilities. Besides, IEFP, I.P. has available ample range of measures and support for employees and employers (e.g. adaptation of working places, support on access and mobility).

Even with financial constraints, it is very important to reinforce the access of people with disabilities to training centers and to avoid the vicious cycle of poverty, low qualification and disability. Despite of having good official evaluations at inclusive

education and training, the transition from school or training centers to the labour market in Portugal is not so optimistic. In the past it was implemented the concept of “integrated qualification” which consisted in the idea of adapted academic courses and that should be reestablished. The academic and the professional course are two life’s dimensions of a person with disabilities that should be a one way course to guarantee full integration in society.

Furthermore there is work to do relate also with families: the transition stage of individuals with disabilities from school to labour market (or employment centers) is a difficult phase for people with disabilities but mostly to parents – emotionally parents feel the emptiness when their son/ daughter is gradually turning to adulthood. So that independence and autonomy can be peacefully achieved from two sides (parents and sons) it’s necessary to create mechanisms/ programs in order that transition to an independent life will start sooner, slower and in a more gradual manner.

People with intellectual disabilities that showed also mental deceases even also people with “acquired disabilities” are nowadays a very common situation. Therefore, is very important to develop a wide range of services providers/ support that can improve their quality of life as full citizens, including alongside their training process.

**Main recommendations:**

Improvement of support services in the employment centers and other (reinforce the action): through the creation of multidisciplinary teams (to enrich the development and improvement of training and employment centers) and through specialized capacity trainings for professionals (where there is still a lack of knowledge on intervention and methodologies new trends).

## Availability of Support

IEFP, I.P. and the private organizations (vocational training services providers) represented by FENACERCI and other umbrella organizations are dealing with severe financial constrains because of delays in the application procedures along with transitions of European Union funds.

Despite the rare self funding availability in organizations, there are already existent services/resources that can be used in vocational training by people with disabilities – e.g. there has been a great public investment in infrastructures and programs.

**Main recommendations:**

- To create awareness through employees about quality rules, social responsibility and to provide them the right info/ knowledge about economic and fiscal incentives on hiring people with disabilities;
- Improve the access to information for PWDs about employment opportunities.

## Research

Although there are some people considering that the best option is to include people with disabilities in regular vocational training system (in spite of specialized and separated vocational training), the results of a recent survey carried out at national level with the participation of private organizations that develop vocational training for people with intellectual disabilities, reveal that the majority believes in the maintenance of a mainstream subsystem is the best integrative option like the



one already established at national level.

Another underlining fact is that professionals are working without knowing the impact of the implemented intervention measures (in individuals' families, enterprises or social life in general). So it is important to create new evaluation indicators to really know the impact of current policies and intervention measures. Even in application procedures and European Union's funding forms the professionals responsible for this type of intervention must respond almost exclusively to the number of activities and outputs. This means that the qualitative dimension in the evaluation indicators is worthier than the quantitative one.

Also there are still some aspects that could be improved in the articulation between the Minister of Education and the Minister of Labour, Solidarity and Social Security. After the life period of school a wide range of young people with disabilities that in one hand cannot comply with services requirements and on the other come across at services vacancies absence, ultimately return home and for many times embarrassing their family lives and routines. With the aim of avoiding this kind of complex situation, there is the need of effectively making a list and collecting data about the number of people with disabilities that get off regular school - there is already a work group that is working in this particular area and the Secretary of State of Inclusion of Persons with Disabilities has already pronounced the will to do some research work collecting data about waiting lists and also to develop some practical solutions, such as the conception and implementation of new services.

Another source to collect data is the Minister of Education in what concerns the people who get off the school and enroll in organizations. Finally it would be an added value to reach data about people with disabilities working in the private and public sector.

In this field, it is also very important to highlight that the indicators currently used in Portugal (e.g. indicators used on ESF) do not reflect what really matters to people with disabilities in the Portuguese labour market. It would be more efficient to bolster the qualitative dimension of indicators in spite of having so many quantitative indicators and to set more goals so it may be possible to have a transversal approach.

