

Social security & social integration

Benchmarking employment policies for people with disabilities

Employment & social affairs



European Commission

Benchmarking employment policies for people with disabilities

*A study prepared by ECOTEC Research and
Consulting Ltd.*

Employment & social affairs

European Commission
Directorate-General for Employment
and Social Affairs
Unit EMPL/E/4

Manuscript completed in August 2000.

This study is only available in English.

The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General for Employment and Social Affairs.

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1.0 INTRODUCTION

This document presents the draft final report of the study ‘Benchmarking Employment Policies for People with Disabilities’ that ECOTEC Research and Consulting Ltd were commissioned to undertake on behalf of DG Employment and Social Affairs of the European Commission.

The report is structured as follows:



- Introduction
- Background and context of the study
- Aims of the study and method of approach
- Key findings
- Country by country analysis
- Comparative analysis
- Draft conclusions and recommendations

The country information presented in this report has been edited by ECOTEC from national reports submitted by experts in each country. This is currently the subject of cross checking with each national expert.

This document has been amended following feedback received at a steering group meeting on 11 May 2000 and a meeting of the High Level Group of Experts on Disability on 4 July 2000, where the draft final report was presented, and also takes on board comments received by the national experts.

2.0 BACKGROUND AND CONTEXT TO THE STUDY

Evidence from studies undertaken in recent years strongly highlights the particular difficulties that people with disabilities face in gaining and retaining employment. People with disabilities are disproportionately disadvantaged in the labour market, with unemployment rates consistently in excess of those for non-disabled people. In some Member States where participation rates are generally good, disabled people tend to be proportionally better represented (European Community Household Panel (ECHP), 1994). Disabled women, in particular, seem to fare badly, with evidence suggesting that they are more 'hampered' in gaining employment than disabled men.

One of the most striking illustrations of the employment circumstances of disabled people is that of the 'iceberg' phenomenon - whereby the target group of disabled people more usually targeted for mainstream employment policy measures, are but a small proportion of the total potential disabled labour pool. The extent of economically inactive disabled people who would actually like and are able to work is 17.5% as compared with 4.5% of non-disabled economically inactive people.¹

Traditionally, public expenditure for people with disabilities has tended not to focus on active measures, with the exception of some member states, and the EU is concerned to encourage policy developments, which move away from passive income maintenance measures.

In recognition of this, most Member States of the EU have reviewed, or are in the process of reviewing, national policy and practice, and in many cases have responded with pilot initiatives and policy changes in an attempt to address this. A strong emphasis on prevention, early intervention and active labour market policies in general is believed to offer an effective means of supporting people who are at risk of, or who have been, long-term unemployed. ('What works among active labour market policies: Evidence from OECD Countries' experiences, OECD, 1998).

The Resolution of the Council of 17 June 1999 on equal employment opportunities for people with disabilities stated that the National Action Plans (NAPs) for Employment provide for a comprehensive platform within which disability employment policies should be strengthened. The Commission is expected to work with Member States within the framework of the European Employment Guidelines and the mainstreaming principle to monitor and analyse the development of the employment of people with disabilities on the basis of comparable data.

The main messages in the 1999 Employment Guidelines, according to action in the field of the four pillars, were the following:

¹ British Labour Force Survey 1997/98.

- Employability- a new active labour market policy to prevent unemployment, long-term unemployment and discrimination
- Entrepreneurship - new enterprise policy to create more jobs -
- Adaptability - new partnership between the social partners to modernise the organisation of work and invest in HR
- Equal opportunities - a new policy for the reconciliation of work and family life

Measure 9 of employability pillar is perhaps the most overt reference made to the employment situation of disabled people, demanding that Member States give special attention to the needs of the disabled, ethnic minorities and other disadvantaged groups and develop appropriate forms of preventive and active policies to promote their integration into the labour market.

The examination of National Action Plans (NAPs), guiding national employment policies until the year 2002, forms a central part of a strategy for converging employment policy outcomes in Europe. In commissioning research, the European Commission aims to support national Governments' development of the NAPs.

In analysing the NAPs and their development, the Commission will be concerned to see Member State policies demonstrating in particular the following:

- A commitment to meeting quantified objectives for disabled people
- Better activation of employment policies
- Policies which support a pathway to employment, through measures to address both the supply-side and to stimulate the demand-side²
- Attention to Health and Safety policy and regulation. As a recognition that most disabled people not in work, but receiving benefits actually acquired their illness or disability during their working life³
- Good quality monitoring arrangements, enabling accurate and reliable data on the employment situation of disabled people to be collected.
- Mainstreaming equal opportunities for disabled people throughout.

There is a lot of variance in the policies in different countries, with different objectives, target groups, types of measures and conceptions of the labour market and disabled people's roles within it. Reviewing the effectiveness of approaches taken by the different Member States and other nations promoting active policies, offers an opportunity to identify good practice and evidence of potential transferability.

² Such as "Work path Policies" = public programmes that provide or encourage rehabilitation to overcome work limitations caused by a disability. Also more direct labour market intervention through creation of specific jobs in government subsidies to employers or to worker themselves, job quota, job protection and general anti-discrimination.

³ *ECHP, 1994. It is also thought that the 1999 LFS ad hoc module on occupational accidents and diseases is likely to reiterate this.*

3.0 AIMS OF THE STUDY AND METHOD OF APPROACH

3.1 Introduction

The overall objective of this research, as identified in the invitation to tender, was:

- To produce an analytical report with clear results that show what is good practice in getting people with disabilities into jobs.

The elements involved in the study are discussed below:

Identifying good practice for getting and keeping people with disability in jobs

This was the core objective, and required the study to highlight outcomes in terms of employment and economic well-being resulting from improved labour market environment.

In achieving this core objective, the following aspects were highlighted as key components of the study:

- Analysing and evaluating the success of Member States' policies to activate disabled people wanting to work but not currently looking for it (incentives and activating benefits in favour of employment);
- Identifying the timing and duration of interventions and potential dead-weight effects (where employment would have resulted without the intervention taking place);
- Identifying policy areas where valuable evidence is being collected, and including the areas where information does not exist because monitoring and evaluation plans are not yet in place
- Identifying the extent to which gender equal opportunities are addressed and mainstreamed. Identifying the proportion of women benefiting from each measure, and exploring gender imbalances.

3.2 Method of Approach

The study period was due to last 5 months, but was later extended to 8 months. The study team formally met with the Commission on three occasions at the time of writing, the first at study inception, a second time to discuss progress and a third time to present and discuss the content of the draft final report.

Inception involved a meeting early in September 1999 with the Commission to clarify research objectives and priorities, and to present and agree proposed country correspondents for Member State level data collection.

The study comprised of six main stages:

- 1. Inception Meeting**
- 2. Development of data collection templates and draft indicators**
- 3. National Studies**
- 4. Analysis of country-level data and thematic synthesis**
- 5. Reporting**
- 6. Presentation and dissemination**

3.3 Methodological issues and background

3.3.1 Data Availability and Accessibility

There is an inherent difficulty in establishing a clear picture of the place of disabled people in the European labour market, grounded in the problems of gathering consistent statistical information. It was anticipated that the majority of Member States would not undertake regular data collection, nor have the same way of defining their disabled populations and this has appeared to be the case, based on the analysis undertaken.

The study sought to explore issues at the level of the EU and with reference to three OECD countries. The work relied on accessing the data available at national level, and on reference and usage of those available from Eurostat and the OECD.⁴ The study nevertheless made provision for undertaking initial desk research to identify these data sources, and through national study.

3.4 Desk research

In order to prepare the research instruments, the study team conducted desk research, reviewing relevant literature on policies and programmes, good practice, and identifying the likely availability of evaluation data, in order to focus the study and feed into the development of the indicators and headings for the data collection tools.

It was decided to make appropriate use of the excellent research conducted for the ILO, using the country-level studies as a background paper from which both to focus down on particular

⁴ Bearing this in mind, it must be acknowledged that any comparable data for the current 15 Member States is only available from 1995 from Eurostat, and since most comparative data of this kind is reliant on collection by national statistical agencies, there are certain 'health warnings' to be aware of when these are used to make international comparisons.

policy measures of importance, and to identify where new developments in policy had emerged since this study was completed.

3.4.1 National studies

In addition to the 15 Member States, additional studies were organised to take account of employment policies for people with disabilities in the USA, Australia, and Japan. These three countries offered reference to a mix of labour markets, and ensured that current developments and strong examples of active labour market measures targeted at this group of people were captured by the study.

The national studies were carried out by ‘correspondents’⁵ for each of the countries studied. The role of the correspondents was to gather and synthesise national-level information on the labour market policies in operation, and the monitoring and evaluation information that was available in each case. A consistent approach to analysis was needed to ensure that maximum quality and comparability could be gained across the work of correspondents. For this reason, ECOTEC devised research tools and templates for the standardised collection of information from national correspondents, to ensure comparability across the countries studied, and as a basis for highlighting good practice. These are presented in Annex 1, and included the following:

- A briefing report for national correspondents, presenting background paragraphs on the study, and guidance on data sources to consult, liaison with ECOTEC, and reporting requirements;
- An analysis template providing the headings under which data was required to be obtained;
- An interview guide for key actor interviews;
- A copy of the chapter from ILO/SPRU report on employment policies for people with disabilities for their country of interest.⁶

Correspondents were also asked to review the National Employment Action Plan for their country, and provide an overview of the plan in respect of actions related to the employment of people with disabilities. National correspondents were particularly expected to establish what monitoring and evaluation systems were in place for each policy and measure, and to obtain data, where available. Interviews with key actors at the national level were also undertaken, the purpose being to give an overview of the policy context, the relative importance of different policy measures, and new developments in policies of relevance to disabled people, to assist in identifying good practice and to gain access to up to date monitoring and evaluation data.

⁵ (ECOTEC staff in the case of the UK, Belgium, France, Luxembourg, Greece, and Japan).

⁶ Employment Policies for Disabled People in Eighteen Countries: A Review, Thornton, P and Lunt, N; Social Policy Research Unit, University of York/ILO, 1997.

3.4.2 Analysis of National-level Data and Thematic Synthesis

ECOTEC were responsible for editing national reports and drawing out key themes and lessons from each country. Edited national policy overviews are included in this report. These have been cross-checked by national experts. Information on the key policies and policy outcomes in each member states is provided in a series of summary tables.

The second level of analysis was thematically focused, aiming to identify good practice in each ‘theme’ and the component parts or key features that constitute good practice. Policies were grouped according to their overall focus. The classification proposed for the study (and the templates supplied to correspondents) differentiated between the following policy themes:

- passive measures; and
- active labour market measures; specifically,
 - anti-discrimination and equal opportunities measures;
 - retention measures;
 - persuasion and subsidies;
 - rehabilitation measures;
 - sheltered employment;
 - adaptation of the workplace;
 - enterprise strategies.

3.4.3 Informing a future benchmarking framework

Wherever possible, efforts have been made to present comparable statistical data to inform a future benchmarking framework. However, in many instances such attempts were hampered by the lack of comparable statistical information. In a final section, we sought to draw up a set of common indicators, which could be used to measure to success or failure of policy measures in order to assist the benchmarking of policy measures.

4.0 KEY FINDINGS

4.1 Introduction

The underlying aim of this study was to see what contribution particular policies might make as part of a strategy to combat high and persistent unemployment amongst disabled populations in Europe. National studies are working towards this goal, by exploring good practice and collecting evidence on indicators of effectiveness and impact. The national studies have focused on updating the policy profile, and on collecting new and existing monitoring and review information, according to robust domestic data sources, where present and available.

The individual operating and policy contexts have been explored in order to acknowledge and illustrate the different implementation frameworks of policies in different member states. Divergent policy responses reflect differences in economic situations, national labour market structures, specificity of labour markets, as well as culture and tradition. As such, the contextual operating factors include finance and funding sources, legislation, social security, labour market participation rates, definitions of disability, and key actors and agencies involved. This level of detail ensured that whatever benchmarking profile and indicators are put forward, they are based on a sophisticated analysis of what constitutes good practice in the context of these variable operating contexts.

Having received all of the studies from the national correspondents, we are now in a position to present the key member states policy measures in a summary form, from which we can develop the comparative analysis. Below, we present a summary of the main policies across the 18 countries being studied, based on the 'templates' returned by national correspondents.

4.2 Presentation of main policies at member state level

The main programmes and their objectives, methods and outcomes are specified below.

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
Australia	<p><i>Disability Support Pension (DSP)</i> is a payment for people who have an illness, injury or disability that prevents them from working for 30 hours per week or more for at least two years.</p> <p>In 1999, 600,000 individuals received DSP (6.4% of the labour force). This figure is set to increase dramatically as a result of an ageing population and the loss of other forms of income support has also increased the number of recipients of DSP.</p> <p>Expenditure on DSP amounts to 3.5% of GDP. Individuals who receive DSP are not required to actively look for work.</p>	<p>Anti discrimination legislation</p> <p><i>The Human Rights and Equal Opportunities Commission Act</i> (1986) was expanded to cover disability in 1990, but in itself does not outlaw discrimination. This is the subject of the 1992 <i>Disability Discrimination Act</i>. The Act takes a very broad view of disability, considering it to be physical, intellectual, psychiatric, sensory, neurological or learning disabilities. It also includes discrimination against a person because they have some disease-causing organism (such as the AIDS virus) present in the body.</p> <p>Persuasion measures</p> <p><i>The Prime Minister’s Employer of the Year Awards</i> recognises the contribution made by employers in providing</p>		<p><i>The Employer Incentives Strategy</i> is designed to encourage employers to provide durable job opportunities for people with a disability. The objective of the Department of Family and Community Service’s (FaCS) Wage Subsidy Scheme is to encourage employers to provide employment, under open employment conditions, to eligible workers with a disability by subsidising the worker’s wages for up to 13 weeks.</p> <p><i>The Wage Subsidy Scheme</i> provides financial incentives to employers to employ eligible workers with a disability under normal market conditions.</p> <p><i>The Supported Wage</i></p>	<p>CRS Australia is the country’s largest provider of vocational rehabilitation and injury management. It aims to assist disabled individuals in gaining and keeping employment through tailored assistance. This includes counselling, skills training and work experience. In 1999, it provided rehabilitation programmes to 26,432 new and existing clients at a cost of 60 million Euro). In 1998/99 39.6% of those receiving rehabilitation services found durable employment.</p> <p><i>Open employment services – specialist disability assistance (open labour market or supported employment)</i></p> <p>These employment services provide individuals with disabilities services to increase their independence, employment preparation and training, services to assist transition from special education.</p>	<p>Specialist disability employment assistance</p> <p>The underlying purpose of the Disability Services Act was to shift services from sheltered to supported and open employment, the primary aim being to provide real, paid work.</p> <p><i>Supported employment</i></p> <p>These aim to provide employment, integration and support on an intensive basis. The aim is still to place individuals the open labour market, but this may be in work units with other disabled individuals. This is part of the transition between open and sheltered employment. 49,285</p>	<p><i>The Workplace Modifications Scheme</i> provides employers with access to work site assessments and financial assistance for workplace modifications and/or the purchase of special or modified equipment for people with disabilities.</p> <p>Through the <i>Continence Aids Assistance Scheme (CAAS)</i>, the Government funds continence aids to people who are in work or of working age.</p>	

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		work opportunities for people with disabilities. Award criteria include conditions of employment, length of employment, nature of work and activities taken to assist the disabled employee.		<p><i>System</i> is a pro-rata wage arrangement promoting the employment of people with a disability that affects their productivity in the workplace.</p> <p><i>The Special Employment Placement Officer (SEPO)</i> initiative provides funding to establish specialist positions within major private sector and industry organisations to improve employment prospects for people with a disability in these organisations.</p>	<p>Aim is to provide time-limited support to place individuals in the open labour market.</p> <p><i>Current reforms</i></p> <p>This is aimed at achieving improved targeting of resources. The <i>Disability employment assistance case-based funding trial</i> will be funded using growth funds for employment assistance from 1998-99 and 1999-2000. The total amount of funding available for the trial will be 6 million Euro. Targeting of limited funds to ensure job seekers with different needs receive assistance to access and retain employment.</p> <p>The trial will seek to ensure that employment assistance funding is better linked to the needs of individuals and is more equitable than under the current block grant funding arrangements.</p> <p><i>The More Intensive and Flexible Services (MIFS)</i></p>	<p>workers and jobseekers received assistance from specialist disability employment services in 1998/99. 36% of services were related to open employment, 57% were supported employment. 52% of clients in open employment services were in paid work compared with 95% in supported employment services. Average price of employment assistance per client is 2500 Euro. Disabled individuals also have access to <i>mainstream employment services</i>, which were reformed in 1998.</p>		

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					Pilot trials the feasibility of providing secondary rehabilitation (such as physiotherapy, occupational therapy, speech therapy and counselling) and personalised pre-vocational programs (such as budgeting, travel training, grooming and self-esteem building) to assist DSP customers with severe, unstable or multiple disabilities to prepare for vocational training.			
Austria		A quota system is in place. Few employers comply fully with the quote. Approximately two thirds of quote places are filled each year. Fine for non-compliance is ATS 2050		<i>Wage subsidies</i> for employees who cannot take on the full work load. subsidies for the creation of additional possibilities of employment for registered persons with disabilities in federation and national agencies and other public places by grant	Employment Service Measures: vocational orientation; vocational training in projects and firms; information and consultation in enterprises to reduce fears and prejudices opposite disabled persons, e.g. presentation of good experiences by enterprise <i>Vocational</i>	There are 8 sheltered workshops with altogether 20 business premises, employing 1,189 disabled persons in 1998. ⁷ This is around 7 % more than in 1997.	Financial assistance is available for workplace adaptations.	

⁷ according to Disabled Persons Employment Act sheltered workshops have to employ 80 % disabled people.

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				of means of the ESF.	<p>training for higher qualification – upgrading skills</p> <p>occupation in <i>sheltered workshops</i> (1998: 1189 disabled employees) to pay <i>subsidies</i> for engagement disabled peoples</p> <p>Promotion of transit workstations in non-profit mechanisms for registered persons with disabilities by means of non-profit integration subsidies (GEB) - in non-profit occupation projects and in socioeconomic operations.(</p> <p>Arbeitsassistentz in all 9 Länder (provinces) of the Federal Republic, Community initiative "Employment"; with "Horizon". Altogether there are 28 projects in Austria. Pilot projects for the promotion of non-profit employment agencies for disabled persons)</p>			

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Belgium	<p>Recent reforms: Previously, disabled individuals taking up employment immediately lost their entitlement to disability benefits or pensions. Benefits were often higher than wages, which could be expected in the labour market, thus acting as a disincentive. This system has been reformed and disabled individuals can now receive some disability benefits for a fixed period of time after starting employment. If they become unemployed again, benefits are automatically reinstated without a long waiting time.</p>	<p>Quotas 3% of new positions in certain public sector organisations have to be filled with disabled individuals. Jobs are identified which could be carried out by disabled individuals and active recruitment measures are then taken. At national level it has proved easier to fill quotas than at local level.</p> <p>Code of practice In the Flemish fund there were plans to publish an <i>ethical code for employers</i> with regards to the employment of the disabled. This would complement a code of good practice that already exists.</p>		<p><i>Collective Agreement no. 26</i> is the principal measure for compensating employers who employ people with disabilities. The disabled people receive a full wage but the fund compensates the difference between the wage and actual performance. In 1998, the total funding available for this measure in the Brussels region was 784,800 Euro. In the Walloon region, 6,020,286 Euro was spent on this measure). The maximum level of compensation in most regions is up to 50% of salary. It is estimated that 2000 individuals benefit from this measure annually. It is unclear whether this has encouraged employers to take on</p>	<p>The nature of training offered to disabled individuals varies by region. In the Walloon region, training is either in a specialist apprenticeship (contrat d'adaptation professionnelle – CAP) or on a course in a specialist training centre. In Flanders, at least half the training provided has to be “on-the-job”, the rest is provided in a specialised centre. In Brussels, disabled individuals either find access to mainstream training or in a specialist training centre. The 1999 NAP focused on the reinforcement of in-company training measures for disabled people in the Brussels and Walloon regions. Increasing emphasis is therefore on access to mainstream training. This is despite the fact that special apprenticeships have a 71% success rate in terms of finding employment.</p>	<p><i>Entreprises du Travail Adapté (ETA)</i> The aim of provision of sheltered employment was the acquisition of skills to allow eventual transition to open employment. The latter goal is increasingly of less relevance (only 2.2% transfer rate to open employment). At the same time, the profit motive is increasingly important for sheltered workshops, although most remain not-for-profit organisations, which receive funding based on the number of disabled people they employ. In 1998, there were 20,020 individuals employed in sheltered</p>	<p><i>Adaptation and accessibility of workplace, tools and equipment</i> These measures aim to support job retention and return to work to provide disabled individuals with access to a safe working environment. Financial aid is available for employers to modify their workplace (only physical adaptations). Workers are also entitled to grants for tools, clothing and travel expenses. In 1998, the Walloon fund paid 28,179 Euro for clothing and 183,942 Euro for transport costs. In the same year, transport grants in the Brussels region reached 53,464 Euro. The provision</p>	

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				more disabled individuals, as decisions on eligibility often take 3 months and personnel decisions cannot be taken on this basis.	In the Flemish region, success rates in finding employment for disabled individuals from mainstream funding were argued to be high (60-70%) and certainly higher than rates for long-term unemployed individuals. In 1998, in the Walloon region, 45.5% completed their training courses, 38.8% of those found a job in the area they were trained in , 8% found a job in a different sector. Of those who abandoned their studies, 18.6% found employment. In the Walloon region over 50% of those undergoing apprenticeships had a job after 12 months of completing their training. Special apprenticeships There are special apprenticeship contracts for disabled people where employers provide on the job training. The employer is not committed to taking	workshops. 79% of these individuals were mentally handicapped.	for workplace adaptations is used very little. In 1998, 18 adaptations were funded in the Brussels region and 11 in the Walloon region. The same applies for tools and clothing allowances.	