**Main recommendations:**

- Develop statistics about employment of PwD in Portugal (e.g. how many persons employed in private and public organizations);
- Develop impact measurement methodologies - related to the need of developing indicators based on Quality of Life (and not only quantitative indicators) and on life cycle approach. Therefore it would be highly recommended to do a research study in cooperation with universities about different stages of life: before the educational or training process, during it and after (until one year) the educational or training phase.

Another underlining fact is that professionals are working without knowing the impact of the implemented intervention measures



# DEVELOPING AN INCLUSIVE LABOUR MARKET IN SLOVAKIA

## General context and legal framework

The situation of people with disabilities in Slovakia in connection with their position in the labour market is not very favorable and also not significantly improving over time. There are 2.7 million economically active people in total and 261,914 people of them are registered as unemployed (9.64% unemployment rate). There are 233,459 people living on disability pensions, as defined in the Act 5/2004 Law of employment services and based on the statistics of the Social Insurance State Company. Slightly more than half of the recipients receives partial disability pensions, others live on full disability pensions. People with disabilities represent 8.6% of the economically active population in Slovakia.

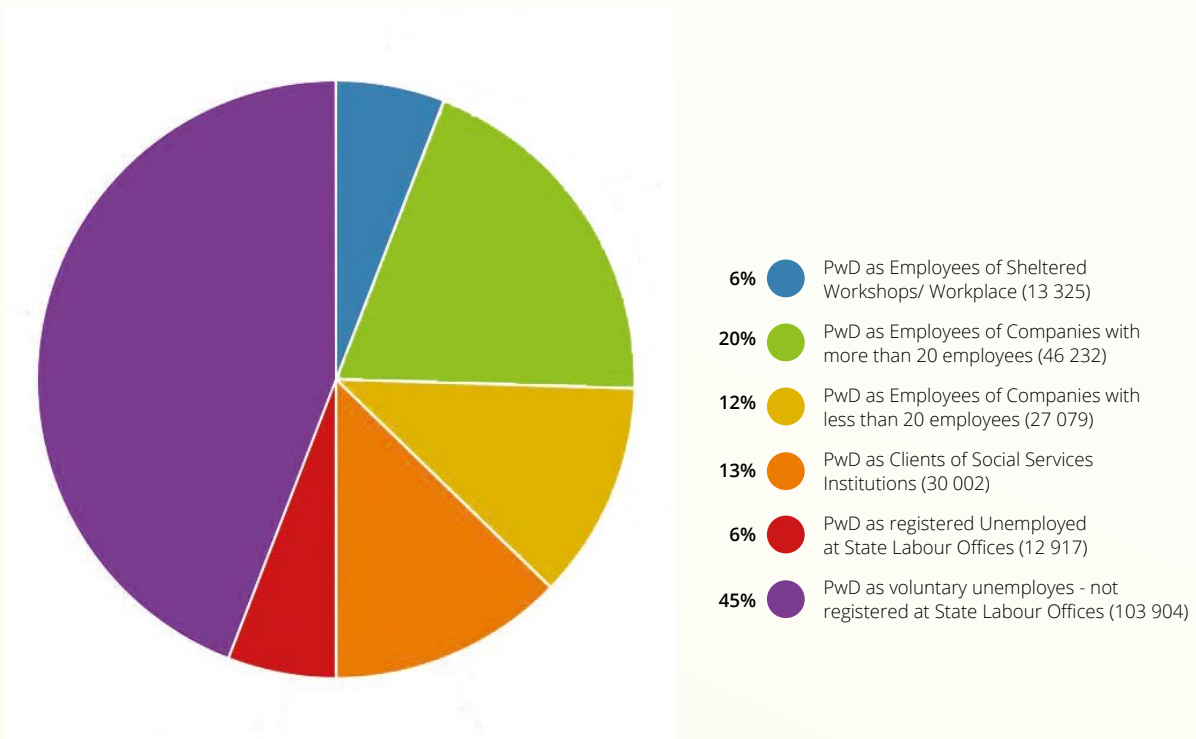


CHART 1 - The structure of people with disabilities in connection with the labor market in the Slovak Republic (Source: Labour office, the Labour Ministry and Slovak Statistical Office, Social Insurance Institution - requested statistics, 31/5/2016)

The rate of decline in the ability to work must be higher than 40% for partial retirement and more than 70% for gaining a full invalidity pension. Each year, the number of approved invalidity pension increases by almost 20,000 (which is almost 1% of the economically active population). The most common reasons for the increase in invalidity pensions are due to musculoskeletal diseases, cancer, mental disorders.

The participation of people with disabilities in various segments of the labour market is shown in the graph no.1 and the result is that 7 out of every 10 people with disabilities in Slovakia are excluded from the labour market.

Eurostat contends that the registered unemployment rate in Slovakia is extremely low - only 6% of all PwD are registered jobseekers at state labor offices, which

means that PwD form a group of only 3.64% of all registered disadvantaged jobseekers. These numbers are used as the arguments by the Ministry of Labor, Social Affairs and Family of Slovak Republic to defend their passive and inactive policy on employment of people with disabilities. These numbers though do not take into account the 103,000 of voluntarily unemployed PwD and 30,000 of people placed in long-term care in social services institutions, where they should be soon passed into the community in the context of deinstitutionalization. Only a minimum level of support is provided to people with disabilities who are neither registered nor employed. In relation to people with disabilities, it is crucial that often they are discouraged from the registration by officers of State Labour Offices because of the effort to reduce the overall unemployment rate (Invalidity pensions and health and social insurances can be received by PwD although they are not registered as unemployed).

The Statistical Office of the Slovak Republic developed a survey specifically targeted at persons with disabilities in 2011, which identified the main causes of labor restrictions, such as shortage of vacancies (in 2015 23,708 vacancies were reported for 260,000 registered jobseekers, and only 1,217 were eligible for 13,000 persons with disabilities registered as jobseekers). Other reasons include lack of education, training or experience; family situation problems (problems with transport, family assistance etc.); impact on receiving social benefits, contributions or support.

A huge problem is the lack of “intermediary”. The first two years of the agencies established by the Employment Services Act 5/2004 (2011-2012) were financed and contracted by the National Labour Office from the state budget. Additional funding was realized through a national project that was primarily focused on the preparation of persons with disabilities through individual action plans and training. Subsequently, in 2008, the funding stopped and only a few of the registered 68 agencies have remained active in supported employment policy in the Slovak Republic since then. Usually they work on a voluntary basis or using a small grant schemes from private sources.

There are currently some instruments of supported employment for persons with disabilities in the legislation of SR, but they are mostly financially tied to the assigned status of a sheltered workshop (where more than 50% of employees are persons with disabilities) or protected workplaces (1 persons with disabilities), work assistance, Agency of Supported Employment and the possibility of substitutional compliance of the obligation to employ 3.2% PwD of all employees. With the exception of sheltered workshop or protected workplaces there is a lack of any other instrument that would financially subsidize jobs for persons with disabilities. Therefore, sheltered workshops or protected workplaces in Slovakia have different meaning than abroad, they are interpreted as different (unidentified in legislation) models of social entrepreneurship. Most employers of persons with disabilities ask for status of Sheltered Workshop or Protected Workplace de facto only because they want to get a state subsidiary for 1 or 2 PwD as their employees. In the past, there was already financial mechanism named “social enterprise” as an instrument of active labor market policy, but for a number of reasons (written below), it did not receive much attention by the public.



Sheltered workshops or protected workplaces in Slovakia have different meaning than abroad, they are interpreted as different (unidentified in legislation) models of social entrepreneurship

State support with the European Social Fund under national projects (NP II - Promoting the employment of PwD) following the revision in 2013 diminished from a total of 43 million EUR in 2012 (for 27 thousands of jobs for persons with disabilities) to almost half - 25 million EUR in 2014 (for 30 thousands of jobs for persons with disabilities).

Currently, there is a willingness of entrepreneurs and employers to employ persons with disabilities. There are three reasons for this: 1. any kind of employer employing more than 20 employees is obligated to employ 3.2% persons with disabilities among all employees. The alternative is to pay instead a mandatory contribution of 1,045 EUR per year when the minimum wage for one person with a disability is 6 174 EUR per year. A third legislative alternative is when an employer can make an order from a sheltered workshop or from protected workplace in the total amount of 1115 EUR (929 EUR excluding VAT) per year. Employers are more likely to prefer employment and contracts with persons with disabilities, and even those who do not have any obligations (because they run only the small businesses or sole traders, who don't employ more than 20 employees so they are not obligated to employ 3,2% PwD of all their employees).