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					on the person after a year contract but employment is often the result. Recently the level of allowance paid to the apprentice has fallen for projects under the Flemish funds and it is suggested that this is the cause of a recent fall in the number of contracts. The contracts have otherwise been regarded as highly successful.			
Denmark	Depending on the level of disability, individuals are entitled to an <i>Anticipatory pension</i> . This can partially be retained in employment.	Anti-discrimination is secured at a general level through the Constitution, various subsidiary legislation, and the possible involvement of the Ombudsman in cases, where discrimination may be at play and where the normal complaint procedures are exhausted. Persuasion measures are used in general agreements to convince employers and trade unions to take special consideration of disabled	There has in recent years been increasing emphasis on <i>retention of individuals injured in workplace accidents</i> . A number of government funded demonstration projects are in place aimed at demonstrating the viability of such a strategy.	Up to 50% wage subsidies are available to employers of disabled individuals to cover shortfall in productivity. Ice-breaker initiative also provides 50% wage subsidy for new recruitment of unemployed disabled individuals or those who have recently completed training. Take up of this measure has been very low. Personal assistant An allowance is paid	Placement services - Disability counsellors Each Employment Agency Region employs a disability counsellor, whose role it is to provide placement, guidance and training for disabled individuals within the support framework available. Flexible employment From 1998, flexible working arrangements can be offered to those whose capacity to work is permanently reduced. Initial and continuing	Sheltered workshops are available to those who are not able to sustain work in open employment. Approx. 8000 individuals were employed in sheltered workshops and day centres in 1998.		Start-up grants are available to would-be entrepreneurs. In 1997, financial start-up grants and investment allowances were granted to 500 disabled would-be entrepreneurs at a cost of 2 million Euro.

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		<p>workers. Several institutional arrangements following from the <i>collective bargaining</i> have resulted in <i>social chapters</i> in the <i>collective agreements</i>. Social chapters have been included in the collective bargaining committing the social partners to take special considerations for vulnerable groups on the labour market.</p> <p>The government funds <i>demonstration projects</i> aimed at showing the viability greater involvement of disabled individuals. The emphasis is on dissemination of good practice acting as a catalyst.</p> <p>Preferential job access There are no general quotas, but legislation provides for preferential job access for disabled individuals in the public sector. There is also</p>		<p>to employers of disabled individuals to fund the employment of personal assistants, with the aim of allowing individuals to have the same chances of performing a job as able bodied individuals. It is estimated that up to 7000 individuals benefit from this measure per annum.</p>	<p>training <i>Most initial and continuing training</i> takes place in mainstream provision according to the Danish social policy model. There is no data to assess level of participation, completion or outcomes for disabled individuals. <i>Specialist vocational training centres</i> run by counties are available to those who cannot take part in mainstream provision. Numbers involved are low.</p>			

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		preferential access to licenses for certain commercial activities.						
Finland	<p><i>Rehabilitation allowance</i> In 1998, 29,000 clients of the Social Insurance Institution received a rehabilitation allowance to support rehabilitation measures to employment. 25.5 million Euro was expended on 31,000 rehabilitation measures. Almost 2000 clients of the earnings related employment pension also receive rehabilitation benefit. Annual expenditure is 17.8 million Euro million. This is partly an activation measure.</p> <p><i>Cash rehabilitation benefit</i> Received by 8500 persons in 1997, annual spend 52 million Euro.</p> <p><i>Unemployment allowance</i> Earnings related/basic unemployment benefit</p>	<p>General anti-discrimination/human rights legislation Disabled individuals are just part of the target group for this legislation.</p>	<p>Maintenance of work ability Health and safety measures are addressed at all workers to prevent accidents or occupational injuries; as well as early rehabilitation. As a result of this measure, one third of work places have reported increased activities in this area. 12,700 persons benefited from early rehabilitation measures (cost 18 million Euro) 6400 individuals received rehabilitation aimed at maintaining work capacity (cost 20 million Euro)</p>	<p>To benefit from this, disabled individuals must be registered unemployed and fulfil definition according to ILO convention 159. In 1998 subsidies were used to assist 14,000 disabled individuals at a cost of 50 million Euro</p>	<p>General employment service – vocational guidance and placement measures Provides employment exchange, counselling and vocational guidance. 20% of clients in vocational guidance were disabled individuals (1998). In 1998 active measures arranged for 55,000 disabled job seekers, compared with 62,500 disabled unemployed job seekers. Disabled job seekers appear to get more active support measures than job seekers in general, but this is distorted by the fact that many exit on income support measures. 30,600 placements were achieved in open labour market, the rate is lower than for non-disabled job seekers. 7800 disabled clients received vocational guidance in 1998, 20% of these went</p>	<p>Sheltered employment aims to promote the social inclusion for disabled individuals who are currently not able to find work in open market – this can also contribute towards rehabilitation. In 1998 there were 3100 individuals in sheltered employment. Costs estimated at 36 million Euro. There are discussions around sheltered employment and the possibilities for social enterprises under the European Third System policy.</p>	<p>Adaptation of work and workplace can be supported under two different pieces of legislation. Under the Act on Rehabilitation provided by the Social Insurance Institution. This finances aids and adaptations required by severely disabled people in work or training to increase their working ability and earning capacity. In 1998, there were a total of 600 beneficiaries, with an average cost per intervention of 1700 Euro. Under the Employment Services Act (1994), employers can be compensated for necessary</p>	

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	<p>and cash labour market benefit; 370,000 recipients, total expenditure over 2 billion Euro.</p> <p><i>Unemployment pension</i> 49,000 recipients, cost 571 million Euro.</p> <p><i>Disability pension (including individual early retirement pensions)</i> 288,000 recipients, cost 3 billion Euro</p> <p><i>Employment related disability allowance</i> 12,000 recipients, 25.8 million Euro</p>				<p>into employment, 60% were channelled into training.</p> <p>Training and vocational rehabilitation</p> <p><i>Training as part of mainstream provision –</i> about 8000 disabled people benefited in 1998 at cost of 51 million Euro</p> <p><i>Specific vocational training –</i> 5000 persons benefited at a cost of 16 million Euro (for measures, travel expenses and rehabilitation allowances)</p> <p><i>Training try-outs –</i> 1000 beneficiaries in 1998 (cost 3 million Euro)</p> <p><i>Assessment of working capacity -</i> 4500 persons (cost 1.4 million Euro)</p> <p>Follow-up studies show that of those receiving training and rehabilitation measures, 50-60% were at work 12 months later, 14% were in new training and 21% were unemployed.</p>		<p>adaptations, however, the number of recipients under this scheme is very small.</p>	

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France		<p>Quotas</p> <p><i>The employment obligation law (1987)</i> is aimed at encouraging companies to hire and retain disabled individuals. Private and public sector employers of more than 20 staff have to meet a 6% quote or contribute to a fund (AGEFIPH) which finances actions for disabled people instead. Employers can also chose to contract with sheltered workshops. Levy is 2,287 Euro for each person below the quota. In 1997, 35% of employers reached or exceeded the quota, 9% combine direct employment with subcontracting to a sheltered workshop, 37% have no disabled employees and contribute to AGEFIPH; 19% have some disabled employees, contribute to make up shortfall.</p>		<p><i>GRTH</i> (Garantie de ressources pour les travailleurs handicapés) ensures that in work income of disabled individuals reaches the standard of the minimum wage.</p> <p><i>CIE</i>: (Contrat Initiative Emplois) This measure supports the formulation of permanent contracts of employment. Disabled individuals get paid at the minimum wage rate and employer receives a monthly grant.</p> <p>In 1998, 23,366 individuals benefited.</p> <p><i>CES</i> (Contrats Emplois Solidarités) This measure provides for the agreement of fixed term contracts with disabled individuals with reduced weekly working hours.</p> <p>In 1998, 49,074</p>	<p>Fresh start initiative is aimed at initial vocational training of young disabled people and the retraining of long-term unemployed disabled people. It involves the preparation of a personalised support plan which can involve counselling, training, assistance with job search and assistance in employment. In 1999, nearly 30,000 disabled workers had benefited from such measures.</p> <p>Apart from the advisors of ANPE, support is also available from EPSR (Equipe de Préparation et de suite du Reclassement) and OIP (Organismes d'Insertion et de Placement). The aim of these bodies is to provide additional support for those who are looking for a job or which to stay in employment but need to be rehabilitated. Part of the measures funded are therefore retention</p>	<p>There are three forms of sheltered employment: CAT (Centre d'Aide par le Travail), sheltered workshops or CDTD (Centre de distribution de Travail à Domicile) providing some level of remuneration. Disabled people receive a salary that is complemented by a state subsidy. Whereas in the case of sheltered workshops and CDTD, disabled people are in paid employment, persons working in CAT did not have the status of employees in paid employment and can therefore not be dismissed.</p> <p>In 1995, there were 83,666 individuals in CAT and 13,446</p>	<p>Financial support for adaptation of the workplace is available from AGEFIPH. In 1998, it funded almost 3000 adaptations (22.87 million Euro)</p>	<p>AGEFIPH supports disabled individuals who wish to start up a business. Average support given is 8000 Euros. Grant given is limited to 50% of total cost of the project. In 1998, 1860 enterprise creations were reported.</p>

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		<p>This law has recently been reinforced by the Convention pluriannuelle d'objectifs sur l'emploi des Handicapés, which is a partnership plan between the State and AGEFIPH aimed at: making sure that integration into an open rather than sheltered work environment remains the key objective, and developing <i>personalised</i> follow-up and training achieving a better complementarity between sheltered and open employment.</p> <p>Persuasion policies Instead of fulfilling the quota requirement enterprises can undertake to sign agreements developing a strategy for employing disabled individuals. This should include a recruitment plan; a rehabilitation and</p>		<p>individuals benefited.</p> <p><i>GRTH</i> (Garantie de ressources pour les travailleurs handicapés) ensures that disabled individuals are paid the minimum salary and compensates employers for shortfalls in productivity. In 1998, 31.71 million Euro were paid to 9817 beneficiaries.</p>	<p>measures. Over 23 million Euro was spent by the state in 1998 to fund EPSRs. AGEFIPHs funding of EPSRs and OIPs amounted to 26.98 million Euro in 1998. The network of agencies has grown significantly over the past three years, so has the number of people placed. This measure seems very successful and should concern 60000 disabled job seekers. Over half the employment contracts achieved by EPRS and OIT are also financially supported by CES and CIE.</p> <p>Guidance and Training through specialist centres, general vocational centres, or mainstream training centres. Trainees and training centres receive financial support by the state, through AGEFIPH and ANPE. They are provided with pre-guidance, specialist or mainstream training or</p>	<p>individuals in sheltered workshops. In 1998, 21.22 million Euro of state funding were devoted to sheltered employment.</p>		

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		training plan; a plan for adjustments and technical changes; a plan for retention. By 1995, 10% of private sector companies falling under the quota regulations had signed such agreements.			<p>work experience. Detailed data is available on participants and outcomes. A 10 to 30 month vocational training can be followed in the field of agriculture, industry or business. Trainees can benefit from the Allocation Formation Reclassement, in addition to their minimum allocations.</p> <p>There is also a financial grant to meet costs such as clothes and material in order to gain employment after a period of vocational training.</p> <p>Apprenticeship scheme for young disabled people: targeted to disabled aged 16-25 that enables young handicapped to acquire a qualification and a diploma through a specific “contrat d’apprentissage”: alternation of theoretical training and training in a firm. Financial incentives exist for the employers and the young disabled person.</p>			

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Germany	Availability of disability/invalidity pensions.	<p>Quotas For employers of over 16 staff: obligatory share of 6% seriously disabled persons (Schwerbehinderte) in the work force of companies and public institutions; financial levy for employers who do not achieve the share required (102 Euro per month for each job not filled by disabled person). In 1996, compensation payments amounted to 511 million Euro (76% of employers do not fully meet their obligation) – 55% of this was spent by Länder welfare offices for job promotion and training, 45% was spent by Federal Labour Ministry for the re-integration of disabled persons.</p>		An increasing number of workplaces filled with disabled people are subsidised (Table 7). The promotion of employing severely disabled has been extended in 1994 to unemployed elderly disabled. Their employment can be subsidised for a period of now 8 years even in cases an employer has not fulfilled the quota (compulsory employment).	<p>Vocational training <i>Initial training</i> In 1995/6 244,100 disabled were given vocational orientation (BMA 1998). A close co-operation between the special schools and the Employment Offices is necessary. <i>Berufsbildungswerke</i> provide vocational training for young disabled persons. 22,900 young people were trained in these institutions in 1996. 56-75% of young people entering these institutions have no formal qualifications from secondary education. Training generally lasts more than 2 years, the drop out rate is similar to that among their non-disabled counterparts at 28-30%.</p> <p><i>Re-training</i> The vocational rehabilitation centres (“Berufsförderungswerke”) are directed mainly at adults with work</p>	In 1995, the outlays for the employment of disabled in sheltered workshops in Western Germany amounted to 1.8 billion Euro for 114,200 beneficiaries (BMA 1998, p. 118). Since 1996, severely disabled employed in sheltered workshops have been entitled to higher wages. Moreover, with the amendment of the social assistance law in 1996, the function of sheltered workshops to ease the transition to the general labour market has been reinforced (BMA 1998).	Employers are obliged to adapt the workplace for severely disabled individuals according to their needs. These and other adaptations in the home and living environment are funded through the quota levy. These services are offered in the context of vocational rehabilitation.	

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					<p>experience who need vocational reorientation because of accident, injury and disability. They have introduced a reform process of their work in order to enhance efficiency and quality of their work. This process is characterised by a closer co-operation with private sector companies, by an adoption of the profile of professions and qualification to current labour market requirements as well as by reforming the structures. These institutions provide 15,000 training places. Evaluation data is limited, but there is an average drop out rate of 32%. Despite having undergone training, disabled people face a higher unemployment risk. Particular disadvantaged are older disabled people and foreign nationality disabled people.</p>			

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					<p>In 1996, total expenditure for vocational training of disabled individuals was 3.2 billion Euro (0.2% of GDP)</p> <p>Financial support and assistance: training and re-training is supported by transitions benefits (68% of previous net income) and refunding of training costs (Übergangsgeld); employers can get up to 70% of wage costs for disabled workers for 2 years (Eingliederungszuschuß); costs of applications, remove, technical work devices etc. are refunded etc.</p> <p>Integrationsfachdienste (specialist integration services) Concepts for specialist integration services („Integrationsfachdienste“ and „Beschäftigungs- und Integrationsprojekte“) have been developed by the Ministry of Labour and Social Affairs. Specialised</p>			

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					external services are needed to assist the employment offices for the placement of certain groups of unemployed disabled and to support the welfare agencies for the continuous assistance given to the disabled once having a workplace. 38 pilot projects will be realised until the year 2001. According to the fourth report of the Federal government on disabled, these projects should be financed by the compensatory levy fund.			
Greece		Quota Legislation stipulates that employers with more than 50 staff should employ 8% people from “special social groups”. The number of disabled people must be 2% of the total workforce. A new law gives disabled individuals precedence over other social groups		Subsidies are available to employers hiring registered disabled individuals. The measure offers support for three years and requires employers to provide training. It is so far considered to have been successful.		The ILO study reports that sheltered workshops were seen as the way forward by policy makers. Relevant legislation was passed in 1989 but as of 1997 there were no decrees to implement it.	Funding is available for aids and adaptations in the workplace, but evidence shows that these are little used.	Programme Supporting New Entrepreneurs from Special Social Groups. This new programme aims to provide start up assistance

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		in the application of the quota. A non-compliance fine is imposed. Reserved occupations In banks, the public sector and local authorities, a proportion of vacancies in special occupations (messengers, night watchmen, cleaners and receptionists) must be reserved for 'people with special needs'.						to 120 beneficiaries. 610 GDR are available for this measure. This is an interesting measures, as in Greece the level of self-employment is around 80%
Ireland	The following benefits are available: <ul style="list-style-type: none"> • <i>Disability benefit</i> • <i>Disability allowance</i> • <i>Invalidity pension</i> • <i>Disablement benefit</i> • <i>Blind person's pension</i> • <i>Blind welfare allowance</i> • <i>Carers allowance</i> • <i>Domiciliary Care Allowance</i> 	Employment Equality Act (1998) prohibits discrimination in employment on nine grounds, including disability Equal Status Bill (1999) also prohibits discrimination and applies to education, transport, the provision of goods, services, refreshments and entertainment. A Disability Bill is also being prepared. National Disability		Subsidies are available to employers of disabled individuals to cover shortfalls in productivity. In 1995, nearly 1.2 million Euro was paid out to employers in this way.	The national training agency FAS has recently assumed responsibility of all training relating to disabled individuals. In 1998, 3200 individuals with disabilities were in FAS training (8%) of all trainees. There are increasing efforts to include disabled individuals in mainstream provision.	Sheltered employment is mainly provided by voluntary organisations and funded by the Health Boards. Training is usually provided in sheltered employment, but it is not always clear whether this is designed to lead to open employment. In 1995, around 5000 individuals	Adaptation grants are available to employers of up to 6350 Euro. The take up of these grants has increased in recent years, but remains low. It reached 117,000 Euro in 1995 (benefiting 75 disabled individuals) A Personal Reader Grant is available to blind or visually impaired individuals who are required to	

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	There were around 150,000 recipients for all benefits in 1998.	<p>Authority (NDA). The NDA will comprise an expert body dedicated to research and development of disability issues and act as an independent monitoring body reporting to the Minister for Justice, Equality and Reform. It will provide guidance and support to mainstream service providers in fulfilling their responsibilities to people with disabilities and will play a key role in advising the Ministry in relation to development.</p> <p>Quotas A 3% disabled quota exists but is restricted to Public Services. Quotas have never been met although overall figures suggest that they have. Fulfilment of quota differs enormously when figures are broken down by public service functions and by</p>				were in sheltered work and long-term training and sheltered work.	do reading as part of their job.	

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		departments.						
Italy		<p>Anti-discrimination/Equal opportunities measures</p> <p>These measures are defined by laws n. 482/68, n. 104/92 and n. 68/99, which outline the evolution of employment policies for the disabled in Italy. Prevention and intervention to remove disability barriers are addressed in terms of empowerment and support to disabled people for their active presence in the labour market and, more in general, in the social community.</p> <p>Obligation to employ people with disabilities in public services and in private firms, on the basis of a "quota" equivalent to a percentage of</p>				<p>With law n. 381/91 a new model of employment was introduced in Italy, which is based on social cooperation. The creation of social cooperatives ("Cooperative Sociali") - engaged in commercial, manufacturing, farming and service activities and aimed at disabled people employment - represent a shift from the traditional welfare approach to disabled people. This new model also allowed to increase job opportunities, particularly in favour of the employment of people with</p>		

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		employees. Control of the "quota" of employment in cases of worsening of disabilities and/or in maintenance of disabled people dismissal.				disabilities.		
Japan		<p>Anti-discrimination legislation - included in 1993 Basic Law for Disabled People</p> <p>Employer obligations - via meeting quota and submitting levy (see 'quota' above). They are supposed to liaise with job centres at on-going basis</p> <p>Quota systems - employers with more than 63 full-time employees are legally obliged to employ 1.6% of workforce from people with disabilities. Employers with over 300 full-time employees who under-achieve the quota must submit levy (490 Euro per non-committed disabled employee a month). This levy will be distributed to employers</p>		<p>Employer incentives</p> <p><i>Reform of tax provisions (e.g. Employer tax breaks/Implementation of tax-benefit incentives</i> - recent policy development encourages employers to take-up taxbreak incentives</p> <p>There are a number of specialist centres in providing employment information, vocational rehabilitation across the country</p>	<p>All job centres have a general disability specialist but Disability Service have staff specialised in physical disabilities. Major job centres have specialist staff in learning difficulties and mental health problems. Signers available at major job Centres. Signers are available at major job centres.</p> <p>Disability specialist staff at job centres undertake <i>vocational assessment</i> to define conditions of disability, skills, knowledge, applicability, job preference and career aims. The service intends to provide seamless service from registration to follow-up support after employment. Recent focus</p>	<p>Supported Employment within existing employers appears to be lacking and interest is made at professional level (no evidence shown from the government document) for Western Systems of SE e.g. UK (Remploy), Sweden and Netherlands</p> <p><i>Job coaching/Buddying</i> - Whilst governmental supports are mainly hard support -related (see aids and adaptations), soft support includes employment</p>	<p><i>Access to new technologies as support to the workplace</i> - via governmental grant</p> <p><i>Grants for aids and adaptations</i> - A number of governmental grants are available ranging from provision and access to aids and adaptations to improve flexibility in the workplace or of work practices. All grants are provided to employers, not to individuals</p> <p><i>Creation of flexi-jobs</i> - review of quota system to count short-term employment</p>	<p>Social firms/social enterprise - Third Sector has provided employment for severely disabled people. Whilst this system has existed since 1981, further focus is placed by the government as ageing population has increased level and severity of people with disabilities</p>

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		<p>who exceed the quota as additional support (245 Euro per additional disabled employee a month). Employers with over 63 full-time employees must report their current employment situation of physically disabled people and people with learning difficulties to the job centres. Under-achieved employers may be required to submit employment action plan for disabled people within their companies to meet the quota</p> <p>Awareness-raising - "Employment Promotion Campaign for People with Disabilities" has been undertaken annually since 1950. Employers and general public are the main audience</p> <p>Promotion of good practice – Ministry of Management and Co-ordination Agency</p>			<p>has been on providing tailored support according to types of disabilities and improving provision of specialist vocational counsellors at each prefecture level</p> <p>Personal Development training and Vocational training (<i>leading and not leading to a qualification</i>) - provided in technical colleges for disabled people (13 national, 6 prefecture-run). Personal Development Training is more concerned with people with learning difficulties</p> <p><i>Access to new technology training</i> - to reflect importance of ICT at workplace, many Vocational Schools for Disabled People have introduced ICT training both as a means and as ends</p> <p>Work placement/experience</p> <p><i>On-the-job training</i> - work experience for special</p>	consultant within an enterprise, job coach, support worker (for non-work related assistance).	towards meeting the target (e.g. people with severely disabled people 1992, people with mental health problems 1997)	

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		collate good practice across prefectures in general. Annual Contest on Improving Working Environment for Disabled People since 1995 whose result is promoted nationally and the winning employer receives financial reward			school pupils with the aid of job centres. People with mental health problems who cannot access open employment use work placement as part of social rehabilitation (pilot stage with the aim to mainstream by 2002) Employment and welfare centre for disabled people. It is in a pilot stage and 23 centres have been set up across the country. They are managed at individual prefecture level. Several organisations have newly been created for this but mostly existing (disability) organisations have taken on this role			
Luxembourg	Disabled individuals are eligible for an extra 6 days' paid leave financed by the state.. 389 people benefited from this provision in 1998.	The Quota scheme for compulsory employment of people with disabilities. This sets out quota levels for employment of disabled people in public and private companies. The compulsory system seems relatively well		Wage subsidies are available to employers of disabled individuals. 2,149,000 Euro were allocated to this measure in 1999. The proportion of the salary granted in subsidy depends on the severity of the	Vocational rehabilitation is supported by the Department for Disabled Workers (STH). Although mainstream vocational education and training is open to disabled individuals, it appears that such provision is primarily received in specialised	Training is available in sheltered environments for people with learning difficulties. A number of these initiatives are part funded by the European Social Fund. In 1998, the	Until now subsidies to employers in order to adapt the workplace were relatively small. Under a new law in 1999 these subsidies are to be extended. The study will address why the old	