## Stakeholder Cooperation

In the Slovak Republic there is a strong and professionalized non-profit sector, which has a long-standing experience in the labor market and supported employment of PwD. However, the involvement of other key players (the State, local government, the business sector) is minimal. There are also limited opportunities for relevant stakeholders to come together to discuss and exchange views on what should be done in this area. This has led to difficulties in understanding what each different stakeholder's position is on tackling the unemployment rate of persons with disabilities.

To solve this issue and increase the employment rates of persons with disabilities, cross-sectoral and cross-issue working groups should be created bringing together different ministries, public and individualized employment agencies, trade union organizations, associations and businesses.

## Targeted Action

There are agencies in place who have significant experience and have achieved success in helping persons with disabilities into jobs; through activities such as tailored assessment, employment assistance, support to both employee and employer and a variety of training courses and modules.

This being said, the absence of contributions and instruments to promote the employment of persons with disabilities in open labour market legislation fails to take advantage of this experience and know-how. Existing types of services designed to prepare people for employment: rehabilitation centers, integration center, specialized social counseling in Slovakia are in Slovak legislation defined as social services. Higher Territorial Units (HTU) don't want to integrate such kind of social services with employment services (only one Agency of supported services in Slovakia is financed by HTU). In the process of de-institutionalization (DI) there are efforts to start financing other agencies of supported employment as a social facility, but till now this effort has not been successful. The employment services (supported employment, sheltered workshops) for persons with disabilities are funded by the Implementation Agency of Ministry of Labour, Social Affairs and

Family of SR - National Programme II through State Labour Offices composed by ESF and the state budget. The Employment Services Act defined a social enterprise, but the term is generally not used due to corruption scandal of 8 big social enterprises, while the reason of non-use of this tool was that the General State Office of Labour did not give contracted subsidies to social enterprises and changed the rules during the whole program. For instance, an amendment in 2013 caused the cancelation of financing of social enterprises legally. Not observing the contract terms and changes of the rules during the time is typical in Slovakia. This has also been unfortunately the case with subsidies for sheltered workshops or protected workplaces, who have, for example, been sent in second quarter of 2016 by the General State Office of Labour a simple guideline, stating the that the financing of sheltered workshop and workplaces for one month will not be refunded due to the harmonization of accounting with the calendar year.

This is viewed by many as attempts to save money because about 220 EUR per person with a disability will not be financed through this amendment. These costs, however, must be paid by sheltered workshops and workplaces because of the individuals' employment contracts from within own resources. These practices do not help develop the right targeted support to help the employment of persons with disabilities.

The Czech Government should also look at improving the balance between measures aimed at vocational integration and financial support so that the measures do not contradict one another; therefore not supporting persons with disabilities into employment. e.g. Some persons with disabilities do not want to be hired because they would lose the contribution for personal assistance necessary for their independence and well-being.

The upcoming national project plan to harmonize work and family life for employees excludes persons with disabilities as a target group; focusing instead on promoting mobility, social and communication skills and professional skills. A truly inclusive policy in this area would also include support measures for persons with disabilities.

Any general employment policy should aim to include and provide adequate support for people with disabilities within its activities. It is also necessary to further link social, health and employment services (early intervention, education, professional training, transit services, temporary job contracts, supporting the transition from the social services in the rehabilitation center through sheltered workshops or protected workplace to the open labour market, etc.).

As a whole, there appears to be a lack of willingness to create inclusive labour market legislation for persons with disabilities, a lack of funds for their piloting and a lack of qualification and training of professional personnel to ensure that labour markets are more inclusive for persons with disabilities.



## Availability of Support

There are several national legislative documents in which inclusive labour market measures are mentioned, particularly when it comes to the development of supported employment agencies. These include the Government Policy Statement 2016-2020; the National Employment Strategy of the SR 2020 (art 4.3); National Strategic Reference Framework; National Employment Action Plan; National program for the development of living conditions for persons with disabilities for the years of 2014 - 2020; Operational Programme for Human Resources 2014-2020; 5/2004 Act on employment services; and 448/2008 Act on social services.

“Despite the legal framework being already established in Slovakia, the problem is not in the content but in the financial support.

Despite the legal framework being already established in Slovakia, the problem is not in the content but in the financial support. There is skepticism about national strategies because they often contain interesting plans but are not always implemented in the right way. On the other hand, their existence does not prevent the implementation of measures which go beyond the individual strategies. The launch of cross-sectoral and cross-issue stakeholder cooperation (as mentioned above) is key to improve the employment of persons with disabilities in the open labour market.

## Research

The ongoing minor or major academic and practical research on various disadvantaged groups in the labour market is currently ongoing in Slovakia, including for persons with disabilities. This is done through well-known research agencies and expertise organizations including: IVPR, CVEK, EPIC, CELSI, TENENET etc. Slovakia is also connected to the network ANED through the State Research Institute of work and family of Slovak Republic. Other research is realized at Slovak universities and centers e.g. at the Department of Social Work, applied psychology, special education, adult education, social education etc.

It is however problematic that these are not merged into a single research program providing an updated regular monitoring of legislation on supported employment, work and social rehabilitation of persons with disabilities, including examples of concrete achievements and good practice.

Research in this area could provide more effective arguments for setting inclusive employment policies, as well as improve knowledge about the barriers to employment for persons with disabilities.



## General context and legal framework

In Spain, 8,5% of the population has a disability, more than 4,12 million people. 3,2 million households have at least one person with disability. It is a broad market. This explains the concept of an enlarged [internal] market: to produce goods and services that can be used by persons with and without disabilities as well as other groups with support needs (elderly, temporary disability). 12% of people with disabilities feel discriminated in the following areas: social relations, opportunities to participate in society, healthcare, the use of transport and job search, accessibility in the urban environment and education.<sup>61</sup>

In Spain the measures to promote inclusion in the labour market for persons with disabilities are organised in three areas of intervention: inclusion in the open labour market, inclusion in the sheltered market and measures to transit from sheltered employment to the open labour market.

### Inclusion in the open labour market

#### Quota system and alternative measures.

Quota of 2% for business of more than 50 employees; quota of 7% of vacancies for public jobs. Exceptionality: the employment service cannot provide a candidate or the company proves that has special difficulties to fill a position with a disabled person. Alternative measures: hire a service to a sheltered workshop (Centro Especial de Empleo – CEE) or a disabled free-lance worker, donations, sponsorship; create labour enclaves (enclaves laborales, see explanation in the transit measures).

**Employed person (Contratación por cuenta ajena)**, incentives depending of the type of contract: permanent contract (subsidy, social security bonus, deduction on corporate income tax, targeted subsidies for supported employment programs); temporary contract to promote employment, between 12 and 36 months (social security bonus, support for workspace accommodation); temporary contract for training and learning (social security bonus, social security reduction of all fee of the company depending of the number of employees); internship (social security bonus, support for workspace accommodation if the position is of 12 months or more); interim contract –covering a leave of absence of an employee with disability with another employee with disability – (social security bonus);

**Self-employment** for people with disabilities in Spain include subsidy for becoming self-employed, lower interest when asking for loan, subsidy for technical support and training; capitalisation of unemployment benefits and subsidy to pay the social security fee.

**Supported employment.** The hiring of workers with disabilities should be permanent or at least for 6 months. Grants to cover the labour costs and social security associated with the employment of job coaches

### Inclusion in sheltered\ protected market (Mercado Protegido)

#### Subsidies for creating or enlarging sheltered workshops or Special

**Employment Centres:** between 12.020,24 and 9.015,18 € for each stable job created (depending of the % of employees with disabilities among the staff - 90/70 %-) used for technical support, loans' interest or investment in social projects.

**Aids for the maintenance of jobs:** social security bonus, subsidies of 50% of salary costs, subsidies for workspace accommodation and removal of barriers,

<sup>61</sup> El mercado potencial de las personas con discapacidad en España. oportunidades para la creación de valor compartido. CERMI y Fundación ONCE, 2015.

subsidy for balance and financial restructuring, subsidy for balanced budget in the non-profit centres or are of public utility, technical support.