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		laid out. There are penalties for non-compliant employers however they have not been imposed as collaborative working between employers and employment services is preferred to compulsion. This is an interesting application of the quota scheme and deserves further analysis		disability and ranges from 40-60%.. In 1998, 297 people received a wage subsidy.	institutions. In 1999, 157,00 Euro was spent on training, encouragement bonuses and travel allowances. It has been argued that provision for the training of disabled individuals is limited in Luxembourg and provision often has to be sought abroad. Co-operation exists with Germany, France, Belgium and the Netherlands on the provision of facilities. Mentoring scheme Under the National Action Plan 99 a new psychological and social mentoring scheme will be provided to disabled people who are having difficulty being placed in employment. Individualised help programmes can follow a person's job search more carefully and provide appropriate training provision. This new scheme will be studied as it begins and first feedback	total funding available to sheltered workshops was 3,848,000 Euro. The workshops serve approximately 400 individuals.	legislation was unsuccessful, what the driving force behind the change was. In addition the new policy will be examined in more detail and some preliminary reaction will be gauged. Iron and steel corporation best practice An initiative run by a major iron and steel corporation in the late 1980s in Luxembourg intended to integrate mostly physically disabled people into the industry. Potential job opportunities were identified and the workplace was adapted to the new employees. It was possible to create and maintain existing jobs despite restructuring in the	

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					<p>will be gathered.</p> <p>Training provision – the relationship between demand and provision</p> <p>A government report in 1990 recognised a mismatch between traditional training for disabled people and the requirement of the labour market in the 1990s. One way this has been addressed is training for work in the agricultural sector (both in sheltered workshops and elsewhere) which has been extraordinarily successful. The relationship between training and labour market needs will be further examined and the agricultural programme investigated for best practice lessons.</p>		industry. This example, though it may now be finished, could provide a case study with best practices arising from it.	
Netherlands	The WAO insures against loss of income due to long-term disablement. It entitles disabled employees	Quotas - The former WAGW (Handicapped Workers Employment Act) and the current REA ((Re)integration of		Incentives to employers There is also an incentive for the employer in the REA:	WAGW (Services for the Disabled Act). The WAGW provides facilities needed for everyday life such as transport facilities,	Sheltered Employment (WSW) The purpose of the WSW is to help		

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	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	<p>under the age of 65 to a benefit if they are at least 15% unfit for accepted employment after 52 weeks of disability</p> <p>The dissolution of the AAW on January 1st, 1998 resulted in the introduction of a new law, the WAZ. The WAZ protects self-employed persons from the financial risks of disablement.</p> <p>The former AAW used to provide this group with benefit. Changes in disablement legislation have resulted in this general national insurance being discontinued as of 1 January 1998. To provide disabled young people and students with a benefit at minimum level a new scheme has been brought into being: the Wajong, the Disablement Assistance Act for Handicapped Young Persons.</p>	<p>the Worked Disabled Act) impose the obligation for employers and unions to encourage equal opportunities for everyone, as regards occupational (re)integration. The quota depends on the industry, and meets 3-7%. In the REA, the quota is a directive and not an obligation.</p> <p>A proposal for legislation providing for the equal treatment of people with a handicap or chronic illness is being prepared. This relates to recruitment and selection, sports and the accessibility of buildings</p>		<p>if at least 5% of the personnel is handicapped, the employer does not have to pay the basic, general contribution for the WAO. If this percentage is between 3 and 5% the employer will get also get a reduction, but smaller.</p> <p>. Employers who recruit or relocate an occupationally handicapped person are eligible for compensation of the costs involved. The employer is also protected from the financial risks of illness or (increased) disability of employees who were occupationally handicapped immediately before their appointment.</p> <p>In order to <i>encourage employers to devote more attention to prevention and</i></p>	<p>wheelchairs and alternations to housing.</p> <p>Measures for the disabled person:</p> <p><i>Trial appointment:</i> a disabled person can work for a few months on trail.</p> <p><i>Reintegration allowance</i> during training: this allowance has other conditions than the allowance which the person would get otherwise.</p> <p><i>Supplement to salary or income:</i> if the salary is less than the amount person should earn, the person can get a supplementary payment.</p> <p>Financing training-institutes: structural financing of specific training-institutes for handicapped.</p> <p><i>Personal reintegration-budget:</i> disabled people have their own budget to buy placement services or other reintegration activities.</p> <p>Personal provisions: for</p>	<p>disabled people to get a suitable and meaningful job.</p> <p>Since January 1st 1998 the WSW is replaced by the NWSW (New Sheltered Employment Act). The new act proposes a narrower definition of the target group: work opportunities will be offered only to those, who as a result of physical, mental or psychiatric impairments are only able to work under adjusted conditions. Other changes in the new act concern the possibility to work in a regular job and the regularisation of the labour relation.</p> <p>Also the responsibilities of the municipalities</p>		

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	A new Act – the PEMBA – has introduced some change by providing for premium differentiation. This can also be perceived as an active measure (see persuasion measures)			<p><i>reintegration</i>, in 1998 the Disability Premium Differentiation and Market Effect Act (PEMBA) was introduced. This involved the introduction into the WAO of premium differentiation and an (optional) own risk. Through the financial incentives, the employer will be more encouraged than before to relocate partially able-bodied employees within his company and to reintegrate the occupationally handicapped.</p> <p><i>Appointment budget</i>: a fixed amount is paid to the employer to finance adjustment of the workplace, retraining or further training, training and accompaniment.</p> <p><i>Replacement budget</i>: a</p>	<p>example transport, adjusted means of communication or forms of training and education.</p> <p><i>The Public Employment Service (PES)</i> is the public intermediary at the labour market. The PES makes an extra effort for unemployed with distance to the labour market. These job seekers are eligible for ‘chance enlargement’. This includes activities such as vocational orientation, education, gaining work experience up to job application training.</p>	are more concrete.		

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
				<p>fixed amount is paid to the employer if an employee can not return to his or her former function and needs another function.</p> <p><i>Individual budget:</i> if the costs for reintegration are higher than the appointment or replacement budget, the employer can apply for an individual budget.</p> <p>No salary obligations during illness: the organisation which is responsible for the execution of the social benefits will pay the salary of the sick person.</p> <p>No-risk insurance policy: the employer is secured from financial risks in case if illness or disablement during the first six years.</p> <p>Remission and discount on WAO-</p>				

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
				premium: If an employer spends 3% or more of his wage bill on disabled people, he does not have to pay (a part of) the WAO-basis-premium.				
Portugal								
Spain	Reform of the conditions to obtain disability benefits . When a training contract is finished the disabled can claim their former disability benefit. The aim of this measure is to avoid a 'benefit trap' for this group.				Reform of the Special Centres for Employment (CEE, <i>Centros Especiales de Empleo</i>) in order to increase the flexibility and the profitability.	Supported Employment . This type of program has been increased in the nineties.		
Sweden	Social Security: There is the possibility of receiving <i>partial payment</i> for all types of compensation. (sickpay, sickness compensation, sickness benefit and early retirement) <i>All can be paid out parallel to employment</i> . Full benefit is only paid when	Legal obligations - the 'act on measures to promote employment' There is some indirect compulsion as a result of the employment security law - the failure of an employer to take any or sufficient measures for rehabilitation can mean factual grounds for	<i>Employer incentives</i> <i>Wage subsidies</i> - most common policy measure Grants for technical aids and modifications to the workplace	Financial incentives <i>Grant for work assistance</i> - for specific personal support at a workplace for functionally disabled person. (occupational aid, work assistant, self-employment aid)	Rehabilitation/employment preparation <i>Return to work without income</i> - training in an actual environment. Involves the insured person attempting to return to previous job or one which is better suited with approval of SI office and retaining compensation	Indirect support of Federal government by contracting to purchase goods and services from sheltered workshops employing persons with severe disabilities that do not allow them to compete in		<i>Self-employment aid</i> - intended to help functionally disabled people start own businesses.. Can be combined

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	<p>as a result of illness or injury the insured person is completely unable to earn an income by working.</p> <p><i>Return to work with income</i> - governed by awareness not to disrupt rehabilitation - the social insurance office applies rules with caution if person tries to return to work - the insured normally has right to try a job for up to 3 months without entitlement to pension being affected. The forecast for insured person's ability to continue working should be good before entitlement to pension is affected.</p> <p>Early retirement pension on hold - The GIA rules govern - to facilitate conditions for trying to work. - rarely used.</p> <p>Recently, changes to</p>	<p>dismissal are deemed not to exist - therefore could be declared null and void and involve the employer in paying heavy damages.</p> <p><i>Act prohibiting discrimination in working life of pwd.</i></p> <p>New law from May 99 prohibits discrimination of pwd on lm. Prohibits the discrimination due to disability when applying for or in work. When employing or promoting dp the employer is forced by law to make 'reasonable' accommodation.</p>			<p>from SI office. Idea is person on sick leave can test strength and capacity without pressure. No formal limitation for duration of this type of training.</p> <p><i>Sheltered Employment (Samhall AB)</i> - second most common policy amongst special measures. Is a state owned company with work places in factories, integrated activities, stores, restaurants/hotels, service sector enterprises. All other possibilities to get work have to be tried before employment in Samhall AB. Employee is obliged to leave if offered suitable work by another employer.</p> <p><i>Work related rehabilitation</i> - work environment and general insurance act do not give details about how rehabilitation should be implemented. It is not possible to impose rehab in workplace against wishes of employer.</p>	<p>“competitive employment”.</p> <p>Sheltered workshops are organised by private, non-governmental organisations. In addition to contract work, they may also solicit funds from the public as well as receiving funding for extended sheltered employment from the federal/state VR program. These workshops employ persons with severe disabilities, either blindness or general disabilities, that do not allow them to compete in “competitive employment.</p> <p>Sheltered workshops hire persons under a special certificate issued by the Department of Labour which</p>		<p>with the special grants to help start up own businesses.</p>

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	<p>streamline the system. Principle is that the security system should be streamlined on basis of reasons for needing help, whereby sickness compensation and early retirement should provide security in the event of a medically-based reduction in work capacity. Problems which are not medical should be dealt with by labour market measures. = this is a reflection of added emphasis of back to work line in Swedish policy.</p>					<p>allows them to be paid less than minimum wages. Eligibility for sheltered employment usually implies that a person must be able to work at a rate at least 50 percent of the productivity of a non-disabled person. There are usually no time limits on how long a worker can remain in a sheltered workshop, although some workshops actively encourage workers to move to open competitive employment. Supported Employment- An active measure for persons with severe disabilities deemed capable of working in the competitive labour market with appropriate workplace supports</p>		

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
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						<p>There are two federal programs that provide financing for supported employment initiatives: one program provides aid to state programs, the other finances projects directly.</p> <p><i>Grants to public and non-profit agencies to undertake special projects to expand supported employment services to persons with the most severe disabilities. In addition, many states finance some supported employment services through state grant programs to mental health/mental retardation agencies that receive federal funds to provide</i></p>		

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
						<p>services to persons with developmental disabilities. These programs provide ongoing post-employment support to persons with disabilities to help them maintain employment in the community. The menu of supported employment services can include job coaches, ongoing supports, training for co-workers, and a variety of other services designed to enable individuals to adjust to the workplace. Services provided are generally limited to 18 months; after this time, states must either find additional funds to pay for continuing services or discontinue the services and see if</p>		

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
						the individual can continue without the continuing support		
USA	<p>Social Security Disability Insurance Both a passive measure (income support and, after two years, eligibility for medical care insurance coverage) and an active measure in that certain individuals are eligible for return-to-work services. Payments for more than four million disabled beneficiaries exceeded 42 billion Euro in 1996. A portion of these recently enrolled individuals, as well as some of those already on the DI rolls, attempt to re-enter the labour market each year through using the state public-sector VR system. In 1991, 40,155 beneficiaries were rehabilitated through the</p>	<p>Legislative Initiatives to Encourage Employment/Return to Work of Persons with Disabilities Americans with Disabilities Act In 1990, civil rights protection was guaranteed to all persons with disabilities under the Americans with Disabilities Act (ADA). The ADA defines a qualified individual with a disability as an “individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. The objectives of the employment section of</p>			<p>Vocational Rehabilitation - Basic Support Program, Rehabilitation Services Administration; Office of Special Education and Rehabilitation Services; U.S. Department of Education. This is the largest programme targeted at people with disabilities and expenditure was an average 3 billion Euro in the 1990s. The stated objective of the federal/state VR program is to provide the services that allow persons with disabilities to maximize their vocational potential. The program seeks to improve the employability of individuals with disabilities through a variety of services targeted at increasing their job skills. In 1994, over</p>			

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	<p>VR system at a cost of 4000 Euro per beneficiary. DI beneficiaries can apply for VR services through the State vocational rehabilitation agency. Those persons accepted for VR are eligible for the standard array of services purchased by the State agency.</p> <p>SSI – (Supplemental Security Income) Primarily a passive measure (federally-funded income support and medical care [Medicaid] with an active measure of work incentives and VR eligibility. SSI provides several work incentives for recipients considering a trial work effort. These include: 1) a deduction of impairment-related work expenses from the earned income figured in</p>	<p>the ADA include: 1) increasing access to employment for individuals with disabilities; 2) providing effective remedies for current or potential workers with disabilities; and 3) increasing employer willingness to hire and retain workers with disabilities. The ADA covers all employers with a workforce of 15 or more people. Though the ADA provides other protections to disabled workers, the key job retention provision for disabled workers is that persons may not be discharged from their job on the basis of disability. First, since many places of work are also public places, work environments have become more disability-friendly, even in the absence of specific</p>			<p>490,000 individual participated in programmes under this measure. The exact nature of the programme is developed individually for each person and set down in an Individualised Written Rehabilitation Programme. The impact of participation is evaluated to be positive when compared with those who have dropped out, but one recent study has argued that earnings potential is not significantly increased.</p> <p><i>Vocational Rehabilitation for Disabled Veterans</i></p> <p>The Department of Veterans Affairs supports a variety of passive and active measures for veterans with disabilities. In terms of passive measures, the VA provides federally-funded income support (Veterans Indemnity and Compensation) and medical care (Veterans Hospitalization, Nursing</p>			

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
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	<p>determining a recipient's monthly benefit payment; 2) an exclusion of the first 70 Euro of earnings in a month and one-half of the remainder when computing the benefit payment; 3) an exclusion of certain assets necessary to maintain the person's means of self-support when determining the amount of benefits; 4) a Plan for Achieving Self-Support (PASS) which allows a recipient to set aside assets/income for a period of time to attain a work goal; and 5) the allowance to keep SSI cash benefits when earnings exceeds SGA as well as the continuation of Medicaid coverage.</p> <p>The <i>Workers' Compensation programme</i> provides for those injured in the workplace. Some</p>	<p>disability accommodations for employees. Second, by making the general environment more disability-friendly, persons with disabilities are better able to handle daily tasks such as shopping, visiting physicians and commuting, which makes work a more viable option. Although it is still relatively early days in terms of determining the effectiveness of the ADA the record to date is mixed.</p>			<p>Home Care, Outpatient Care, Domiciliary Care). The active measures consist of two return-to-work programs for persons with war-related injuries or illnesses. However, despite legislation, studies by the General Accounting Office of the program (GAO, 1984; GAO, 1992) found that its emphasis remained on training rather than finding suitable employment.</p> <p>Workers' Compensation - separate programs in all 50 states). Each program consists of a passive policy -- income maintenance and medical care -- as well as an active measure consisting of return-to-work services in some fashion. As for return-to-work, it is fair to conclude that most states' programs are concerned with when, and under what conditions, a person receiving workers' compensation benefits should be referred</p>			

Benchmarking Employment Policies for People with Disabilities

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Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	<p>individuals are also eligible for active “return to work” services. Studies estimate that return to work rates are between 40-77%, but their reliability has been questioned.</p>				<p>to some vocational rehabilitation provider, either from the governmental program, or increasingly in recent years, to some private provider. The idea has been to return persons to work, but the emphasis has been on process rather than outcomes.</p> <p>U.S. Department of Labor’s Job Training Partnership Act Title II</p> <p>The first program, <i>Supported Employment Grants to States</i>, is intended to provide services to individuals with severe disabilities to allow them to get jobs.</p> <p>Employment Preparation</p> <p>U.S. Department of Labour’s Job Training Partnership Act Title II is an active measure to meet the employment and training needs of economically disadvantaged adults and youths aged 16 to 21 to prepare them for entry into</p>			

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
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					<p>the labour force. The JTPA objective for people with disabilities is competitive employment, although JTPA funds can also be used for supported employment. The ability to tailor programs to local needs and opportunities, rather than to implement a standard intervention, is fundamental to JTPA. Specific service provision includes remedial basic classroom education, classroom training in occupational skills, on-the-job training, work experience, and job search assistance. During the period of the experimental evaluation of JTPA the most prevalent specific service items received were on-the-job training (28% of enrollees), classroom training in occupational skills (also 28%) and job search assistance (25%). JTPA enrollees with disabilities have relatively</p>			

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
					mild physical impairments.			
United Kingdom	<ul style="list-style-type: none"> • <i>Incapacity Benefit (IB)</i> • <i>Non-contributory Severe Disablement Allowance (SDA)</i> • <i>Disability premium with Income Support/Job seekers allowance</i> • <i>Disability Living Allowance</i> <p>Recent reforms in the benefit system have sought to strengthen links between payment and active job search for the unemployed.</p> <p>Activation of disability benefits Disabled Person's Tax Credit 52 Week linking rule for IB allows disabled individuals to retain eligibility to previous IB if they return to unemployment within 52</p>	<p>Anti-discrimination legislation 1995 - Disabilities Discrimination Act + setting up of National Disability Council. Only applies to employment, not education and training, so is not applicable to people who cannot perform the 'essential requirements' of mainstream work.</p> <p>Currently covers employers with more than 15 employees, but there is pressure from the disability lobby to extend this to cover all. Evidence shows that many cases are taken, and these are often won. This often leads employers to change their practices for the better.</p> <p>Persuasion measures: Attempts to change attitudes: encouragement of voluntary actions by</p>		<p>Supported Employment Programme which provides subsidised work for severely disabled people with host employers through the</p> <p>Supported Placements Scheme (funding £155 million for 3 years). Jobs can also be in specific work settings, similar to sheltered employment. 4000 individual benefit each year from these measures.</p> <p>Employment Service</p> <p>Job Introduction Scheme (JIS) Employment Service</p> <p>Work Trials</p>	<p>Employment Preparation <i>Disability Service Teams</i> - Specialist Employment Programmes for disabled people within the Employment Service – these often contract employment preparation services to specialist agencies for disabled people who need help beyond mainstream employment services.</p> <p>Schemes include Access to Work (ATW), Job Introduction Scheme (JIS) and Work Trials (WT). The latter two provide direct financial support to employers who take on disabled people and can therefore also be seen as persuasion measures.</p> <p>Recent Initiatives : New Deal for people with a disability or long-term illness (NDDP) ; Innovative pilots - new approaches; Personal Advisor pilots</p>	<p>Sheltered employment is generally provided by voluntary organisations.</p>	<p>Access to Work - A co-ordinated programme of financial assistance and practical aids to disabled individuals to help overcome obstacles on the job or in getting to work. This can include special aids and equipment or assistance with transport costs.</p> <p>Budget 1999-2000 35,720,000 Euro. Funds 100% of costs, but often long delays in granting funds and employer knowledge of the programme is minimal.</p>	

Benchmarking Employment Policies for People with Disabilities

	Passive/Compensation measures	Active measures						
Country		Anti-discrimination/persuasion measures	Prevention/retention measures	Job subsidies	Rehabilitation – initial training/rehabilitation - return to work	Sheltered employment	Adaptation of work and the workplace	Enterprise strategies
	weeks. The Disabled Person’s Tax Credit is also designed to top up low wages to reduce incidence of benefits trap. However for all but those on very low wages, problems of tapering off of other benefits (such as housing benefit) which remain a problem.	employers to adopt codes of practice for recruitment and employment practices and schemes to acknowledge ‘good employers’. There are almost no financial incentives to employers to recruit or retain disabled people, and there is little evidence that persuasion policies have had an impact on the level of recruitment of disabled people. Campaigning to raise public awareness and persuade employers of business case for taking on disabled people. “See the person campaign”; disability symbol, employer networks.			Joint initiative between DfEE and DSS. The Personal Adviser Service offers a client-centred and work-focused service, is being piloted in 12 areas covering nearly 1/4 million people on Incapacity Benefits. <i>The Personal Capability Assessment:</i> The reformed All Work Test to help people plan to get back into work.			

5.0 COUNTRY BY COUNTRY ANALYSIS

The aim of the country by country review is to provide an insight into the most recent employment policies for people with disabilities adopted by Member States, as well as the USA and Australia (information on Japan is presented in the summary tables). Each national report seeks to give an overview of the current position of disabled individuals in the national labour market, the institutional framework for active and passive policy intervention and the key policies aimed at improving the situation of disabled individuals in the labour market. Wherever possible, we have sought to highlight any positive or negative interactions between policies and the requirements of the institutional framework. Findings on policy outcomes are primarily summarised in the above table and are therefore not re-iterated in any detail below. The aim of the national reports is not to re-iterate the information already available from the 1997 ILO Report on “*Employment Policies for Disabled People in Eighteen Countries: A Review*”, but rather to update and complement it. The reviews were compiled on the basis national reports prepared by experts in each Member State (see table below). Albeit being commissioned on the basis of common guidelines (see Annex), they vary somewhat in coverage, mainly as a result of the focus of policies for disabled individuals in different Member States and the national availability of a outcome and evaluation data.

Country	Correspondent Name and Institute
Australia	Richard Curtain, Curtain Consulting
Austria	Gerhard Karl and Hansjörg Seckauer, University of Linz
Belgium	Anna Manoudi, ECOTEC
Denmark	Søren Villadsen, Nordic Consulting
Finland	Simo Mannila, Rehabilitation Foundation
France	Cecile Riallant, ECOTEC
Germany	Kurt Vogler-Ludwig, Nicola Duell, Ifo
Greece	Anna Manoudi, ECOTEC
Ireland	Coinnach Shanks, Virtual Image
Italy	Maria Chara Bassanini, Francesco Dettori, Manuela Samek, IRS
Luxembourg	Anna Manoudi, ECOTEC
Netherlands	Vincent van Polanen Petel, NEI
Portugal	Dr Fernanda Rodrigues, Cooperative do Ensino Senior
Spain	Miguel Angel Malo, CTV
Sweden	Anders Kolsen, Handicap Ombudsman
UK	Caroline Lee, ECOTEC
USA	Dr David Dean, University of Richmond

5.1 Australia

5.1.1 Introduction

In recent years, there have been strong moves from passive towards the implementation of active labour market policy, which place greater emphasis on individual responsibility and the targeting of resources to those most in need.

There are two broad sets of government-funded, employment-related support arrangements in place for disabled individuals. The first is the specialist disability employment services funded by the Department of Family and Community Services. Specialist employment services provide support for people with a disability to gain and maintain employment. This may include pre-employment training and support, job search, and on-the-job support.

Specialist disability employment services are delivered by not-for-profit community-based providers. They provide either for entry into the open labour market or into supported employment.

The second set of arrangements for disabled persons operate as part of the mainstream employment services delivery, overseen by the Department of Employment, Workplace Relations and Small Business. Since 1997 the Department has contracted out, on a competitive basis, the provision of employment services to job seekers previously provided by the former Commonwealth Employment Service, to the Job Network comprising a mix of private, public and community sector organisations. Job Network members provide a range of services from more than 1400 sites across Australia.

Disabled people are allocated to either stream through an assessment process conducted by the federal government's service agency Centrelink on the basis of their work capability.

Both streams have undergone major reforms in the last two years. Further changes are also being discussed.

5.1.2 Background

Incidence of disability

In 1998 an estimated 2,385,100 people in Australia aged less than 65 years reported a disability. Of these, 655,000 people - or 4% of the Australian population aged less than 65 years - reported the ongoing need or assistance with activities of daily living. These numbers have been increasing over the last two decades, driven by population growth and the underlying ageing of the overall population. Of the 2,048,600 people aged 0–64 years with specific restrictions, 71.6% reported an activity limitation related to employment in 1998.

Employment and unemployment in Australia

The unemployment rate fell from 8.1% to 7.2% between June 1998 and June 1999. The number of long-term unemployed fell by 36 200 to 205 200. The teenage full-time unemployment rate fell from 28.2 to 22.8%. Employment grew by more than 1.9%.

Labour force participation and unemployment situation for disabled persons

Over the last two decades in Australia, the labour force position of people with disability has improved, both absolutely and relative to that for people without a disability. However, between 1988 and 1998, the labour force participation rate for males with a disability was consistently round 30% lower than that for the rest of the male population. The participation rate for males with a disability is now only just over 60% compared with the rate of almost 90% for males with no disability. Despite an improvement in the unemployment rate for males overall since 1993, there has been little or no improvement for disabled males. In 1998, the unemployment rate among males with a disability (14%) was well over that for males with no disability (8%).

The labour force participation rate among females with a disability rose from 41 % to 46 % between 1988 and 1998. This is below the corresponding increase (from 63 % to 71 %) for females with no disability. However, it does suggest that increasing proportions of women with a disability have been able to gain access to the labour market in terms of either employment or as active job seekers.

In terms of employment for women, the trends are even stronger. The employment rate for females with disability in the labour force rose from 86 % in 1981 to over 91 % by 1998. This was better than the rate of employment for females with no disability, which rose less than two percentage points over the same period. Thus, there was a narrowing of the unemployment rates for the two groups of women during the period. By 1998, the unemployment among females with a disability (9 %) was only slightly over that for other women (8 %).

Working-age people with a disability and living in households in 1998 had markedly lower incomes than those without a disability. Some 70 % of those with profound core activity restrictions and 56 % of those with severe restrictions had incomes in the lowest two quintiles.

5.1.3 Key policy features

Emphasis on activation of labour market policy

The Disability Reform Package (DRP), introduced in November 1991, sought to provide a more active system of income support for disabled people. Disabled people who might benefit were encouraged to maximise their workforce potential through rehabilitation, training and labour

market programmes, as identified by cross-departmental disability panels, and to take up part-time work options. The main elements of the DRP included changes to eligibility criteria for disability support pension and increased programme and rehabilitation places.

Consistent with this approach, further measures are planned to help integrate disabled persons into the paid workforce “to prevent and discourage welfare dependency.” The federal government’s approach to welfare emphasises three main objectives. The first is to assist people appropriately when they are in genuine need, to provide an adequate safety net. The second is to stop people becoming dependent, to the extent possible. The third is to help people move to independence as soon as possible.

Six key principles to underpin reform of the welfare system have been identified by the Government’s Welfare Review:

- **Maintaining equity, simplicity, transparency and sustainability**
- **Establishing better incentives for people receiving social security payments, so that work, education and training are rewarded**
- **Creating greater opportunities for people to increase self-reliance and capacity building, rather than providing a passive safety net**
- **Expecting people on income support to help themselves and make a contribution to society, through increased social and economic participation reflecting mutual obligation**
- **Providing more choices and assistance for individuals and families, with more tailored and individualised assistance that focuses on prevention and early intervention.**
- **Maintaining the Government’s disciplined approach to fiscal policy.**

The Government’s discussion paper noted, in relation to people with disabilities, that in 1989, the number of people on disability income support was around 300,000. The years later in 1999, almost 600,000 people receive Disability Support Pension. Estimates are that numbers will reach over three-quarters of a million by 2006. Two-thirds of the Disability Support Pension population is made up of people aged between 45 and 65 years. Around one fifth of Disability Support pensioners have been on the payment for more than 10 years. The majority of recipients remain on pension for life. Only 8 % have income from earnings.

The Government’s Discussion Paper notes that people on Disability Support Pension are a very diverse group, with widely varying capacities for work and other activity.

The Government has no intention of changing arrangements for people with very little capacity, but is concerned to explore what more can be done for those who would be able to work with more support.

The Discussion Paper also notes that the Disability Support Pension is paid at a higher rate than the unemployment benefit. It is also noted that Disability Support Pension has more generous income and assets tests than some other payments, it is not activity-tested, it is not taxable and it gives people access to the Pensioner Concession Card.

To receive Disability Support Pension people must show that they meet a minimum level of medical impairment, as assessed under the Disability Support Pension Impairment Tables. Decisions by the government service agency charged with deciding on eligibility for welfare support are based mainly on a report by the person's treating doctor. Doctors are also required to judge whether the person has a continuing inability to work 30 hours or more per week, or to be re-trained within two years. The Discussion Paper proposes that where necessary, a second medical opinion may be required.

Government through its service agency Centrelink has responsibility for eligibility assessment and or referring eligible job seekers with disabilities to the new Job Network or to specialist disability employment services. Centrelink is also responsible for providing information to jobseekers with a disability and, where possible, referring them to specialist disability employment assistance service providers.

The Work Ability Tables, or WATs, are used to determine the impact of a job seeker's disability on their capacity to work. The assessment generates a profile of an individual's ability to work over nine dimensions and an overall score which is derived from a formula. The nine dimensions are: ability to report regularly for work; ability to persist at work tasks; ability to understand and follow instructions; ability to communicate with others in the workplace; ability to travel to and from and move at work; ability to manipulate objects at work; work behaviour; ability to learn and undertake a variety of tasks; and ability to lift, carry and move objects at work.

Job seekers with severe to moderate disability impacts are streamed to specialist disability employment services, funded by the Department of Family and Community Services. Those with milder disabilities are considered for access to the mainstream Job Network. A new screening and classification tool, the Job Seeker Classification Instrument, also plays an important part in assessment processes. It is used to identify the relative difficulty or risk profile of job seekers with milder disabilities who have been allocated to the mainstream Job Network have in gaining employment and to classify the level of assistance they should receive.

5.1.4 Existing active labour market policies

There are different types of assistance available to help people with disabilities participate in the workforce and community life. These include access to rehabilitation; help to find work through specialist disability employment services; and incentive programs for employers to hire people with disabilities. Participation by disabled people in these services is voluntary. However, it is noted that only a relatively small number of people on Disability Support Pension take advantage of these services.

The target group for specialist employment services in the non-government sector is defined in Section 8 of the Disability Services Act 1986. This section states that the target group for funding under the Act consists of people with a disability that:

- is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
- is permanent or likely to be permanent; and
- results in a substantially reduced capacity of the person for communication, learning or mobility; and the need for ongoing support services.

The target group for Commonwealth funded rehabilitation services, as defined in Section 18 of the Disability Services Act 1986, consists of persons who have attained 14 years of age but have not attained 65 years of age; and have a disability that is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments; and results in a substantially reduced capacity of the person to either obtain or retain unsupported paid employment; or to live independently.

Specialist employment services

Priority in service agreements with specialist employment services providers is given to people with disabilities who are, in terms of their level of impairment, eligible for the Disability Support Pension and with the available levels of support are likely to obtain paid employment for at least eight hours per week. Within this group, a specific priority is given to younger people, aged 15 to 25 years.

People with disabilities are required to look for work only if they are receiving a payment under the mainstream employment services arrangements. People who are receiving Disability Support Pension (DSP) are not required to actively look for work as a condition of their entitlement to funding.

It is acknowledged that funding for specialist disability employment services is not always linked properly with the individual abilities and needs of job seekers. New arrangements which seek to better link funding to individual needs for specialist employment assistance are being trialed this year.

Proposed reforms of rehabilitation services

The Discussion paper states that assistance for people with disabilities should focus not just on the things that people with disabilities *cannot* do, but should also actively identify an individual's *abilities* and support *needs*.

This would be more in line with the wishes of people with disabilities themselves. A more active, early intervention and prevention approach, which identifies an individual's needs and abilities at an early stage (including those of people with severe disabilities), should also be looked at to reduce long-term dependence on Disability Support Pension.

Suggested reforms being considered are:

- **The development of new approaches for disabled persons to maximise the scope and opportunity for work.**

The current criteria for deciding eligibility for the Disability Support Pension are essentially based on a medical model of disability and a test of whether people are able to work full-time at award wages. A new approach to identifying capacity for work is suggested while bearing in mind that any changes in this area should not affect people with very limited capacity to work as a result of their disability.

- **A stronger focus on prevention and early intervention for people with disabilities.**

It has also been proposed that focusing on prevention and intervention at an early stage could better identify a person's need for services like rehabilitation, training and job search assistance. For example, vocational assessments that focus on enhancing people's capacities could be undertaken when determining eligibility for payment.

This could also involve giving more explicit encouragement to people with capacity to use these services, and later to undertake a range of activities such as job search, voluntary work, caring, part-time and full-time employment or further education. One suggestion is that a payment other than Disability Support Pension could be paid to new applicants while their capacity for work or other activities is being assessed and/or support services are being provided. For people with manifest conditions and limited work capacity, access to Disability Support Pension would still be semi-automatic.

- **The scope to tailor assistance more flexibly to meet the needs of individuals.**

Case-based funding would mean job seekers with varying disabilities could attract assistance more consistent with their individual needs to find jobs. Case-based funding could also provide greater incentives to service providers who help people with disabilities to access and stay in jobs.

- **Improving incentives for economic and social participation.**

An issue for analysis is the extent to which greater consistency between Disability Support Pension and other income support payments for people of workforce age could encourage people to apply for the payment most appropriate to their needs.

Disabled persons and mainstream employment services

The Federal Government in Australia, commencing on 1 May 1998, uses a purchaser provider framework to deliver employment services through one publicly owned service provider, called Employment National, and a national network of about 300 private, community and government organisations service providers. These providers are selected through a competitive tender process.

The setting up of the Job Network represents a fundamental change from the practice of 50 years where employment services were provided directly by the funder - the Commonwealth Government. Key features of the new system are:

- Outcome based payments -unemployed into jobs tailor made strategies for individuals based on case management and incentives to employers further training opportunities.
- Importance of having services delivered by agencies with local knowledge.

The focus of the new arrangements is on performance, genuine employment outcomes and quality service provision to help the unemployed into work.

A key objective of the changes is to deliver a range of employment services through agencies that are likely to be more responsive to the clientele. The assumption underpinning the changes is that smaller groups are often more responsive because of shorter chains of command. Also smaller operators are regarded as having a better esprit de corp from closer contact with local community.

The main employment services funded are:

- Job Matching provides labour exchange services to job seekers — including canvassing for jobs, preparing résumés, and matching and placing unemployed people in those jobs;
- Job Search Training provides training in job search techniques (for example, résumés, interview techniques, presentation skills) to prepare unemployed people so they may seek and obtain employment; and

- Intensive Assistance provides services to help job seekers who are more disadvantaged in the labour market to prepare for, and obtain, sustainable employment. This also includes support and appropriate training for self employment.

Intensive Assistance employment services providers are rewarded for a specific outcome in relation to a person with a disability assessed by Centrelink as having a restricted work capacity. This outcome is that the job seeker remains in employment or unsubsidised self-employment or an apprenticeship or traineeship for 13 consecutive weeks.

Job Network providers through the Intensive Assistance component are expected to job seekers with the support they need as individuals, to prepare them for employment, and to get them a job. This assistance may also extend to continuing assistance to help the previously unemployed sustain employment. Employment services providers are, when necessary and appropriate, expected to provide incentives to employers such as wage subsidies, workplace modifications or a retention bonus, to encourage the employers to place and retain these job seekers in their workforce. They are also expected to provide the support necessary to overcome difficulties experienced by job seekers such as a lack of self-confidence or self-esteem, and/or poor employment-related skills. Other services that may need to be supplied to job seekers through the Intensive Assistance component are: counselling; personal development; training in literacy, numeracy or English as a second language; and/or short-term fares assistance for training.

The Job Network service provider is required to enter into an Activity Agreement negotiated between service provider and the job seeker. For recipients of funding for Intensive Assistance, service providers are required to enter into another agreement with each job seeker called an Intensive Assistance Support Plan (IASP).

The range of services that could be provided to a job seeker under Intensive Assistance include:

- finding vacancies and matching job seekers to vacancies;
- paying wage subsidies to employers;
- helping with job seekers' personal development;
- providing or subsidising fares, clothing or equipment needed to secure employment;
- preparing résumés;
- vocational training;
- training in literacy or numeracy;
- referral to tuition for English as a second language;
- developing job search techniques;
- work experience arranged by a Job Network member;
- providing assistance and advice in relation to workplace modifications;
- measures designed to eliminate or reduce any disadvantage the job seeker has in the labour market (for example, helping to arrange a special driving licence);
- post-placement support; and

- measures designed to assist job seekers from particular groups (for example, arranging and funding interpreters for people from a non-English speaking background or providing culturally appropriate services to Aboriginal peoples and Torres Strait Islanders).
- Intensive Assistance Support Plan is clearly set out the activities, assistance and support (financial or otherwise) that the service provider will supply to help the job seeker to find and sustain employment. They may include, but need not be limited to:
 - provision of fares, clothing or equipment;
 - payment for and enrolment in an accredited training course (for example, literacy and numeracy, English as a second language, hospitality short course, personal development course);
 - payment of a wage subsidy to an employer;
 - provision of in-house training; or
 - post-placement support (to help the job seeker maintain employment).

Other forms of assistance could be

- Provision of suitable clothing and equipment for work experience.
- Payment for preparing résumé or job application, including photocopying, postage.
- Provision of counselling or rehabilitation programmes.
- Provision of ancillary assistance to help meet the cost of entry to, and remaining in, employment or training, — for example, text books, shoes and clothing, driving licence.
- Provision of interpreter services or hearing impairment services.
- Assistance with enrolment and payment for short course — for example, OH&S, introduction to computers.

The Federal Government has acknowledged that start-up of matching job seekers with available jobs costs were underestimated. The government now acknowledges that there is a need to build continuity and flexibility into contracts.

The initial problems in getting the new arrangements operational stemmed from the purchaser's lack of local knowledge in allocating contracts, a focus by the purchaser on the process of selecting service providers that met the designated criteria rather than on evidence of past outcomes. There was also a lack of appreciation of the start-up costs and a lack of brokers to bring people together. There were also problems of conflict of interest between Government as purchaser and the publicly funded employment services provider.

In March 1999, substantial improvements were made within Centrelink to service delivery arrangements through work process and computer system changes. This resulted in faster access for job seekers to Job Network services, more streamlined automated referral process to Intensive

Assistance and Job Search Training services and greater consistency in service delivery across Centrelink offices.

Key policy changes for the second employment services tender include provision for specialist Intensive Assistance providers, the introduction of a bonus payment to Job Network members where Job Search Training participants stay in a job for at least 13 weeks, and increased accountability with the introduction of the Declaration of Intent and Intensive Assistance Support Plans for Intensive Assistance.

From May 1998 to April 1999 on a like-for-like basis, Job Network members recorded around 177 000 (54 %) more vacancies notified and over 72 000 (43 %) more eligible placements in jobs than the former Commonwealth Employment Service (CES).

Performance results show that in the first 16 months of operation (May 1998 to August 1999), the Intensive Assistance services offered by Job Network. outperformed the case management arrangements of the past by 50 % at putting job seekers into jobs. In addition, current estimates show that three months after finishing Intensive Assistance, 33 percent of participants are in unsubsidised employment.

5.2 Austria

5.2.1 Introduction

Austrian labour market policy for disabled individuals, and disability policy as a whole has changed quite significantly over the last 5-10 years, not least as a result of EU policy and access to financial support from the European Social Fund. Disability legislation in Austria is fragmented and divisions remain in relation to responsibility for policy formation and implementation. However, in recent years (in particular since the introduction of the Federal Disability Council in 1990 and the implementation of the new Disability Concept in 1993) there has been greater emphasis on networking and the co-ordination of activities. In 1997, the Austrian constitution was amended to include a paragraph outlawing discrimination on the basis of disability.

Key features of Austrian employment policy for disabled individuals are:

The existence of a 4% quota obligation for employer with more than 25 employees. However, few employers comply fully with their obligation. On average two thirds of quota places are filled each year. A tax is levied on those not complying with the quota (ATS 2050 in 2000). Some experts consider the level of levy to be too low, with most employers paying a proportion of it automatically, as a tax. Registered disabled people have special rights against dismissal (dismissal requires special consent). Of those cases coming to court 3 out of four are settled in favour of the disabled person.

Insufficient training is generally considered to be the most important obstacle to the vocational integration of disabled persons. This has a variety of causes. Firstly, individuals who have been disabled from birth or childhood, have until recently been excluded from the regular educational system. This meant that many did not gain access to higher education. Secondly, the risk of getting involved in an industrial accident is much higher for those who have lower-paid and lower qualified occupations.

5.2.2 Background

The position of disabled people in the labour market

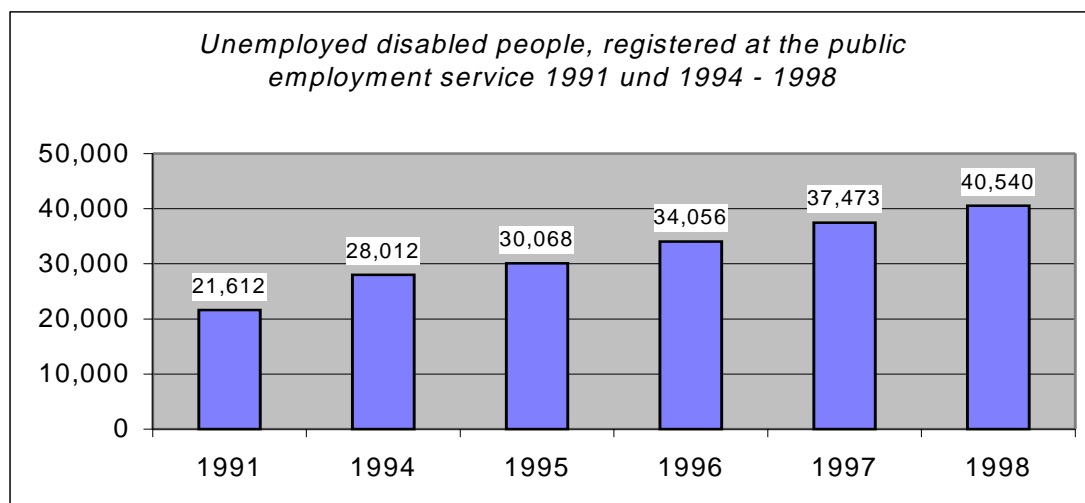
The Disabled Persons Employment Act requires citizens with a degree of disability of at least 50 % are to be registered to qualify for associated benefits. Registration is voluntary. The classification follows medical criteria. The appropriate guideline regulation originates from 1957 (as amended in 1999) and predominantly aims at physical impairments (e.g. war veterans). In January 1999 there were 75,231 registered disabled people, which corresponds to an increase of 5.4 % within a year. Almost two thirds of the registered disabled people are men (63.7 % or 47,922).

Although it is widely acknowledged in research that disabled individuals are more likely be unemployed, it is difficult to demonstrate this fact in official data. In the context of the Austrian employment promotion, disabled individuals are registered in two different ways:

1. The public employment service registers a person as disabled if the disability represents the main difficulty in obtaining a job. The evaluation is based on assessment by AMS staff.
2. A so called "registered disabled person" has an official (medical) assessment of the handicap and is subject thereby to the Disabled Persons Employment Act and the regulations and promotion possibilities resulting from it.

People with disabilities are particularly affected by unfavourable developments on the labour market. The number of people, classified as difficult to employ as a result of a disability has risen continuously in Austria during the last years. In 1998 on average 40,540 disabled persons were unemployed (i.e. around 8,2 % more than 1997).

From 1995 to 1998 the number of unemployed disabled persons increased by 34,8 % and thus increased much more strongly than the overall unemployment rate. 36,5 % of unemployed disabled individuals (14,791 of 40,540) are women, than represented at a lower degree, but the rise during the last three years however reached 40.1 % which is higher than that of the men (32 %).



Disability is to a considerable degree correlated with age, which also serves to explain the increase in the number of disabled unemployed individuals (as a function of the ageing workforce).