**Aids for Support units to professional activity:** 1200€ for each employee with disability (more than 33 or 65% of disability) used to finance labour costs and social security costs of the professionals in the support unit with permanent contracts or more than 6 months.

### Transit measures

**Labour enclaves (enclaves laborales):** contract between the enterprise and the Special Employment Centre between 3 and 36 months, with the possibility of extension. Subsidy of 7814€ for the Enterprise if the person with severe disability is hired with a permanent contract; social security bonus during the term of the permanent contract between 4500-6300€ depending of the age, gender and degree of disability, and between 3500-5300€ for temporary contract. Specific subsidies for workspace accommodation and removal of barriers exist.

According to the last figures and statistics published by the Observatory on Disability and Labour Market (ODISMET), financed by the European Social Fund, the employment rate (tasa de actividad) of people with disabilities in Spain is 38% (2015), almost 40 percentage points less than in the population without disabilities. This is possibly one of the indicators that best reflects the differences between people with and without disabilities in Spain, and shows the impact of disability in respect to the levels of socio-labour

There are significant gender inequalities in access to the labour market; the employment rate is higher in men than in women in almost 6 points.

inclusion. On the other hand there are significant **gender inequalities** in access to the labour market; the employment rate is higher in men than in women in almost 6 points.

Significant differences are also observed depending on the type of disability. While people with sensory and physical disabilities have a higher employment rate (57% approx.), participation in the labour market of people with intellectual disabilities (28.7%) or mental illness (27.1%) is much lower. This may be due to the need in the case of these people to more intensive support for inclusion in the labour market or due to their educational level.

This evidence the need to develop actions aimed at this group. This group is also able to work and does not necessarily have more difficulties, as stated in an article published on [Employ Journal No. 5](#), written by Professor F. Serra, "this group with the necessary support has succeed in employment with more than 2000 effective new jobs in the last year. It is possible that exclusion, often lead us to think about the impossibility of an ordinary job but the different European trends and action taken at European level (EUSE) tell us that it is not. Simply implementing effective support is needed to achieve a regular and standardized employment. "

However, the reality is that there are gender inequalities (significantly lower among women with disabilities, 22.5% male, 26.2%) in the employment rate; Generational inequalities (very low among young people); by type of disability (two or three times higher in sensory and physical than intellectual and mental) and degree of disability (where the employment rate is 3.5 times higher among those with a degree from 33 to 44% of disability to those with 75% or more).



The employment rate of people with disabilities in Spain, even before the economic crisis, was eight points lower than the OECD average (35.7% vs. 43.6%). In 2012, a 33.1% of the working population with disabilities was unemployed. We are facing a clear and persistent exclusion; therefore it is necessary to contextualize these actions with the data provided by the Public State Employment Service (SEPE): unemployment significantly affects young people, reaching 66% of the people with disability aged between 16 and 24 years, 30% more than for young people without disabilities. This shows that it is young people who are suffering to a greater extent the consequences of the economic crisis. Unemployment mainly affects people with mental illness and intellectual disability (with unemployment rates of 47.2% and 48.8% respectively), and their activity rates are much lower.

The number of unemployed with disabilities registered at the public employment offices has trebled since 2005 at an annual rate of growth of approximately 20% since 2007. In a study published by the CERMI, Huete, A.<sup>62</sup> says that there are more than 900,000 disabled women at risk of poverty in Spain. Low wages and job instability lead this group to a situation of acute vulnerability. One can only tackle the problem by promoting quality and stable employment. It notes that 61.8% of people with disabilities are long-term unemployed.

Overall, the economic crisis of recent years has had a profound impact in Spain and this is reflected in the unemployment figures, but also on inequality and poverty. 12% of the Spanish working population does not earn enough to escape poverty. In addition, the labour unit costs (salaries) have fallen.