Reasons for high rates of unemployment among disabled individuals can be summarised as follows:

- the education level of disabled people often does not correspond to the demanded standard
- the demand for unskilled labour is declining
- large scale enterprises (as well as public service) are cutting personnel
- fears of disabled people themselves and worries of their family members
- a lack of information regarding promotion and possibilities concerning employment

Institutional framework

Several institutions are responsible for the vocational integration of the target group “disabled people”. Dependent on legal regulations some definitions of disability are used:

Institution	target group
BSB - Federal Offices for Social Affairs (Bundessozialämter)	registered and registerabled people
AMS - public employment service (Arbeitsmarktservice)	Unemployed disabled people
Laender – provincial government	disabled people, who are not able to get or hold any job

Institution	target group
	because of their handicap
AUVA – general work injury insurance (Allgemeine Unfallversicherungsanstalt)	people with work injuries and occupational diseases
PV – pension insurance	persons with reduced ability to work or continuing incapacity to work

The main body responsible for the implementation of federal labour market policy is the public employment service (AMS). The BSB share the responsibility for the implementation of disability policies under Objective 3 of the European Social Fund with the AMS.

Only registered disabled people can be supported through the individual measures of the BSB (i.e. through wage subsidies). However, only 13% of all unemployed disabled people are registered. School-leavers with special needs or those with mental impairments also have access to selected measures of the BSB - particularly to the Arbeitsassistentz.

Prior to 1995 the Federal Offices for Social Affairs were predominantly dealing with the administration of instruments like the granting of labour costs subsidies or financial aids for place of work adaptation. The activities of the Federal Offices for Social Affairs in the first ESF years were therefore directed to a considerable degree towards the development of new measures. Due to clear target group orientation the measures of the BSB are adapted to their needs. On the other hand, registered disabled people form only a small part of the unemployed disabled persons taken care of by the AMS. The AMS continues to support people with disabilities with active measures. There is a greater requirement for coordination between BSB and AMS.

„Passive“ measures

A claim for a pension on the basis of a reduced ability to work is, according to the structural adjustment act, for the time being considered as petition for rehabilitation. A legal claim on rehabilitation is given in this case. The person concerned is to be trained or retrained by measures of rehabilitation for an activity, which he can exercise by considering the duration and the range of his formation as well as the activities exercised by him. If the rehabilitation is successful, the person is no longer considered unable-to-work or an invalid and therefore does not receive any pension due to the reduced ability to work.

Pensions because of reduced ability to work are granted basically for 2 months at the most. Only if continuing disablement or inability to work is to be expected, can the pension also be granted for an unlimited period. No legal claim exists regarding the grant of an unlimited disablement or inability to work pension.

Other passive income maintenance measures which disabled unemployed persons have access to do not differ from measures of non-disabled unemployed persons. In the annual average, 33,463 (or 82.5 %) of the 40,540 unemployed disabled persons were entitled to receive either unemployment benefit or Notstandshilfe (emergency aid). 70 % of them received Notstandshilfe which is substantially lower than the unemployment benefit due to that relative duration of unemployment. On average, in 1998 73 per cent of non-disabled unemployed persons received unemployment benefit or Notstandshilfe in proportion 40 to 60.

The National Action Plan for Employment

The Austrian National Action Plan for Employment 1999 recognises that disabled individuals are more likely to be affected by unemployment than their non-disabled counterparts. It is therefore argued to be not only the measures specified under guideline 9, which benefit disabled individuals, but also the general labour market activation measures under guidelines 1-3.

5.2.3 Active labour market policy

The measures of the BSB are regulated in the context of the Disabled Persons Employment Act. This law offers - corresponding to the Disability Concept of the Federal Government - various possibilities promoting the creation and maintenance of employment for disabled people. The financing instrument is the Compensatory Levy Fund (Ausgleichstaxfonds – ATF).

Apart from common targets like the development of the Arbeitsassistentz, the Federal Offices for Social Affairs set partial different targets. The three most important targets are:

- development of measures concerning qualification
- communication and co operation with employers
- increase integrating aids (like Arbeitsassistentz)

From 1995 to 1999 approximately 1.2 billion ATS were spent as ESF means for the vocational integration of disabled people to finance the measures for the period. Was complemented by national funds to over three billion ATS (about 230 millions €).

The financing of measures for disabled people of the Federal Offices of Social Affairs comes from the national means like the Ausgleichstaxfonds (Compensatory Levy Fund), the job market promotion, social insurance resources and the general budgets of the federal and Länder authorities.

Table 3: Expenditures for the vocational integration of disabled people 1998 (in million ATS)

	active measures of the public employment service *	Compensatory Levy Fund	ESF* (aim 1 and 3)	provinces (Bundeslaender)*	Total
qualifying measures	440.0	52.8	224.1	536 (1997)	1252.9
Employment measures	254.0	348.6	124.7	535 (1997)	1262.3
other measures	-	24.9	47.4	-	72.3
total	694.0	426.3	396.2	1071.0 (1997)	2587.5

source: BMfAGS; *estimation.

The public employment service

Disabled people are assisted by the public employment service mainly through mainstream measures. The labour market strategy pursued by the AMS emphasises support measures like the intensified integration of unemployed persons in qualification, occupational and other suitable programmes to decrease the number of individuals becoming long-term unemployed.

In the regional offices of the AMS disabled people are provided with practically the entire service supply in the context of the public employment service act (information, consultation, counselling and guidance and create a individual back-to-work action plan, existence protection, promotion, aids, measures)

In 1998 altogether 12,369 disabled persons participated in measures of Federal Offices for Social Affairs (opposite 1997 an increase of 2.802 persons); a further 1,457 persons took part in qualifying measures and 6,562 persons at occupational measures.

The education level of unemployed disabled people in Austria is still clearly lower than those of the non-disabled unemployed persons. The available means of the ESF were a determinant for the expansion of the qualifying measures. In 1998 on the yearly average, 4,450 disabled people were able to participate in qualifying measures.

Occupational measures form the majority of the means and contain traditional instruments such as labour costs subsidies or costs of sheltered workshops as well as measures just like the new supplies enabled by the ESF (adjustment aids, occupation projects etc.).

On the yearly average 1998 1,240 disabled persons took part in the occupational measures of the AMS.

Wage subsidies

Wage subsidies offer a substantial financial incentive with the performance-independent transfer of up to 80 % of the labour costs in the first year and up to 50 % in the second year. Studies have shown that such subsidies have had some impact on the recruitment decisions of SMEs. In 1998 the Federal Offices for Social Affairs assisted almost 1,200 persons with a wage subsidy at a total cost of 131 millions ATS. This measure was co-financed to 42 % over the European social funds.

Following support through these measures, further subsidies are available to make up for the reduced productivity of a disabled individual. Such subsidies are limited to 50 % of the gross wage with a proportion of ancillary wages of 30 % included.

Data for 1998 show that the former subsidies were used for 1373 individual, whereas the latter were employed to assist 5136 registered disabled people in employment. The labour costs subsidies added up 1998 to approximately 155 millions ATS.

Other subsidies available include:

- assistance for business start-up for registered disabled people
- subsidies to the costs of workplace adaptations
- subsidies for further training

Sheltered workshops and transition work-places

There are 8 sheltered workshops with altogether 20 business premises, employing 1,189 disabled persons in 1998.⁸ This is around 7 % more than in 1997.⁹

In 1997, 55 disabled persons participated in qualification projects in the sheltered workshops. The National Action Plan contains the target to promote initiatives for intensified qualification of disabled employee for their integration into the primary labour market. At the same time the supply of the protected occupation in sheltered workshops in regions with appropriate requirement will be expanded.

Sheltered workshops not only have the aim of providing employment, but are also intended to assist re-integration into the open labour market. However, so far, the number of transfers from sheltered workshops into the open labour market remains low.

⁸ according to Disabled Persons Employment Act sheltered workshops have to employ 80 % disabled people.

⁹ see: social report Austria 1997.

Sheltered workshops receive public subsidy, but must find the predominant part of their expenditures themselves. Therefore they have to provide cost-covering manufacture products, which are saleable on the market. The average subsidy at sheltered workshops counts 17,400 ATS an employee each month. The total subsidy of scarcely 250 millions ATS divides itself on the average to 43.1 % on the Compensatory Levy Fund, 19.4 % on the AMS and the provinces to 37.5 %. This cost participation ratios varies substantially between the provinces.

Quota scheme

Employers which employ at least 25 employees are required to employ one registered disabled person per 25 employees. In 1997, the employment obligation was fulfilled to 64.4 %. Employers not fulfilling this requirement have to pay a compensatory levy of ATS 2,040, - monthly. These finances flow into the compulsory levy fund and are used for the vocational and social integration of disabled people.

Protection against dismissal and other protection regulations

Registered disabled people are covered by a special protection against dismissal: Employment contracts with registered disabled people can be quit only by specifying reasons with the given agreement of the regionalen Behindertenausschuß (committee for the disabled). A notice without agreement of the committee for the disabled is legally ineffective.

Premiums during over fulfilment of the occupation obligation

Until 1998, companies which employ more disabled people than the statutory requirement were paid a premium of 715 ATS per person employed and month. In 1998, the outputs of the compulsory levy fund for this promotion counted 123 millions ATS. Since the amendment of the Disabled Persons Employment Act, which entered into force with 1.1.1999, no more premium is paid. This has made more funds available for the promotion of other measures, since the effectiveness of alternative measures is more highly evaluated in relation to the payment of the premium.

Premiums for distribution of contracts to sheltered workshops

Firms making orders to enterprises, in which predominantly disable workers are engaged, receive a premium of 15 % of the net amount. In 1998, the outputs for this premiums rose in contrast in 1997 by around 19 % to 106 million ATS.

Arbeitsassistentz

The aim of Arbeitsassistentz (work-assistance) is it to offer disabled people threatened with job loss and unemployed disabled individuals special assistance. Arbeitsassistentz was first

introduced in 2 pilot projects particularly aimed at mentally handicapped individuals. Since that time, supply was constantly developed, so nowadays in all provinces Arbeitsassistenz for target groups with different disabilities exists. In 1998, 116 persons work for the Arbeitsassistenz and supported approximately 2,770 disabled individuals humans in 53 locations (based on 33 projects). Mentally handicapped individuals continue to predominate in the clientele of Arbeitsassistenz. Evaluations have shown that support through Arbeitsassistenz has led to employment in 26% of cases. In 16% of cases, this was permanent.

Process of the Arbeitsassistenz

1. Phase of contact/contract

The first contact takes place after (telephonic) agreement. The subject has to be to find the personal needs and demands and inform him/her about Arbeitsassistenz, the possibilities of the vocational and legal situation, as well as about general possibilities and measures of the Arbeitsassistenz.

2. Phase of preparation

The preparatory phase regular is taking place in single discussions about the vocational conceptions of the customer including the real and job market-referred situation. Likewise the customers are informed about courses and formations, further about re-education as well as occupation and orientation possibilities. If necessary and/or desired additional measures, e.g. necessary for the occupation preparation, are arranged for practical courses.

3. Information and entrance phase

A place of work anamnesis takes place at the beginning of the information and entrance phase in order to get to know exactly the needs of the employer and the employee and to eventually arrange a corresponding adaptation of the place of work. Further a care on the place of work is necessary, in order to give all assistance concerned and more security for beginning of the service relation.

4. Follow-up assistance phase

After integration at the place of work comes the follow-up assistance phase. It concerns experiences on the place of work or solutions of current problems, so that the employment protection is ensured.

5. Crisis intervention

Care for the protection of an endangered service relation, in order to be able to work against oncoming crisis actively: -

- modification of the location
- personnel restructuring
- modification of the activity profile in the place of work
- degradation of vision
- modification in the private surroundings
- difficulties with co-workers

Other forms of support

Other forms of active support during the vocational integration are Outplacement and Job coaching:

Outplacement: Support of disabled people with the acquisition of a place of work after achievement of a vocational qualification. Outplacement is characterized by a closed circle of acquaintances and directly thought as a constituent of a qualification.

Job coaching: Job coaching is meant to ensure a long-term company on the place of work already found. This form of company is particularly suitable for humans with a mental handicap due to its non-standard learning processes. Thus a contribution can be made for the long-term preservation of work for this circle of acquaintances.

Preventive use of means of the compensatory levy fund (ATF)

The amendment to the Disabled Persons Employment Act, entered into force on January 1st 1999, as the basis for important improvements: Means of the ATF can find strategic predicates later on and are also of preventive use, in order to avoid a threatening handicap on a workstation and resulting unemployment due to the usage of re-education measures, workstation adaptations, consultation and information. So far, funds granted by the Disabled Persons Employment Act could only be spent in order to moderate the consequences of already existing handicaps. In the future, means of the ATF will be able to be used directly for persons for whom the continuation of their learned or exercised occupation is not possible, since serious health damage would threaten them. At present it is checked how far such measures in co-operation with other institutions (e.g. with the general institute for accident insurance with the topic accident prevention etc.) could be going.

Anti-discrimination

At the instigation of diverse organizations the non-discrimination clause was taken into the contract of Amsterdam. In its course also Austria considered necessary to add this regulation to the constitution. On July 1997 in the national council decided a supplement to the art. 7 exp. 1 of the Federal Constitution, according to which “nobody may be disadvantaged because of his handicap.” Additionally the Republic (federation, countries and municipalities) professes itself to ensure the equal treatment of handicapped and non-disabled humans within all areas of daily life. A working group checked thereupon the legal order regarding obstruct-discriminating regulations. In the opinion of an expert it concerns thereby however no in-complainable right, as long as this clause is not embodied in a further law.

Information for employers

Information and consultation in enterprises to reduce fears and prejudices against handicapped persons by application of trained personnel, supplying brochures, folders and presentation of good experiences by enterprises and social-economic operations. As already mentioned above, the Arbeitsassistentz fills a substantial function within all that. In a discussion with representatives of the Federal Ministry of Labour, Health and Social Affairs the "job-alliance" from Styria was mentioned as an example of a successful pilot project to increase the sensibility of employers. Information and consultation for some companies from four Styrian districts showed it to be possible, according to experience made to remove reservations and to induce also critical enterprises to accommodate handicapped workers.

5.3 Belgium

5.3.1 Introduction

The key trends in Belgian disability policy have been the removal of disincentives to finding work and attempts at the integration of disabled individuals into mainstream training provision. Nevertheless, sheltered employment, continues to be the financially most important measure for the employment of disabled individuals, with 80-90% of expenditure flowing into these services. Policies for vocational education and training are the remit of the regions and despite wide ranging similarities in policy approach, important differences remain. In the Flemish region, the 1999 NAPs allocated 1.74 million Euro to develop action plans with the social partners and companies aimed at improving employment for the disabled. The Walloon Region emphasised the introduction of regulatory provisions to reinforce in-company training and the hiring quota in the public services. In the Brussels region, efforts were made to offer disadvantaged job seekers a socio-professional integration system with a range of personalised actions. At the national level, the emphasis was on creating an additional 430 full time equivalent jobs for disabled individuals and to maintain existing jobs. This is supported by the “Meribel” system of wage subsidies for new hirings. At the same time, the commitment to providing employees of sheltered workshops

with salaries equivalent to the minimum wage, has been regarded by some as a disincentive to achieving further employment targets.

5.3.2 *Background – institutional arrangements*

Most of the measures aimed at promoting the employment of disabled people are managed by Community “Funds”. These bodies are responsible for the social and vocational integration as well as education, medical and social services for disabled people. From 1999 there have only been 4 Funds: one for the Walloon region (the AWIPH), one for Flandres (the Flemish Fund), one for the German speaking community and one for the Brussels Region. In 1999 the separate fund for the Brussels region dealing with social and professional integration was integrated with the medical, social and educational provision into the new ‘Brussels Service for Disabled Persons’. The Funds are responsible for all employment policy except placement in open employment that remains officially under the remit of the Ministry of Labour. Nonetheless there is a recognition that policy should, where possible, be made at the regional level. A special Commission (the *Commission Paritaire No. 37*) also exists to manage the salary and working conditions in sheltered employment institutions.

In terms of legislation the Communities are responsible for vocational training and retraining; while placement and schemes for returning to work are a competency of the Regions; and the federal government is responsible for the right to work and the social security (see diagram).

Responsibilities for (legislation on) employment policies for the disabled:

Federal	Regions	Communities
Some Ministry of Employment and Labour programmes Social security and the right to work Functional rehabilitation (health service) Recommendation of legislative measures on disability issues (Higher National Council for the Disabled)	Socio-economic policy (housing plus some employment) Placement of people in open employment Placement and schemes for returning unemployed people to work (including disabled)	Cultural, personal and social assistance Measures for integration of people into the workplace Vocational training and retraining for the disabled and others

Source : Own construction based on ILO (1997).

A Higher National Council for the Disabled, a consultative body made up of nominated experts primarily from associations working with the disabled, has an advisory role on all disabled policy. Nonetheless there is no one body where all actors can meet to discuss experiences, disagreements and results. The system currently functions through personal contacts between the civil servants and actors and meetings take place on an ad hoc basis. At regional level the co-operation between the various actors seems to work relatively successfully however there is some

concern about the work vertically between different political levels. As is shown in this study the majority of policies are similar across the regions although there are often different emphases or priorities. One key policy theme has been the emphasis on integrating disabled individuals into mainstream training provision.

Assessment and definition of disability

In order to receive benefits, training or to be eligible for sheltered employment provided by the Funds, disabled people must be assessed and then registered as disabled. In the Flemish region, for example, the decision is made by a Commission that also makes a judgement on the appropriate measures for the disabled worker. This assessment is based on slightly differing definitions of disability in the different Communities and Regions. The situation is complicated by the plethora of criteria applied for other benefits within the social system in Belgium. The assessment does not seem to be based particularly strongly on medical grounds and can be influenced by the filtering carried out by the education system at the age of 12 to put pupils into different schools according to their final type of employment. There are no data available on the total number of disabled people registered with the Funds however an estimate based on those people drawing one or other of the disability benefits across Belgium comes to a total of 8-10% of the labour force (ILO 1997).

5.3.3 Active labour market policies

Within the Flemish region the provision of different services offered – wage subsidies, adaptation, training and assessment – are now co-ordinated by centralised institutions called ‘Agencies of integration pathways’ (ATB). There are now 5 such offices in Flanders with links to other relevant bodies like employment services, training centres and sheltered institutions. This is perhaps the most important new and innovative development in the Flemish policy for the disabled in the last 5 years and has led to an increase in funding in assessment centres. These institutions agree individual vocational ‘pathways’ with the disabled person including different stages and measures to be followed. This new co-ordinated approach has been independently evaluated and had a success rate of 65% people being integrated into a job in 1998. In the German Community there is also a strong focus on collaboration between the different actors in this area.

In the past, the majority of training either took place in a specialised training centre or as part of a special apprenticeship (CAP). In the Walloon region this situation has not changed greatly but the focus is currently on the integration of disabled people into mainstream training provision. Many of the specialised centres have now been integrated with mainstream centres. In the Flemish region in contrast there has been a move away from apprenticeships or mainstreaming and towards centres offering short, specialised courses with at least half of the training ‘on-the-job’. Benefits are available to those undergoing training dependent upon the other benefits that they

are receiving. A large proportion (45%) of funding for training in the Walloon region comes from European Social Fund (ESF) programmes.

Persuasion measures, quotas and workplace adaptation measures

There is a 'quota' system for public bodies with a fixed number of posts that are to be filled by disabled people. This system is implemented relatively effectively but there is no such measure for the private sector.

In open private employment the most important measure for the disabled is the Collective Agreement No. 26. This is a wage subsidy to compensate employers for the reduced productivity of a disabled worker in comparison to an able-bodied person. Originally designed to encourage integration into work this measure can be renewed repeatedly and is therefore also important in job retention. This is a federal measure and the Regions are now introducing similar policies of their own managed by themselves that should be more flexible and less bureaucratic. There is also the possibility of a reduction in social security charges for employing a disabled person, or any long-term unemployed person as part of the *Maribel* scheme.

Other benefits available to employers include funding for the adaptation of the workplace and finance for the purchase of new tools and equipment, which can be used by disabled workers. As the above tables indicate, this is a little used measure.

Sheltered Employment

Sheltered workshops or Entreprises du Travail Adaptés (ETAs) are financially the most important measure in Belgium making up 80-90% of the expenditure on policies for the employment of the disabled. Previously these institutions had two goals – firstly to provide a job to those people who had difficulty finding work on the open market and secondly to provide training to help with transferral to employment on the open market. The former of these two objectives now dominates and the latter has become almost redundant. Increasingly the ETAs employ more people with slight rather than severe disabilities and there is a greater focus on a profit-making logic and a firm-like structure. Many ETAs are now working as subcontractors for larger firms providing cheap labour-intensive services. The Funds pay subsidies to the each ETA according to the number of registered disabled workers that they employ and their characteristics, however the majority of income now derives from the ETA's economic activity. From 1999 all workers in ETAs have been paid the minimum wage and had a work contract whereas previously the wage level was set at 80% of the minimum wage or below. This has greatly increased the cost incurring to the Funds of these institutions and also reduced their economic viability.

The balance between passive and active support measures

Various recent reforms regarding employment and benefits have attempted to combat the employment trap, which has left many disabled people unmotivated to look for work and receiving large benefits. New legislation allows disabled people to work for 6 months whilst still receiving benefits and ensures their ability to maintain benefit entitlements if they lose their job. In addition, the *Maribel* scheme mentioned above has shown some success in helping to raise the number of disabled people employed in ETAs.

Data and monitoring

While data are available on sheltered employment and on the measures provided by the Funds, this is often piecemeal and not directly comparable between Funds. In addition there is little analysis or development of indicators such as transition to open employment.

5.4 Denmark

5.4.1 Introduction

The Danish approach to labour market policy for disabled individuals has to be seen in the context of the Nordic approach to social policy. This approach bases citizen's social rights not on their past or present attachment to the labour market or their "disability", but on the concept of general social rights and "need". The 1974 law on social assistance lays down that assistance may be granted to anyone in need of guidance, financial or practical assistance, of support in developing or regaining occupational abilities or of care, special treatment or educational support. There is therefore no official definition of disabled in Denmark, which makes it difficult to assess the participation rate of disabled individuals in the labour market or the unemployment rate among disabled people.

Policy is accordingly very much focused on integration with the non-disabled community in education, training and work. The emphasis on equal treatment was confirmed by the establishment of the Equal Opportunities Centre for Disabled Persons in 1993. It is the sectors who are responsible for ensuring that the needs of disabled individuals are taken into consideration.

There is therefore an emphasis on mainstream provision, but little information is available on the extent to which disabled individuals benefit from this provision and to what extent this assists in their integration in the labour market. What limited figures are available show that disabled individuals are very much concentrated in public sector employment.

The emphasis on meeting need is reflected in a number of interesting policy initiatives, such as the provision of personal assistants to disabled individuals in employment aimed at enabling them to carry out their job in the same way as their non-disabled colleagues.