According to a recent report published by the foundation Foessa (Promoting social studies and applied sociology) the [ten keys to increasing poverty and exclusion in Spain in recent years are:](#)

1. Household income reduction.
2. Worsening income differences.
3. Changes in the distribution of the population in the different income groups (high, middle and low income). The percentage of households in the middle group is declining, while the low-income group expands and higher income remains virtually motionless. Since 2007, the low-income group would have happened to concentrate 32% to 40% of the population; the middle-income group have gone from almost 60% to 52%, while the richest have been few changes in their relative weight (from 9% to 8%).
4. In the labour market, fewer jobs, and more unemployment and with few


62 Huete, A., Pobreza y exclusión social de las mujeres con discapacidad en España. Serie: Colección Generosidad, Género y Discapacidad, Madrid, Comité Español de Representantes de Personas con Discapacidad-CERMI, 2013.



jobs that are created mostly temporary, lower wages and more unequally distributed. The official discourse poses the false dilemma of choosing between unemployment and precarious employment. The first just condemning social exclusion. The second, too. Households where the main breadwinner person is working have experienced an increase in exclusion of four points. In the set of employed workers, the exclusion rate rose to 15.1%. Now, in half of the excluded households, and four out of ten households in severe exclusion, there is one person employed. Having a job is no longer a guarantee of social inclusion.

5. Growing poverty. The sharp deterioration of the labour market and the weakness of the social protection system, compounded by cutbacks have led to an unprecedented rise of the various manifestations of poverty in Spain, standing high in the European ranks on poverty indicators. If you consider the most common measure, such as having a lower level of income than 60% of

median income per adult equivalent, even in a period when the average income falls has set a maximum level of the last decade, 22.5% of the population. Severe poverty, i.e., have incomes below 30% of median income has risen from 3.8% of the population in 2004 to 7% in 2012. Spain is the third country in the European Union, just behind Greece and Romania, where the risk of poverty is higher. 4% of households, the highest percentage in the last 25 years, do not receive remuneration for work, unemployment benefits or Social Security. The number of households, the figure rose from 300,000 in mid-2007 to 700,000 by end of 2013



Growing social exclusion. One in twenty households are severely affected by intense processes of social exclusion.

6. Austerity policies are not neutral in terms of distribution and raise levels of social difficulties. During the past years, the processes to access social rights are more restrictive and there have been continued cuts in some basic goods, as well as a loss of intensity in the level of protection of some social benefits and a growing exclusion of some groups from accessing some basic services.
7. Pensions. It is a concern the reform to cut pensions to make them sustainable. Especially because, of all monetary benefits, pensions are those which have a greater impact on inequality and poverty.
8. Declining unemployment benefits. From the peak reached in 2010, when 80% of registered unemployed with past work experience received unemployment benefits, a maximum level, the rate has continued to decline, declining in 2013 to 60% of registered unemployed.
9. Growing social exclusion. One in twenty households are severely affected by intense processes of social exclusion. The core of the Spanish society we call "full integration" is already a strict minority.
10. Recovery? The crisis has caused a huge fragmentation in a society that was already especially vulnerable before the change of cycle and need not only deep economic improvements to reduce such large social gaps, but also a complete rethinking of the protection of the more vulnerable citizens.

## Stakeholder Cooperation

The programmes to promote employment should be accessible to candidates in earlier stages and linked to education centres. This requires better stakeholder cooperation with early intervention centres, schools, vocational education and training centres to make more effective the transition to the labour market.

The government should strive to improve cooperation between service providers, administrative services, public employment services, employers, and social services, providers of technical and vocational training, trade unions, and public authorities.

Additionally, establishment of a certificate of competence that comes from the sector should be introduced. (certification of the course on “transition to adult life” - give good quality content to this course by establishing cooperation between schools and social organisations)

There exists a need to create more bridges between social services, supported employment services, as well as better coordination between the different services.

Strengthening cooperation of associations in the disability sector with other sectors is highly recommended.

Bringing the gap between the Special Employment Centres (EEC) and supported employment providers would prove beneficial. The EEC could have a training function based on the Positive Behavior Support (adult learning) and the ultimate goal must be employment in the open labour market. The EEC would be considered as a vehicle for the labour enclave.

Cooperation is necessary to ensure the transition between the different services to align with the Convention. This transition should be based on a) empower people; b) work with the natural networks of the person c) work with society.

There exists a need to create more bridges between social services, supported employment services, as well as better coordination between the different services.

## Targeted Action

The focus of public employment policies should be the individual and his/her career aspirations but also vital aspirations, both at national and regional level.

Furthermore, the government should promote supported employment actions but also actions to the life project of the person, i. e. support other essential aspects of life in society, personal skills, manage frustration, tolerance, etc.

## Availability of Support

One of the main recommendations concerning the Spanish approach to these issues is the inclusion of considerations for the possibility for a disabled person to have a personal assistant for employment included in the laws on personal autonomy and dependent care (Ley de Dependencia y Autonomía Personal) justified as a reasonable accommodation (UN Convention). This figure (personal assistant) should be provided for people with physical disabilities and also people with intellectual disabilities and mental illness.

Additionally, development of awareness campaigns on the benefits of staff

diversification and create inclusive jobs in the open labour market. Such campaigns can target the awareness of various social actors in both the disability sector and other sectors.

Measures and policies to promote employment should apply not only quantitative criteria for the award of grants and subsidies but also qualitative (criteria based not only on the number of jobs created but also on the quality of jobs created. This requires applying the same concept of “job”)

The special employment contract (relación laboral de carácter especial) can only be created within a Special Employment Centre. This contract should also be possible to create within an enterprise / business. (The quota law of 2% is largely not fulfilled).

Proposals for the introduction of a job coach should be considered and these should include:

- Direct subsidy to the person with disability and the person chooses the services.
- Support the development of the Job Coach position within the enterprise by the entrepreneur within the HR Department.
- Having at the local level in the community the possibility to outsource the service of “Job Coach” with an enterprise (external provider).

## Research

It is necessary to develop research to analyse how supported employment in the open labour market changes the social reality of people. With the supported employment methodology quality employment is created and risk factors for people with disabilities resulting from the lack of opportunities are eradicated. To do this you can:

- Link data and employment figures with other parameters such as the participation of people in social activities
- Analyse how the quality of the service affects the quality of life of people

The European Semester is a very relevant EU instrument when it comes to tackling the high level of unemployment of persons with disabilities and disadvantaged groups as a whole ; not only as a question of rights, but also from an economic perspective.

The Semester process already focuses significantly on labour market policy at national level ; although from a very broad perspective. The European Semester Country Reports often acknowledge the high rates of unemployment for persons with disabilities ; yet fail to always assess the barriers to employment in these countries. Similarly, the high levels of unemployment are very rarely reflected upon in the Country Specific Recommendations with only the Recommendations to Ireland referencing this issue.

Whereas access to work and employment is a human right for all people, the unemployment issues for persons with disabilities should also be an economic concern ; in particular at a time with a declining workforce due to ageing. There is also significant academic literature clearly demonstrating that developing more inclusive labour markets may include investment on the short-term but, if done correctly, with a financial and societal return on the medium to long-term. This is confirmed by a recent study done by Professor Stephen Beyer assessing the cost-benefits of developing more inclusive labour markets for persons with disabilities, in particular from a taxpayers perspective.

There is also significant political and legal support for the European Semester to approach the issue of labour market inclusion of persons with disabilities in a more structured manner. As the EU has ratified the UN Convention on the Rights of Persons with Disabilities, it is obliged to mainstream the inclusion of persons with disabilities within all its legislation and activities ; including of course the European Semester.

The European Commission has significant information already gathered about the high levels of unemployment of persons with disabilities and other disadvantaged groups and their major barriers to the labour market through its own resources. The national recommendations in ten EU member states provided in this report also include significant information about the major barriers facing persons with disabilities to the labour market from experts from the field.

Simply put, this report clearly confirms that the political, legal and economics arguments for a more structured approach far outweigh the arguments against such a change. With the recommendations found in this report, it is now essential that the European Commission assesses the barriers to employment for persons with disabilities in the European Semester in a coordinated and structured process.



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**Writers:** Coordinated by Thomas Bignal, Policy Officer, EASPD, contributions from EASPD members

**Layout and graphic design:** Babelfish Communications, Alessandro Borsello

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European Association of Service providers for Persons with Disabilities—EASPD

Handelsstraat /Rue du Commerce 72 B - 1040 Brussels, Belgium - T. +32 2 233 7723 - [www.easpd.eu](http://www.easpd.eu)