While the Danish government has traditionally shied away from interference in the labour market - leaving this for resolution by the social partners – there has, in recent years, been increasing emphasis on the activation of labour market policy in the fight against unemployment. Training and rehabilitation measures are generally addressed at all socially disadvantaged groups rather than disabled individuals specifically. Representative groups of disabled people have long opposed the introduction of quotas or other disability specific measures, as this is seen to breach the principle of equal opportunities. However, there have recently been increasing concerns that the overall success of active labour market policy in reducing unemployment is passing disabled individuals by.

5.4.2 Background – the institutional and general assistance framework

Decentralisation and divided sectoral responsibility are the guiding principles for disability policy-making and implementation.

The Ministry of Labour is responsible for open employment and training activities or programmes (which include provision for disabled people). However, an Act of 1990 permitted county and municipal authorities to initiate employment measures to combat unemployment among particularly disadvantaged groups. These measures include recruitment subsidies, placement arrangements and the purchase of training courses. Municipalities are responsible for advice, rehabilitation and the payment of pensions. Counties are responsible for sheltered workshops and measures for the rehabilitation of the non-insured jobless. Observers have reported problems of policy and implementation co-ordination between local authorities and the labour market service.

Because there is no definition of disability, there are no figures in relation to the labour market participation or unemployment rate of disabled individuals. In 1993, 282,000 people of all ages received disability benefit, of these 43,000 had a job and 29,300 of these were in salaried employment (90% in the public sector).

Depending on the level of disability, individuals are entitled to an anticipatory pension. A proportion of this can be retained while in employment.

5.4.3 Active labour market policies

Placement and training

Placement services for disabled individuals are generally provided through public employment services. In 1990 new legislation gave the municipalities the responsibility for measures for the training of “certain groups of occupationally disabled individuals”.

In 1994, an experimental project was started to provide disability counsellors to each Employment Agency Region. Their task was to provide jobs in open employment to disabled individuals. There was a stipulation that the counsellors had to be disabled themselves. Their role was to be that of placement, guidance and training, as well as acting as a contact point to manage arrangements for personal assistants at work and preferential recruitment. This arrangement proved successful and has now been made permanent.

From 1998, flexible employment can be offered to those whose capacity to work is permanently reduced.

Most training takes place in mainstream provision, however, for individuals for whom taking part in such mainstream provision is not possible, vocational training takes place at special rehabilitation institutes run by counties in co-operation with local authorities. There have, in recent years been increasing efforts to move rehabilitation from institutions into real work situations.

Sheltered employment

Sheltered workshops are available to those not able to sustain work in open employment. These workshops are under the authority of the county councils. Counties can run workshops themselves or make arrangements with private organisations. Pay is for a piece rate and rarely amounts to the minimum wage. 7,393 in sheltered employment in 1993, 4421 in day centres, 1,803 in training/rehabilitation.

Preferential job access

There are no general quotas, but legislation is provided relating to preferential access to specific jobs. This primarily involves employment in public authorities. Disabled individuals also receive preferential access to licenses for certain commercial activities such as taxis or newspaper stalls.

Persuasion policies

Persuasion policies operate on the basis of government funded demonstration measures, including projects which integrate physically disabled people into the workplace, job retention of people who become chronically ill and rapid follow-up of people on sick leave.

Wage subsidies

Subsidies are available to employers of disabled individuals as a form of compensation for diminished productivity. Up to 50% of the wage bill can be claimed.

More recently, the government introduced the so-called “Ice-breaker” measure. Under this measure, a disabled individual can be offered 6-9 months employment on ordinary salary terms, while 50% of the salary (with a maximum of 11,000DKK is paid to the employer). This measure is aimed at unemployed and newly educated individuals. Figures show that so far only 19 people have used this facility.

In-work support

Personal assistance is available to disabled workers to enable them to have the same chance of performing a job as able bodied persons. Three categories of personal assistance have been introduced:

- Compensation for particular problems in the actual job situation, for example interpreters for deaf people;
- An individual programme of further education for the unemployed and disabled person;
- A personal assistant according to social legislation. The purpose of the assistant can be personal hygiene, transportation in a special vehicle.

An allowance is paid to the disabled person’s employer to hire a personal assistant. It is estimated that 7000 individuals benefit from this measure per annum. Grants can also be provided for workplace adaptations.

Enterprise measures

Disabled individuals can also receive set-up loans to establish their own businesses. Assistance can also be given to purchase a vehicle for someone keen to set up their own business.

5.5 Finland

5.5.1 Introduction

In Finland, employment policies for disabled people focus on the following aspects:

- Job retention
- Mainstreaming aimed at integrating disabled individuals into mainstream employment and training services and the open labour market
- The provision of income maintenance aimed at encouraging activation

- Persuasion through subsidised employment

Sheltered employment, the provision of adaptations and enterprise strategies currently only play a minor role in numerical terms of individuals supported. However, interest in the latter is growing in relation to discussions on the social firm.

The 1999 National Action Plan for employment emphasised mainstreaming, and disabled individuals are not significantly highlighted as a target group. It is argued that in particular actions for the long-term unemployed are likely to benefit disabled individuals as they are more likely to find themselves in this position. The NAP does mention the desire to encourage those on disability pensions to return to work. A new law on the promotion of employment and training of people with disabilities has been launched to support this goal. It allows disabled individuals to “shelve” their existing pension for a maximum period of two years during which they can seek to enter training or employment without losing the entitlement to return to their previous pension. So far, this law only covers the basic pension scheme and is suitable for individuals with no earnings-based pension accrued. Partly as a result of this provision, use of this option has so far been limited.

5.5.2 Background – institutional framework

Finnish policy making on disability matters involves a wide range of institutions. The four key players in this field are:

- The Ministry of Labour and the Finnish Employment Service responsible for labour market policy measures and vocational rehabilitation
- The Social Security Institution responsible for administering income maintenance measures and vocational rehabilitation
- The Earnings related employment pension system, which finances and administers vocational rehabilitation
- The Ministry of Education, which is responsible for special training

Some income maintenance policies, such as rehabilitation allowance and cash rehabilitation benefit contain an activating component since they are paid as income maintenance and support while an individual undergoes rehabilitation measures. In 1998, 29,000 clients of the Social Insurance Institution received a rehabilitation allowance to support rehabilitation measures towards employment (total annual expenditure FIM 152 million). At the same time 2700 rehabilitation clients of the earnings related employment pension received rehabilitation benefit (annual expenditure FIM 106 million). Over the same period, cash rehabilitation benefits from the Social Insurance Institution were received by around 8500 individuals (total annual expenditure FIM 345 million). Income maintenance for disabled people is also provided by the system of unemployment allowance, unemployment pension and various types of disability pension.

After a period where policy strongly focused on early retirement, Finnish policy has more recently strongly emphasised retention in employment. These policies are also affecting disabled individuals.

5.5.3 Active labour market policy measures

Active labour market policies available to or directly targeted at disabled individuals include:

- Access to the services provided by the Employment Service (labour exchange, counselling, guidance, advice on vocational training)
- Rehabilitation through initial and continuing training (in mainstream or specialised provision)
- Persuasion policies (including job subsidies, employment related disability allowance)
- Sheltered employment
- Workplace aids and adaptations
- Maintenance of working capacity and retention policies
- General anti-discrimination legislation

Retention measures

Four main laws provide for maintenance of work ability measures, which can include health promotion, early rehabilitation interventions directed at employees with perceived risks of disability; and rehabilitative interventions aimed at workers with lowered working capacity. These measures are directed at all workplaces. Workplaces can be shown to be increasingly investing in such measures and where they have been taken they can be shown to be successful in relation to employees' health and economic efficiency. In 1998, 12,700 individuals benefited from early rehabilitation measures (cost FIM 123 million) and 6400 people received intervention aimed at maintaining work capacity (FIM 79.7 million). As a result there has been an increase in working capacity and a decrease in the number of days lost due to sick leave.

Mainstream employment services

The general employment service offers all job seekers access to direct employment exchange, special employment counselling and vocational guidance. During 1998, disabled job seekers made up 75,000 of the clientele of employment services (63,000 of these were unemployed). That is 8% of all job seekers and 9% of all unemployed. In the same year, employment services mediated 62,500 active employment measures for unemployed disabled job seekers. On the basis of statistical evidence, it appears that disabled job seekers have had greater access to active labour market measures, however, it needs to be borne in mind that many disabled job seekers transfer out of the labour market to be sustained by passive income maintenance. Placements in the open labour market (30,600 in 1998) are lower than for non-disabled job seekers. In 1998,

there were 7,800 disabled clients in vocational guidance, 60% of these were channelled into vocational training and 20% into employment.

Subsidised employment

Employment subsidies are available to hard to place job seekers, a category, which also covers disabled individuals. In 1998, a subsidy was paid by the employment administration to the employers of 14,000 disabled individuals, at a cost of FIM 400 million. The main aim of such subsidies is to provide hard-to-place disabled individuals with work experience. The subsidy is payable for up to 2 years. The highest level of take-up of such subsidies can be found in the municipal sector. In terms of rehabilitation, the outcomes of wage subsidy measures for disabled individuals have compared unfavourably to the outcomes of training. Studies show that the most positive experiences come from subsidised employment into the private sector.

Initial and further training and other forms of vocational rehabilitation

The three most important administrations to fund training and vocational rehabilitation for disabled individuals:

- The Education Administration offers instruction either in mainstream or special vocational institutions

In 1998, 8000 trainees benefited from such measures, of which 5000 were in mainstream education (total annual cost FIM 357 million)

- The Social Insurance Institution offer basic vocational training based on the Act on Rehabilitation (1991)

In 1998, 5000 persons benefited from these measures (FIM 9.6 million spent on measures and travel expenses; Fim 88.8 million on rehabilitation allowances during training)

- The Employment Administration provides assessment of working capacity and training and upgrading of skills based on the Employment Services Act (1994)

Around 9000 individuals started labour market training in 1998 at a cost of FIM 270 million

Additionally, initial and further training and other forms of vocational rehabilitation are funded by the earnings related employment pension system and Insurance Rehabilitation Agency.

According to follow-up studies, 50-60% of disabled individuals who finished training financed either by the Education Administration or the Social Insurance Institution in 1994-96 were in work 12 months later; 14% were receiving new training; 4% were receiving and pension and 21%

were unemployed. Studies also show that outcomes vary strongly according to training background, duration of unemployment etc. No special studies have been carried out in terms of outcomes for disabled individuals.

Sheltered employment

The aim of sheltered employment is to promote social inclusion for individuals with disabilities who are at least temporarily not employable in the open labour market. Sheltered employment is also considered to have rehabilitative functions and act as a step towards open employment. In 1998, there were approximately 3100 individuals employed in productive sheltered employment. The size of this group has been quite stable throughout the 1990s. Sheltered employment can be in specialised workshops or in particular units at ordinary workplaces. There are no statistics available on the numbers moving from sheltered to open employment.

Adaptation of the workplace

Again, measures are available either based on the Act on Rehabilitation or on the Employment Services Act. The former covers aids needed by severely disabled individuals either at work or in training. The latter provides employers with a payment in “compensation” of the reduced productivity of disabled individuals. Take up for both measures, and in particular the latter is very low.

Enterprise strategies

Start-up grants and investment allowances are available to would-be entrepreneurs. Disabled individuals have access to this scheme on the same basis as their non-disabled counterparts. In 1997, around 500 disabled individuals benefited from such grants at a total cost of just over FIM12 million. Initial evidence shows that start-up grants had a relatively high success rate. However, no detailed information is available on take-up by disabled people.

5.6 France

5.6.1 Introduction

There is no legal definition of disability in France. The Ministry for Employment and Solidarity defines disability as a “social disadvantage resulting from a deficiency or an incapacity which limits the undertaking/accomplishment of a normal role”. It has been argued that the lack of a uniform definition and the lack of resources available to bodies responsible for the recognition of disability claims (particularly the Commission Technique d’Orientation et de Reclassement Professionnel – COTOREP) is posing a particular problem and efforts are therefore being undertaken to formulate a definition.

There are approximately 3 millions disabled individuals in France according to the Ministry of Employment and Solidarity.

The Labour Code (L323-10) defines a disabled worker as a person whose chances of obtaining or retaining a job in normal employment are effectively restricted because of insufficient or reduced physical or mental capacity. COTOREP plays a key role in deciding who should have this status. There is no national COTOREP, but decisions are made by regional bodies. In addition the CRAM (Caisse Régionale D'Assurance Maladie) is responsible for assessing work-related disabilities and injuries.

When it does so, the disabled worker is classified in one of the three following categories:

- category A: light and temporary disability (19% of decisions in 1998)
- category B: median and long term disability (51% in 1998)
- category C: serious and permanent disability (necessary category for guidance towards sheltered employment) (30% in 1998)

This classification is important since it has implications on the eventual salary decrease for the disabled worker with restricted vocational productivity, and on guidance towards different types of sheltered or open employment.

Being recognised as a disabled worker has the following implications:

- Financial benefits: "Allocation Compensatrice", supports for self-employment, resettlement bonus, "Allocation Adulte Handicapé";
- The guarantee of resources;
- Fiscal advantages for those having the Invalidity card;
- Benefiting from the employment obligation for all public and private employers with more than 20 employees;
- Having access to pre-vocational training or vocational re-education training.
- Possibility to work in sheltered workshops home based work centres or CAT.

COTOREP takes decision corresponding to two different sections:

- Section 2 decides on social benefits and therefore the definition used is medical and based on a scale (barème) in order to assess the deficiency.
- Section 1 guides towards employment, vocational training... and therefore the notion of "deficiency" is not enough to assess the capacity of the disabled person to work. Therefore, are taken into account the advice of the doctor completed by other aspects. There is always a subjective element and the state is currently working to try to harmonise and specify the criteria used.

In addition, COTOREP decides on the guidance of the disabled worker, i.e. between:

- immediate placement in a normal environment suitable to the disabled worker abilities,
- re-adaptation, re-education or vocational training schemes
- sheltered workshop, home based work centres or CAT

Therefore, every person who wishes to benefit from one of the measures offered by the law has to go through the COTOREP.

In addition to deciding on who is a disabled worker and into which category the disabled person falls (categories A, B and C), COTOREP is consulted on the allocation of other financial benefits such as housing.

5.6.2 Background - The position of disabled people in the labour market

Unemployment rates of disabled people

At the beginning of 1996, the unemployment rate of disabled workers was 3 times higher than that of the overall active population. At the end of June 1999, there were 147,462 disabled unemployed. Although this number has decreased from March to June 1999, this is not the case for unemployed disabled women whose number is stagnant over a year. The decrease of the number of disabled unemployed is however lower than for the overall unemployed: the rate of disabled unemployed to all unemployed was 5.2 in June 1999 against 4.7 in April 1998. Also, whereas over the past 10 years unemployment rates have increased by 23% for the overall unemployed, this rate increased by 194% for disabled unemployed.

The National Employment Agency considers that 46.5% of the disabled unemployed are long-term unemployed (i.e. over a year) against 40% for the overall unemployed, among which 14% are unemployed for more than 3 years. In addition, disabled unemployed remain twice as long in unemployment as the overall unemployed (Le Monde 16/07/96).

More recently, the number of unemployed disabled people has diminished from 152,000 to 147,000 between March and June 1999, according to the Ministry of Employment and Solidarity. In fact, the economic recovery has been positive for job creation, which also benefited disabled workers.

5.6.3 Active labour market policies

Recent years have seen a significant revision of national labour market policy for disabled individuals, as a result of a recognition that past policies had not been as successful as expected in re-integrating disabled individuals into the labour market. New measures are set out in the National Action Plan for Employment 1999-2003.

The NAP for France has three main priorities:

- Raising durably the growth potential of the French economy
- Encouraging growth with a higher job content

- Ensuring that everybody benefits from the economic recovery, through a proactive policy against exclusion

The measures taken to combat discriminations against the disabled people fall into the third category. Measures to enhance equal opportunities and to promote employment for durably sidelined population segments combine:

- Mainstreaming policies and specific policies
- Preventive and pro-active actions to combat long-term unemployment, which also concerns disabled workers.

According to Guideline 9 "combating discrimination against the disabled and racial discrimination", existing mechanisms set up to promote a labour market open to the disabled (within the framework of the 1987 Employment Obligation Law which sets a 6% quota for the employment of disabled individuals in firms over 20 employees) are reinforced by a series of measures for the period 1999-2003. These measures are specified in the Objective Convention signed in 1998 between the State and AGEFIPH (joint agency for the management of integration funds for the disabled), action in the following fields will be reinforced:

- Enrolment of 60,000 disabled job seekers in the "**fresh-start programme**" in 1999. This will be supported by the association for adult vocational training (AFPA), which will train 5,000 people, in addition to the 4,000 who will be trained as part of the 1999 public contract. The law against exclusion shows special attention to those groups which are the furthest to employment among which the disabled by focusing the support from CIE (Contrat initiative-emploi), CES (contrat emploi-solidarité) long-term integration contracts (guidelines 1 and 2) on them. The fresh start programme aims at young people under the age of 25 within the first 6 months of their becoming unemployed and at adults in the first 12 months of unemployment but also at "those who are in danger of social exclusion". As such, not only disabled people meeting the above criteria, but also those young disabled registered for more than 12 months, adults unemployed for more than 24 months and beneficiaries of the minimum wage can benefit from the measure. This goes beyond the actions of the teams for rehabilitation, preparation and follow-up in employment (EPSR and OIP).
- **New resources for placement agencies** (EPSR/OIP)
- **General extension of PDITH** (Departmental programmes for the integration of disabled workers) aimed at pooling skills and working as a network at the local level. Increase co-ordination of various measures: the PDITH.
- **Revitalising sheltered workshop** by strengthening training programmes

Only one indicator will enable to monitor and assess the implementation of these measures: "levels of employment of the disabled", which will be available in the first quarter of 2000 (for 1998). No specific indicator is specified to monitor and assess the impact of the fresh-start measure and supported contracts of employment on the employment of disabled people.

Specifically targeted at disabled, the **Objective Convention between the State and AGEFIPH** (1999-2003) aims at ensuring and maintaining a better level of employment of people with disabilities in the normal working environment. This can be achieved through the three following objectives:

- Developing guidance, training and follow-up structures
- Ensuring equality of treatment in all regions
- Evaluate the quality and make sure that the measures implemented complement each other.

Nine measures are specified:

1. Increase the employment rate of disabled individuals in companies subject to the 1987 law towards 6%
2. Target actions towards companies that are the furthest to the 6% obligation and those not subject to the law.
3. Increase significantly measures aiming at developing training schemes leading to a qualification for the disabled people
4. Develop apprenticeship, alternating work in firms and training, and preparation to working life in a normal environment for young disabled people
5. Develop the assessment- evaluation and guidance actions (20000 per year)
6. Propose individualised support: “fresh-start” initiative for 90000 disabled (over 3 years)
7. Develop partnership between firms subject to the employment obligation and sheltered employment establishments
8. Encourage passage from sheltered to open employment (ANPE)
9. Improve statistical information on the employment of disabled people

The respective roles of the State and AGEFIPH are as follows:

The **State** is acting as the regulator and motor of the interventions through the ANPE (Employment National Agencies). It is responsible for:

- mobilising public aids for employment and vocational training
- associating AGEFIPH to the diagnosis and definition of the regional, departmental and local programmes
- generalising the PDITH to all departments
- publishing statistical results of the employment rate of disabled for companies subject to the 1987 law within a year and updating statistics
- providing AGEFIPH with data from COTOREP

AGEFIPH, which has a delegation in every region, is responsible for:

- supporting measures for maintaining employment (setting up a network to help companies)
- guidance and training of young disabled (mediation between companies’ needs and demands of disabled people, contribution to a more structured supply of training at the regional level,

development of assessment-evaluation and guidance actions, improvement of means of finding a job...)

- informing companies and disabled people
- studying and monitoring data on disabled workers
- financing private EPSR and OIP

Within this framework, AGEFIPH has launched a 3 year Exceptional Programme (1999-2001) of 1.5 billion FF (228.7 millions Euros) with particular focus on long term and youth unemployment. Actions fall into 4 axis:

- preparation and follow-up of integration in employment of disabled workers
- development and modernisation of guidance and training structures
- enhancement of the actions of companies
- experimental axis

According to FNATH, given that the exceptional programme will spend all financial reserves from AGEFIPH (i.e. 1.5 billion FF), the measures taken are expected to be very efficient. Also, it is the occasion to experiment some new measures that could replace some less efficient ones at the end of the 3-year period. Evaluation of the overall system is planned and is crucial given the amount of money spent. It will be carried out at national and regional levels both quantitatively and qualitatively.

In 1998, almost 109,318 disabled people benefited from an action from AGEFIPH, against 88,000 in 1997, i.e. +24%. One person can benefit from more than one action. Among the beneficiaries, 54,172 have been inserted or maintained in employment (including beneficiaries of the guarantee of resources), 39,135 benefited from an "assessment" (bilan) or training and 16,011 persons benefited from a specific support to compensate disability.

In 1998, AGEFIPH collected 1,830MFF from enterprises of 20 employees and more which decided to fulfil their employment obligation by contributing to the fund. This represents 45,550 establishments out of the 90,000 that are subject to the 1987 law.

Spending resources financed 82,695 application over the 95,246 received in 1998, i.e. 86.8%. 46% of beneficiaries were economic actors, 26% were disabled people and 28% mediators of integration.

According to the Ministry of Employment and Solidarity, the employment rate of disabled people in establishments with 20 employees and over was 4% in 1997 (3% in the public sector), a situation similar to that of previous years. The 90,000 employers concerned by the "employment obligation law" employed almost 220,000 disabled workers, for a total of more than 7 millions employees. This poor result compared to the 6% target led the government to increase actions towards employment of disabled people (Objective Convention and Exceptional Programme).

In a context of high unemployment, there are no specific measures to encourage disabled people not working and not looking for a job to look for one. However, it was considered that, combined

with other support measure, the “employment bonus” (non renewable) for the disabled worker could be an incentive to work in open employment. It equals to 10,000 FF (1,524 Euros) at beginning of employment. 26,516 persons benefited from such a support in 1998.

Anti discrimination measures exist to protect the disabled worker in open employment, but also in some sheltered establishments (CAT), which are subject to the Labour Code:

At the recruitment stage, like for all employees, the doctor can consider that the disabled candidate is not suitable to the job. However, if this is not the case and the employer refuses to employ a person because of his disability, the employer can be sued and/or legally sanctioned.

Regarding dismissal, the disabled employee is protected by the labour legislation, with a specific protection for disabled employees:

- Unless the disabled employee is declared incapable of working or unable to work at any work station within the company, the employee cannot be dismissed because of his disability
- In the case of an economic dismissal, the notice period is doubled up to three months
- Depending on the nature of the work, the doctor can decide to follow more closely the employee.

Sheltered employment

There is a general recognition today that sheltered employment should be improved, which would also help the transition towards open employment. In fact, although the emphasis is generally put on open employment, it should be noted sheltered employment is the only possible means of integration for some disabled people.

The employment of disabled people in sheltered environment is similar to that in open employment remained stable relatively stable between over the past few years: the number of disabled employed in 1997 in sheltered establishments remains at a level of 10,000 people, as in 1996. 93% of them were disabled recognised by COTOREP. Also, sheltered workshops are unequally distributed on the national territory.

Passage from sheltered (CAT or AP) to open employment are very limited (0.8% in 1997). Some measures are being experimented as part of the fourth axis of the AGEFIPH Exceptional Programme in order to develop an alternative to sheltered employment. One way of doing so is to develop follow-up actions of people leaving sheltered employment to open employment. This is complemented by actions trying to prevent and avoid the entry of young disabled in sheltered employment.

Spending resources devoted to these measures amount to 57MFF (since the beginning of the measures), of which 26MFF comes from AGEFIPH (4MFF in 1998). Actions are undertaken by EPSR/OIP, associations, CRP and other training centers.

Target groups are as follows:

- disabled people in IMPro (Medico-vocational institutes)

- people guided towards sheltered employment by COTOREP, but waiting for placement
- disabled workers currently in CAT

The objectives were to enable the transition of 600 people towards open employment: 375 from IMPro, 100 on waiting lists for CAT and 125 in CAT. Until 1998, 571 people have been integrated in a normal working environment (154 in 1998), i.e. a success rate of 89%.

Rehabilitation measures

Pre-Guidance and training measures

There is a real emphasis on actions in this domain, in particular through EPSR and OIP. AGEFIPH is concentrating its actions on increasing the supply of training, although financial supports first aimed at financing extra costs relating to the disability.

In order to meet the needs of employers, training before employment is more and more focused on qualifications. The Regional Schemes for Vocational Training (between Regional Councils and AGEFIPH) aim at improving qualification levels of disabled workers.

Apprenticeship and "sandwich courses"

“Sandwich courses” and apprenticeship are considered as a good means to increase the employability of the disabled worker as well as raising awareness of the companies. In 1995, 1200 apprenticeship and 340 “sandwich courses” have been supported by AGEFIPH

Individualised pathways to insertion

The implementation of individualised pathways to insertion has grown significantly over the past decade. This has some implications on the numbers of beneficiaries and on the spending resources for individual training which have also increased compared to collective training: 53% of training financed are individual in 1996 (43% in 1990) which represent 27% of financial support (11% in 1990)

Concerning results, there are few data on insertion in employment. A periodic survey on beneficiaries of AGEFIPH measures in 1996 shows that:

- disabled people are satisfied with training undertaken, which improve their qualifications in the short term and helps integration in employment in the longer term.
- The proportion of vocational integration after training has increased (65% in 1995 against 40% in 1993).

Persuasion measures

Apart from enterprise agreements (within the 1987 law) and enterprise conventions with AGEFIPH, there are not any specific results on awareness-raising actions and visits to firms: In 1998, resources spent on “awareness raising actions towards the economic world” represented 87MFF (13.26 Million Euros) from AGEFIPH against 65MFF (9.9 Million Euros) in 1997. In 1999, these actions represented 15% of the budget of AGEFIPH. Diagnosis and advise actions have increased by 67% from 1997 to 1998, with the overall action towards private companies. Many associations undertake awareness-raising actions and direct results or impacts are difficult to assess.

Some actions are planned in the exceptional program of AGEFIPH: In addition to national campaigns, regional actions are undertaken focusing on those firms that are particularly “bad” in relation to the employment obligation, i.e. companies employing between 50 and 80 employees. There are no results yet.

Retention measures

Measures generally do not distinguish between first time employment, job retention (early return to work is included in the former category) and return to work measures. However, there is an increasing recognition that the issue of job retention should be treated separately, and this led AGEFIPH to undertake some specific measures in this area through the creation of systems of job retention at the department level (generally within the PDITH). Two dimensions emerge from these systems.

First, the prevention (detect the risks linked to the worsening of a disease/disability or to an accident and anticipate return to work) involves the vocational doctor, the CPAM, the CRAM. Second, intervention (devise and implement an individualised solution) involves ESPR/OIP, representatives of the PDITH, of the CRAM, the vocational doctor etc. and consist in work station modifications or access to work as well as adaptation of the worker to the new post (bilan, training, part time work, rehabilitation contract, GRTH...). Modification of the work station modification (AGEFIPH) is the most frequently used measure (2,086 job retentions in 1998). It was outlined during the interviews that job retention is a legal obligation in the Labour Code, where employees have to be resettled within the company if they become disabled. This is not always easy, especially in small companies where resettlement is almost impossible. However, large companies which sign an enterprise agreement (to fulfil their employment obligation) often have a job retention objective only, without specifying that the employer must also employ some disabled workers.

Depending on the department, 20 to 150 job retentions measures are implemented per year. In 70% of cases, the beneficiary is a male aged 40 years and over, with a level 5 qualification or less. In 60% of cases, the disability comes from a disease and mostly for motor problems.

In most cases, the enterprises that benefit from such support are satisfied with the solution implemented, although administrative procedures and delays are considered as long. In addition, the lack of information of intervention from AGEFIPH and on public support available for job retention was outlined.

The need for homogeneous indicators of needs and results is outlined by AGEFIPH in its annual report. This information should be completed by data reflecting the preventive activities undertaken.

Monitoring and Evaluation tools

One difficulty in trying to obtain monitoring information on the employment of disabled workers comes from the variety of actors (Ministry for Employment and Solidarity, Ministry for Health, AGEFIPH, COTOREP, ANPE). In addition, data on health and employment/social aspects are traditionally separated, which makes it difficult to have a real picture of the resources spent on different types of measures.

A report from the Cour des Comptes (1993) estimated that the total government, social security and local authorities spent 115 billion FF on disabled people (not only employment) in 1992. As far as AGEFIPH is concerned, a total of 9,263 million FF has been spent between 1990 and 1996, for the employment of disabled people.

Generally, output indicators (beneficiaries, number of applications that receive fundings...) are well recorded by the Ministry and AGEFIPH, which collect data from regional and departemental authorities. However, there are fewer data on outcomes and very few on results and impacts of the measures undertaken.

Both the PDITH and the Objective Convention plan to improve monitoring and evaluation mechanisms:

Each PDITH will be evaluated and a national framework, with set objectives and systems enabling the monitoring and evaluation of the measures is being built.

The Objective Convention and Exceptional Programme (Axis 4) plan specific actions in order to experiment some new systems of data collection and observation of the needs. Some "Observatoires de l'Emploi des Travailleurs Handicapés" in each region, will be set up to compile a series of indicators at the regional level (see attached example of the Centre region) on the active disabled population and its employment within companies. It should also enable the identification of needs and evaluation of the impacts of the actions.

5.7 Germany

5.7.1 Introduction

In Germany, policies designed to integrate disabled individuals into society are carried out by different institutions and regulated by different sets of laws. The co-ordination between the medical, vocational and social rehabilitation systems is crucial for the effectiveness of the disability policies. Thus, a lack of co-ordination is perceived as one of the major problems of the German disability policy.

The most important legislation regarding disability can be found in the Social Code, the Rehabilitation Adjustment Code, the Federal War Victims Relief Act, the Severely Disabled Persons Act and the Federal Social Assistance Act. The key actors are the Ministry of Labour and Social Affairs, the Employment Office, the “Hauptfürsorgestellen” (welfare agencies of the Länder) and private welfare organisations.

The approach to disability policy has a traditionally preventive character. The guiding principles are to avert, eliminate or ease the disability, prevent its aggravation or reduce its effects. The integration of disabled individuals into society implies enabling people to live as normally and independently as possible, depending as little as possible on social benefits. The necessary assistance must be offered to every disabled person and person threatened by disability, even when responsibility for this assistance is held by different funds and institutions. The intervention has to occur at the earliest possible stage. The principle of individual assistance ensures, that assistance is tailored to the actual needs and situation of the disabled individual.

With regard to vocational integration, the Social Code gives the following definition of disability (§19 of SGB III): „Disabled persons are physically, mentally or emotionally disabled persons whose prospects of becoming or remaining integrated within the workforce are severely reduced in the long-term due to the nature or severity of their disability; they therefore require support in terms of vocational integration. Any person for whom the above consequences are impending as the result of a disability is regarded to have the same legal status as a disabled person.“

On 1 January 1998, the employment promotion law was incorporated into the Third Volume of the German Social Code (SGB III). SGB III supersedes the Employment Promotion Act (AFG) as well as the regulation of the executive committee of the Federal Employment Office concerning the employment and vocational promotion of the disabled, which were both previously in force. The SGB III forms the basis of the work of the Federal Employment Office as well as its regional and local employment offices. Furthermore, the Federal Employment Office is empowered to issue orders regulating the preconditions, scope and procedures of employment in more detail. The principal aim of the employment support measures regulated by SGB III is to promote the equalisation of the employment market by providing advice on the employment market situation and on different careers to those seeking jobs or training places. In comparison to the former legislation, the legislator is giving precedence to general support measures over special support measures in the vocational integration of disabled people.

The determination of disability status is the responsibility of a special independent welfare institution. Formal acknowledgement of the disability and registration are required in order to receive special forms of assistance and rights under the Severely Disabled Persons Act.

The pillars of disability policy for vocational rehabilitation are:

- vocational training and occupational rehabilitation
- placement and employment promotion
- compulsory employment
- sheltered employment

Vocational rehabilitation is basically financed by the Federal Employment Office. The statutory public pension and public insurance funds also pay for vocational rehabilitation, but to a minor extent. The Federal Employment Office focuses more on initial training, while the public insurance and the public pension funds are financing most of the vocational re-integration measures (according to their guiding principle of paying for rehabilitation rather for pensions in the first instance). Furthermore, some measures are financed by the compensatory levy fund (“Ausgleichsabgabe”), which is derived from the compulsory employment system. Employers having not filled 6% of workplaces with disabled employees have to pay a certain amount of money for each non-employed disabled. This money is then spent for rehabilitation measures.

5.7.2 Background

The labour market position of disabled individuals

In 1997, 6.6 million persons were registered as severely disabled (8% of the population). 47% of all disabled were women. The majority of the severely disabled persons were already retired, around 940,000 had an employment at general labour market conditions (BMA 1998). In 1997, 155,000 persons were employed in sheltered workshops and 195,000 were unemployed. In 1997, 5.22 million were not economically active.

The number of registered severely disabled persons slightly increased between 1995 and 1997. Nearly half of them - 3.19 million - were between 15 and 65 years old (see for the age structure of disabled table 1). This figure rose by 3% between 1995 and 1997. In western Germany the number of employed disabled fell more sharply (-3 % between 1995 and 1997) than the overall number of workplaces (-1.5%). Especially, did the employment of disabled decrease in private companies in contrast to the public sector (IAB 1998).

Table 1

Age structure of registered severely disabled people in 1997 (Germany), share of all registered disabled in %

- 4	4-15	15-25	25-35	35-45	45-55	55-60	60-65	65+
0.2	1.7	1.9	4.0	6.3	10.0	11.4	13.2	51

Source: IAB 1998

The labour market participation rate for severely disabled people aged 15 to 65 was 37% for Western Germany in 1996 (IAB 1998). The participation rate decreased sharply for elderly, as the participation rate for severely disabled individuals aged 15 to 60 was 51%. However, this is still low compared to the participation rate of non-disabled (in Germany the participation rate of men aged 15 to 65 amounted to 80%, and of women to 63%) (Statistical Yearbook for Germany 1998).

The formal qualifications of unemployed disabled individuals is on the average comparable to other unemployed persons. Thus, formal qualification is not the reason for disabled individuals having more difficulties to integrate in the labour market (IAB 1998). However, their productivity is often reduced.

In September 1998, the share of severely disabled individuals of all unemployed amounted to 4.8%. In 1998, nearly a quarter of all unemployed individuals were recorded as having health problems (“gesundheitliche Einschränkungen”). This figure reflects the age structure of the unemployed, as nearly half of the unemployed having health problems were aged 50 and above. In 1998, among the unemployed women 3.5% were disabled. In general, a fifth of unemployed women had health problems. Thus, the labour market situation for women seems more favourable, although, the share of discouraged disabled women not looking for a job might be quite high.

The gap between the unemployment rate of disabled people and the overall unemployment rate widened over the 90s (table 2).

Table 2 Unemployment rates

	Western Germany		Eastern Germany		Germany	
	total	severely disabled	Total	Severely disabled	total	Severely disabled
1991	6.3	11.4				
1994	9.2	14.9	16.0	15.9	9.6	15.0
1997	11.0	17.0	19.5	24.2	11.4	17.9

Source: IAB 1998

Furthermore, unemployed disabled individuals have more difficulties to re-integrate in the labour market, as the duration of unemployment indicates (table 3).

Table 3 Length of unemployment, distribution in %

	- 1 month	1 – 3 months	3-6 months	6-12 months	1-2 years	more than 2 years	total
Without health problems	13.1	20.8	14.9	18.3	17.0	15.9	100
With health problems (*)	7.3	13.0	13.1	17.9	21.5	27.0	100
Severely disabled	6.7	12.1	12.6	18.2	22.2	28.3	100

(*) including severely disabled

Source: Employment Office, ANBA, Strukturanalyse 1998, 1999, p. 44

Action Plan for Employment Policy of 1998

The 1998 National Action Plan for Employment included the following measures:

- (1) Pilot Project for specialist integration services and employment integration services („Integrationsfachdienste“ and „Beschäftigungs-/ Integrationsprojekte“, see below) with 32 projects and a financial support of DM 67 million.
- (2) wage-subsidy also for fixed term contracts with a financial volume of DM 100 million
- (3) the construction of the European vocational training centre („Europäisches Berufsbildungswerk“) for disabled young people in Bitburg was planned to start in 1999, a first rate of DM 26 million was attributed to that project.

National Action Plan for 1999

The 1999 National Action Plan for Employment included the following measures:

- (1) Continuation of the projects started under the action plan of 1998
- (2) The action plan for combating youth unemployment, which has been launched by the new government is also directed towards young disabled (with the aim to provide vocational training and rehabilitation to young persons before they are unemployed for six months).
- (3) The aim of the national action plan, to get adult unemployed into employment before they are unemployed for 12 months requires specific measures with regard to the disabled. Thus, the Federal employment office and its specialised advice and placement services will have to co-operate closely with the concerned institutions, in order to find solutions for each individual.

The budget of the Federal Employment Office for 1999 for measures for vocational training amounts to DM 4.36 billion. The Statutory Public Pension Insurance will probably spend around DM 1.4 billion. Another DM 1 billion will be spent through the compensatory level fund („Ausgleichsabgabe“).

5.7.3 Active labour market policy

The labour market situation of disabled people and the prospects of integration into the labour market worsened over the last few years. In 1996, the public pension insurance paid around 2 billion DM for vocational rehabilitation measures. These outlays represented around 19% of total outlays for rehabilitation. This share was only 8% in 1991 (BMA 1998). Thus, the public pension insurance is under financial pressure to boost the efficiency of their measures. A special commission has been set up, which formulated at the end of 1996 mainly the following recommendations:

- A closer co-operation between the public pension insurance and the Employment Office as well as a stronger link to medical rehabilitation is needed.
- An integrative approach can be realised by including the institutions for medical rehabilitation in an early stage in order to figure out the right measures for vocational rehabilitation.
- For vocational rehabilitation all workplace related measures should be given priority.
- Quality and cost management should be introduced.
- In general, all public institutions in charge for rehabilitation have to boost the efficiency of their measures.

With regard to the bad labour market performance of the severely disabled persons and especially the low quota of filled places by severely disabled in private sector companies, the Ministry of Labour and Social Affairs launched a debate with the employers, the Federal employment office and the welfare agencies (Hauptfürsorgestellen). The main results of this working group was, that the research centre of the Federal employment office was asked to intensify its work on the analysis of disabled job seekers. The Federal employment office was asked to intensify its placement policies. Thus, in 1996 the placement of severely disabled was a priority for the employment offices. The working group also came to the conclusion that the various forms of fixed-term contracts should be used more often in order to minimise the initial risk of the employer and thus to enhance the attractiveness of employing disabled.

It is widely recognised, that the co-operation between the different institutions responsible for rehabilitation has to be strengthened. A closer co-operation of various actors is not only aimed within the vocational rehabilitation, but also between the medical, vocational and social rehabilitation. Thus, the realisation of an integrative approach to rehabilitation is claimed.

Vocational training institutions are beginning to take proactive measures to involve employers, f.ex. by organising seminars, and there are some examples of regular „round table“ meetings among all the institutions, including the social partners, involved with the integration of disabled people (ILO Report). Furthermore, with the emphasis of developing career advice, occupational orientation and accompanying measures during the vocational and occupational rehabilitation period, an orientation of current disability policy towards pro-active measures can be identified.

A proposal has been submitted by the Federal government to integrate the laws on rehabilitation and the severely disabled as a new book of the Social Welfare Code (SGB IX), as a more integrative approach is requested.

Placement

The placement records of the Federal Employment Office with regard to disabled unemployed is rather poor (table 5).

Table 5
Outflow from unemployment, 1997, Western Germany, distribution in %

	all unemployed		unemployed severely disabled	
	Men	Women	Men	Women
Outflow into work:	49.5	38.1	21.7	18.8
• placed by the employment office at regular labour market conditions	14.7	11.5	5.4	5.0
• found work by him- or herself	32.3	24.8	10.3	9.1
Further training and retraining	4.8	5.4	2.7	2.1
Rehabilitation	0.7	0.5	2.7	2.4
Other reasons	45.0	56	72.9	76.6
Total	100	100	100	100

Source: IAB 1998

Integrationsfachdienste (specialist integration services)

Concepts for specialist integration services („Integrationsfachdienste“ and „Beschäftigungs- und Integrationsprojekte“) have been developed by the Ministry of Labour and Social Affairs. Specialised external services are needed to assist the employment offices for the placement of certain groups of unemployed disabled and to support the welfare agencies for the continuous assistance given to the disabled once having a workplace. 38 pilot projects will be realised until the year 2001. According to the fourth report of the Federal government on disabled, these projects should be financed by the compensatory levy fund (BMA 1998, p. 75).

Vocational training

In 1995/6 244,100 disabled individuals were given vocational orientation (BMA 1998). A close co-operation between the special schools and the Employment Offices is necessary.

As in many cases the schools do not sufficiently prepare young people to working life, special pre-training programmes are offered (BMA 1998, p.53). As best practice example the department

for schools and initial training in Hamburg deserves mentioning as it created an advice and assistance centre for special groups of young disabled people in order to ease their transition from school to vocational training (BMA 1998, S. 52). Within this project, not only do the young disabled people get advice but also the actors within the educational and vocational training institutions.

The fourth report of the Federal government on disabled people stresses the comprehensive approach of training centres for young disabled school leavers, especially for those with learning disabilities. However, the Federal government states that the concept should be improved by strengthening the co-operation between all actors of vocational training, especially private enterprises.

The vocational rehabilitation centres (“Berufsförderungswerke”) are directed mainly at adults with work experience who need vocational reorientation because of accident, injury and disability. They have introduced a reform process of their work in order to enhance efficiency and quality of their work. This process is characterised by a closer co-operation with private sector companies, by an adoption of the profile of professions and qualification to current labour market requirements as well as by reforming the structures.

Table 6
Vocational rehabilitation: Vocational training measures and their success in 1998, Germany

	Total	Women
Outflows from rehabilitation measures	317,927	110,687
Reason for outflows (in%):		
• integration into new work	21.6%	19.3%
• continuation of previous work	11.7%	12.6%
• integration into a sheltered workshop	3%	3.5%
• lacking willingness for rehabilitation	7.6%	7.8%
Number of persons in rehabilitation measures.	130,743	46,880
Share of disabled not having successfully accomplished the measure	23.7%	23.7%

Source: Employment Office, ANBA, Arbeitsstatistik 1998, 1999

In 1996, the total outlays for these training measures paid by the Federal Employment Office amounted to 2.8 billion DM and thus, to 58 % of total outlays of the Employment Office for vocational rehabilitation (BMA 1998, p. 59).

Wage cost subsidies

An increasing number of workplaces filled by disabled are subsidised (Table 7). The promotion of employing severely disabled has been extended in 1994 to unemployed elderly disabled. Their employment can be subsidised for a period of now 8 years even in cases an employer has not fulfilled the quota (compulsory employment).

Table 7
Promotion of hiring and employing severely disabled in Germany

	<i>1991</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>98/91</i>
All disabled	6,944	6,953	7,962	7,308	9,379	9,101	8,984	8,738	25%
Disabled women	2,140	2,280	2,685	2,478	3,158	2,946	3,049	2,811	31%

Source: Employment Office, ANBA, Arbeitsstatistik 1998, 1999

Compulsory employment

Despite the compulsory employment system, the share of disabled of all employed in private sector companies declined over time (table 8). While the attained quota of disabled within private companies fell from 4.0% in 1991 to 3.7% in 1996 in Western Germany, the decrease was more dramatic in Eastern Germany (4.0% in 1991 against 2.6 %) (IAB 1998). This can partly be attributed to the changes which occurred in the German economy following reunification, which led to significant restructuring in the economy, with the loss of many lower skilled jobs. This period has also seen the exit from the labour market of much of the war generation. In 1996, the share of disabled individuals of all economically active persons was about 3.1 % in Western Germany and about 1.8 % in Eastern Germany, but the quota for compulsory employment is about 6%. However, the Federal government wants to keep this high compulsory quota. The compensation levy is often regarded as a kind of additional tax paid by the employers directed towards the rehabilitation of disabled.

Table 8
Workplaces filled by disabled under the quota system (compulsory employment), Germany

Workplaces	1991	1992	1993	1994	1995	1996	1997
Private sector	4.0	3.9	3.8	3.6	3.6	3.5	
Public sector	5.3	5.2	5.2	5.2	5.2	5.2	
all employers	4.4	4.3	4.2	4.0	4.0	3.9	3.9

Source: IAB 1998

Sheltered workshops

In 1995, the outlays for the employment of disabled in sheltered workshops in Western Germany amounted to 3.6 billion DM for 114,200 beneficiaries (BMA 1998, p. 118).

Since 1996, severely disabled employed in sheltered workshops have been entitled to higher wages. Moreover, with the amendment of the social assistance law in 1996, the function of sheltered workshops to ease the transition to the general labour market has been reinforced (BMA 1998).

Gender

Disabled women have more difficulties to integrate into the labour market than men. Often they have less professional experience and most importantly, face problems to combine training or work and family duties. According to the fourth report of the Federal government, the conditions of many training measures are not favourable for women. Therefore, the share of women participating in training measures is rather low (table 9).

Table 9

Severely Disabled: completed vocational training measures by gender

	Federal Employment Office		Statutory Public Pension Insurance	
	total	Women in %	Total	women in %
1996	39,300	33.9	46,186	26.6

Source: BMA 1998

There has been some progress in adapting the supply of training measures to the needs of women with children over the last years. However, it is still more difficult for women who have to look after children or other family members to attend vocational training courses, especially if they do not live in a metropolitan area. Therefore, a working group including disabled women has been set up at the initiative of the Federal Government. A concept for a for the supply of vocational rehabilitation near the housing area is now being designed in order to help women combine training and family duties. The concept is based on the dual training system and has a modular training structure with four separate stages. The first stage concentrates on the analysis of the individual within its socio-economic context, on the vocational orientation and on advice for combining family and training or working life. The next step is to refresh school knowledge and training of submitting applications, placement for a (re-) training within a company. The knowledge of the first year of vocational school is transmitted partly through tele-teaching. During the last stage, the company-based training takes place. Women are helped during this final period through psycho-social advice, and extra training if necessary. An evaluation of the pilot project is carried out by the university of Oldenburg.

5.8 Greece

5.8.1 Introduction

Before 1979, the employment of disabled people in the public sector was prohibited. Law 963 (1979) reversed the exclusion of disabled people from employment in the public sector and introduced the first quota system in the public sector. The Law also established the role of the

Manpower Employment Organisation (OAED) and lead to the creation of 37 vocational training centres throughout Greece.

Law 1262 (1982) made grants available for new undertakings whose main workforce is disabled. It also made substantial allocations towards the building of centres and workshops designed to speed up the rehabilitation of disabled workers

During the 1980s, emphasis in the terminology shifted from a person's disability to a person's special needs. Since then "people with special needs" became a widely used term to describe disabled people in Greece. The term was first used in a legislative text, in Law 1648 (1986) concerning employment protection.

Law 1648 (1986) revised and extended quota arrangements to the private sector. The quota system was revised by Law 30965 (1991). Amended in 1994 to apply only to those listed in the OAED register of unemployed disabled people with an assessed disability of 40%. In 1995, an administrative penalty where employers do not comply with the law was introduced

A new Law N.2643 was introduced in 1998 and approved in 1999 with its first appointments starting in the beginning of 2000. Under this new law, disabled people is are now given *first priority* over all other special groups in being offered jobs in the public sector, and *second priority* for jobs in the private sector.

Finally, a new law N.2646 was passed through Parliament in 1998. This law provides for the establishment of a "National System of Community Care" which aims to provide for the needs of vulnerable groups such as people with disabilities through social partnerships. Within the framework of Law 2646, emphasis is placed on providing open care, i.e. encouraging individuals to remain in the home environments as opposed to an approach geared towards committing individuals in special institutions, that was the norm in Greece up to recent years.

5.8.2 Active labour market policies

Enterprise strategies

Substantial financial aid is offered to disabled people setting up businesses on their own account. Aid is also provided to cooperatives of up to 4 members and to SMEs of up to four employees. This approach is very pertinent to the Greek context where self-employment is very high and 80% of enterprises are very small (less than 10 employees).

In the context of supporting private entrepreneurship, this programme (see relevant fiche) offers grants over two years, to disabled persons deciding to set up their own enterprise, offering them a chance to develop their business ideas. In total, beneficiaries can receive up to 5.3 mln GRD (16,500 Euro) over two years. This amount is considered relatively generous and satisfactory in helping especially at the start up phase. The grants are especially useful at the initial start up phase because OAED provides the grants up-front, asking for the documentation on how the

money was spent, to be provided at a later stage. This is very important as it helps beneficiaries use the grants to cover the very first legal and fiscal expenditures for which it is always difficult to obtain funds and which sometimes forms an insurmountable barrier for some potential entrepreneurs.

Subsidies

This programme implemented by OAED is by far the one with the biggest impact in getting people with disabilities to work in private sector enterprises, in Greece. It offers wage subsidies to employers over three years, combined with a grant during an initial period of adjustment and the engagement of employers to continue employment for a further year after the end of the subsidy.

The reasons for which it has proved successful are as follows: it offers employers a wage subsidy during three years which is a substantial length of time; it engages employers to continue employing the persons for a further year without a subsidy; the wage subsidy increases from the first to the second year and is highest in the third year, offering an added incentive to employers; the first three months of employment of the disabled person are considered a *period of adjustment* during which the employer is obliged to train and help the person adapt to its new duties and integrate in the working environment. This is a particularly useful opportunity offered to the beneficiaries and the period of adjustment can be prolonged to 5 months in special cases; and finally, employers are given an extra grant during the period of adjustment, in order to make suitable adaptations to the workplace

The idea of establishing a *period of adjustment* during which the new employee is given special attention and the chance to be trained on the job and for all the aspects of his employment to be ironed out, has proved extremely useful for all parties involved and safeguards a good working relationship between employers and employees.

Quotas

A new law N.2643/1998 (see relevant fiche) was introduced in 1998 and approved in 1999 with its first appointments starting in the beginning of 2000. The significance of the Law lies in the fact that it now gives disabled people *first priority* over all other special groups in being offered jobs in the public sector, and *second priority* for jobs in the private sector. Also, employers are given little leeway in avoiding their obligations. A fine is imposed in those cases but most significantly, beneficiaries have the right to appeal to the special Committees set up under the law and experience so far has shown that in the vast majority of cases appeals are decided in favour of the beneficiary disabled person. In this context, the fact that the law stipulates the **compulsory placement** that employers must comply with is perceived a success.

Rehabilitation measures

This OAED internal support structure (see relevant fiche) started operating in May 1999 and it provided for the creation of 115 posts for experts with various specialisations, namely, social

workers, psychologists, sociologists, statisticians, economists and work-therapists. These “counsellors” will man the local, regional and central offices of OAED offering support services like information, guidance, counselling, for disabled people, their families and employers.

Already, after only few months in operation, testimony of both beneficiaries and OAED employees in the regional offices so far, shows that the support structure has had a very positive impact in upgrading services offered. It represents a great improvement compared to the situation that existed before under which there was no specialised staff to deal with the specific needs of disabled people at the local branches of OAED (the job centres). Currently, disabled persons can receive targeted support and a process for data collection and processing has also commenced within the support structure.

In general, the New Jobs Programme together with the Consellers Support Structure have upgraded the service provided by OAED, have improved OAED’s image and enhanced the effectiveness of all programmes for the disabled promoted by OAED, as information is better disseminated now.

Sheltered Workshops

Laws in 1987 and 1989 on vocational training provided for the creation of sheltered workshops but until 1995 no decrees had appeared to implement this law. Sheltered workshops were seen as the way forward by policy makers. Relevant legislation was passed in 1989 but as of 1997 there since then there have been no decrees to implement them.

The new Law 2646/1998, is expected to give the notion of *sheltered workshops* a renewed boost. Many attempts have been made in the past to officially define the status of and institutionalise sheltered workshops which were unsuccessful due to insufficient co-operation between the government agencies involved. Hence, up to the present, sheltered workshops exist, set up by NGOs, parents’ associations etc. and operate in an informal manner. The focus will now be to bring the workshops within the institutional framework and create new ones where necessary, as well as exploring ways to make the workshops financially viable (if not profitable) in the market. For this reason a technical/financial study is currently under way, to explore ways to realise the idea of sheltered workshops.

Reserved occupations

In banks, the public sector and local authorities, a proportion of vacancies in special ancillary occupations (messengers, night watchmen, cleaners and receptionists) must be reserved for ‘people with special needs’. This policy has been very effective. The compliance of employers in the public sector is good and this legislation has safeguarded certain professions. For example positions as telephone operators are almost exclusively allocated to blind people. In this sense the law is valuable, but the professions involved are for low-skilled jobs and more is needed in more modern higher skilled professions.

Key implementation issues

Lack of coordination between the six government ministries sharing responsibility for disability policies, the Manpower Employment Organisation (OAED) responsible for co-ordinating training and employment programmes and the 36 non-profit organisations and numerous parents associations active on the ground was for long a great weakness for Greece. This situation is being remedied in recent years as responsibilities are being mapped out more clearly and as national needs and EU requirements demand greater co-operation between the actors involved.

Hence, co-operation is improving thanks to the fact that government bodies, social partners and disability representatives have needed to work together ever more closely in drawing up the NAP. Furthermore, the Prime Minister has requested the set up of an inter-ministerial task force for disability issues. Last but not least, disability representatives participate in the administration of all the public centers for disabled people and in the committees administering the quota system.

There is still a noted ignorance among the general public and employers about the needs and rights of people with disabilities. The general public, employers and disabled people are not sensitised. Even worse, there is a social stigma associated to disability and disability is concealed by families. People hesitate to register as an unemployed disabled person with OAED (sine qua non to receive disability benefits related to employment) for social reasons.

Disabled people themselves are not sensitised or well informed about opportunities open to them. Furthermore, studies show that most of the enterprises employing disabled people do not make use of subsidy schemes and grants for alterations.

Policy makers in general and OAED try to overcome these weaknesses through awareness raising campaigns and measures such as the Consellers Support Structures.

A consistent response received in all interviews carried out in Greece is that there is no Monitoring and Evaluation data available at the time being but evaluations are currently taking place and there are steps being taken to gather data in the near future.

There exists very limited data on the disabled population and no official data on disabled people in employment. The few existing studies give contradictory estimates of the disabled population. The 1991 census did not include detailed data on disabled people. The only measure is the OAED register which by no means gives an exhaustive picture of the number of disabled people. Many families are still reluctant to register disabled people because of the perceived social stigma while other families who have a good financial situation and do not need the social benefits, do not register for them either.

A national survey carried out with 1970 data and published in 1990 gives an estimate of the disabled population as 1,5% of total population. This is considered a gross underestimation because it is thought that the disabled population will be higher than 13% of total population, which is the EU average, since Greece has the highest rate of road accidents in the EU. Attempts to obtain an accurate estimate of the disabled population in Greece in the context of various

Horizon programmes, were either incomplete or unsuccessful. The effort to carry out a census of the disabled population in 1991, was a failure. It came up against strong reaction from disability organisations due to the mentality and social stigma still associated with disability in Greece.

Again the situation is slowly changing. The 1999 National Action Plan for Employment (NAP) recognizes the lack of relevant data and provides for the commissioning of a study to gather data and elaborate pertinent indicators while the programmes supported under the NAP are monitored for such indicators already. In their contribution to the setting up of the 1999 NAP, ESAEA made concrete proposals on data that needs to be collected and surveys that need to be realised, in order to obtain a clearer picture on various issues such as: unemployment rates among the disabled population, specific needs of disabled women etc.

Furthermore, the Ministry of Health is currently in cooperation with the National Statistical Service in order to gather data relevant to disabled person in the forthcoming census that will take place in 2001. Also, some (limited) evaluation data will become available once the evaluations of the current Operational Programmes have been completed. Finally, OAED keeps quantitative data on beneficiaries from the New Jobs and New entrepreneurs Programme and detailed evaluation and data collection is foreseen within the Counsellors Support Structure.

5.9 Ireland

5.9.1 Introduction

This is a time of significant change in Irish disability policy. This change is influenced by several factors:

- commitment to conform with EU and international labour policies
- economic, industrial, labour market and employment transformation in Ireland
- changes in emphasis within anti-poverty strategies
- recent social and cultural shifts in Ireland

Naturally, the above do not constitute mutually exclusive categories, since Ireland is presently subject to a change in all policy sectors. Disability provision is itself subject to change, not only in the employment sector, but in social welfare, education, etc.

The disability question is affected by the following:

- change in legislation
- change in government organisation
- change in overall approach (voluntarism to human rights)

New agencies have been established and existing agencies and institutions made subject to reorganisation resulting from shifts in responsibility. In consequence, professional disability

specialists are being transferred (primarily from the National Rehabilitation Board NRB, to other agencies where work responsibilities will change according to the new organisations' policies). The largest thematic concern is therefore that of the "de-ghettoisation" of the disabled. The disabled will be "mainstreamed", that is, they will be catered for within the department responsible rather than in specialist agencies such as the NRB. For example, the state training agency, FAS, will now be responsible for disabled workers who will train within the FAS (mainstream) programmes.

State organisation monitoring and evaluation procedures are somewhat "light" in respect to disability. The NRB can provide throughput figures but disability is "hidden" within other programmes. The trade union movement has made its own estimates and it is this sector which has a good overall grasp of disability policy and practice. However, definitions of disability vary considerably according to the organisation. The Department of Health continues to employ a medical model of disability whilst others such as FAS emphasise a broader definition which includes any kind of difficulty affecting ability to work.

A prime factor affecting the likelihood of a disabled person taking up mainstream employment lies with the social benefit structure rather than disability support mechanisms. The envisaged loss of secondary benefits (such as the provision of free health care for those on low income) continues to present a main barrier to long term employment for many disabled people. In particular, those on long term prescription for medication fear that permanent employment would not be economically viable. As such, entry to the labour market is self-restricted. In common with other vulnerable groups, the decision to take up employment becomes a primarily economic question for the family. Many low income citizens maximise social benefits and live more comfortably by taking up a series of short-term government sponsored employment opportunities. As a result, many disabled people stop short of entering the labour market and often fail to realise their full potential.

There is no unified or comprehensive definition of disability contained in either current legislation or between government departments. Disability is defined within the context of **delivery** of specific policies or services. The Department responsible for disability matters are:

- Enterprise Trade and Employment
- Health and Children
- Social, Community and Family Affairs
- Environment and Local Government
- Finance.

Definitions have arisen where there is a need to target policies at particular categories of persons with disabilities. Current definitions precede the enactment of the Employment Equality Act, 1988. The Department of Enterprise, Trade and Employment feels that the Commission's definition is too broad. As this stands, all those on Disability (sickness benefit) Benefit from the

Department of Social, Community and Family Affairs would be included. As such, their inclusion on census figures would give a false impression of those affected by long term disability, leading to a dilution in service. Other departments are presently reviewing definitions. The Department of Justice, Equality and Law Reform favours a flexible approach to disability definition, depending on the context in which it is used. The Dept of Finance definition was as described in (1) and developed as in (2)

- “a person who on account of an injury disease or congenital deformity is substantially handicapped or discriminated against in obtaining or keeping employment”. At the same time the Dept of Finance requires “a capability to fully perform the duties of the post”.
- “that people with disabilities who are capable of effective performance in the jobs which they hold to, or to which they aspire are not disadvantaged by reason of having a disability .. all reasonable efforts are made to meet the special requirements to which some disabilities arose so as to maximise employment”

The definition of disability with reference to employment contained in the Employment Equality Bill 1996 Section 35 and 34(1), is as follows:

- .. broadly defined to include loss of bodily or mental facilities, chronic infectious diseases whether manifest or not, learning and personality conditions. Where special treatment or facilities are concerned they must be provided unless their provision would give rise to undue hardship on the part of the (job) provider ... differential treatment based on sound actuarial evidence remains lawful

The definition issue is to be determined by the new National Disability Authority (NDA). On its formal establishment, the NDA it will be asked to make recommendations to facilitate the adoption by Governments and Agencies on an appropriate definition of disability.

5.9.2 Background – the policy framework

The historical spine set out below illustrates the gradual change from (1) policies based on voluntarism and goodwill, determined by specialisation, to (2) those of the securing, maintaining and accessing of rights, determined by integration.

- 1967: **National Rehabilitation Board** (NRB) established.
- 1970: **Health Act**. Full responsibility for care, medical rehabilitation, guidance, training and occupational rehabilitation assumed by department of Health. Vocational rehabilitation delegated by Dept of Health to NRB.
- 1977: **Employment Equality Act** introduced. Non-statutory **quota system** introduced at 3% for disabled people in public services (local and central government).

- 1980: Launch of **Employment Support Scheme**. Encouraged employment of disabled people in mainstream work. Wage subsidy to employer, disabled could retain benefits.
- 1984: Debate **on services for disabled people** reviewed in Green Paper with aim of integrating disabled people in all areas of life. Policies reflected responsibilities of individual government departments. Services typified by a paternalistic approach rather than a rights perspective. Extension of quota to private industry considered undesirable.
- 1987: **Programme for National Recovery** (negotiated with social partners) considered needs of disabled people in employment.
- 1990: **Irish Congress of Trade Unions** issue Charter of **Rights for Disabled People**.
- 1991: **Programme for Economic and Social Progress** - disability issues considered.
- 1993: **National Economic and Social Forum** established by Government to assist in policy development - included disability issues.
- 1993: **Ministry of Equality and Law Reform** was created in which the advancement of the rights of disabled people was a programmatic aim.
- 1993 (Dec.): **Commission on the Status of People with Disabilities** set up by the Ministry of Equality and Law Reform to advise government on practical measures necessary to ensure participation rights in all sectors.
- 1994: The Commission on the Status of People with Disabilities publish the **Flood Report**, which aimed to remove barriers to participation. Made 402 recommendations in housing, employment and training, income, health and recommended a Disabilities Act.
- 1994: The **Programme for Competitiveness and Work** recognised that employment measures for people with disabilities were limited. Recommended promotion and review of employment position of disabled people
- 1996: NESF stressed need for special attention to disabled people in **“Equality Proofing Issues”** report.
- 1996: The **Employment Equality Bill** introduced to extend provision of 1977 Act. Recognised 9 grounds for inequality, including disability.
- 1996: **“Positive to disability”** a NRB logo now awarded to companies satisfying NRB criteria on recruitment, disability and equality policy, staff retention, awareness-raising.
- 1997: **Council for Status of People with Disabilities** established to create proposals..
- 1997: **Partnership 2000** for inclusion, employment and competitiveness, took account of Flood Report. It recommended administrative reorganisation to achieve disability integration into mainstream services, quota enforcement in wider level of public service, more places in NRB specialist and mainstream services, access to public transport.
- 1997: **Equal Status Bill** introduced. Its provisions, together with those of the Equal Status Bill, were criticised by the Commission on the Status of People with Disabilities
- 1997: **National Anti Poverty** strategy launched.
- 1998: **National Disability Authority** Bill introduced to establish an expert statutory independent body. Authority designed to empower people with disabilities to secure and exercise full rights; develop, monitor and maintain standards and best practice.
- 1999: **Employment Equality Act** came into force.
- 1999: **The Equal Status Bill** was published.

Disability figures and Unemployment

It was estimated that in 1991 there were 240,000 disabled persons comprising a total of 7% of the total population and 18% of the active population. The NRB estimated in 1995 that unemployed rate was 70% for disabled compared to 12.2% of the general population (Labour Force Survey, 1995) and around 60% in 1999. Disabled employed are twice as likely as the normal population to have no formal educational qualifications. Qualified persons came last in a 1994 NRB survey of employers preferences for qualified candidates.

FAS now has full responsibility for training and employment services relating to the disabled. There were 3200 persons with disabilities in FAS training in 1998, constituting 8% of all trainees (reckoned to be an underestimate).

It is vital to examine the figures relating to demography, employment and to gender in particular. Included in population change is an excess 21,400 births over deaths. The Quarterly National Household survey reveals that there was a total employment increase from 1997 to 1998 of 115,000. There is increased participation in the workforce by women - 42 % to 44% over the same period.

Skilled and non-skilled labour shortages are now apparent, despite net inward migration (22,800 males, 22,400 females in 1997/8) boosting the labour force. There is however an increase of those on invalidity allowance from 23,520 males and 12,640 in 1991 to 26,327 (m) and 17,306 (f). (Dept of Social Welfare Statistical info on Social Welfare Services, 1997).

The legislative framework

(a) The Employment Equality Act, 1998 which came into force in October 1999, prohibits discrimination in employment on nine grounds, including disability. Legislation gives protection to public and private sector employees as well as applicants for employment and training. The Act gives protection against discrimination where people with disabilities *who are fully competent, capable and available to do the job and require no special treatment or facilities at work or who will require a reasonable accommodation that is cost free or of nominal cost to the employer*. The **Equal Status Bill**, published April 1999, will when enacted, prohibit non workplace discrimination on a number of grounds including disability. This applies to education, accommodation, transport and the provision of goods, services, refreshment and entertainment. The Minister for the Oireachtas states that he is pressing for immediate enactment as soon as is practicable.

Following a Review of the Government Programme - "An Action Programme for the Millennium", The Department of Justice, Equality and Law Reform is preparing a **Disability Bill**. The latter may require proposals for disability equality amendments to the Constitution of Ireland.

In this regard, the Commission on the Status of People with Disabilities has recommended to the **Review Group on the Constitution**, that an anti-discrimination statement be included as an amendment to Article 40:1 of the Constitution.

(b) other important legislation includes the “Good Friday Agreement”. The Irish Government will establish a Human Rights Commission with a mandate similar to that of Northern Ireland. **The Human Rights Commission Bill, 1999**, is currently before the Irish Parliament (Dáil). Additionally, the **National Anti-poverty Strategy** draws attention to the costs associated with disability, which can lead to poverty and to dependency on benefits which can permanently place the disabled person in poverty. The strategy will deal with the social exclusion effects of disability caused by poverty.

Structure of Financial Provision

The operational programme for Human Resources Development aims to “maximise the potential of the Irish people” by a range of measures to meet training and educational needs of different groups. Measures designed to re-integrate the socially excluded into the labour market constitutes a Sub Program (Objective 3). These measures are designed to promote a coherent, relevant and flexible system of contact, information and counselling, provision of a range of suitable education, training, work options and progression opportunities to further education, training or employment. Objective 3. Figures (which contain for financial provision in 1999 referring to both programmes and agencies) are contained within policy templates attached and refer to Dept of Education, NRB, FAS and the Department of Justice. These sums represent co-financing by the ESF/Irish government.

5.9.3 Active labour market policies

Development, monitoring and co-ordination of disability policy

(a) The Department of Justice, Equality and Law Reform will assume prime responsibility for equal opportunities policy in respect of those with disabilities. It will not assume responsibility for *all* disability policy. This duty will be vested in the appropriate line department. A **Disability Equality Unit** has been established within the Department of Justice to (a) contribute to development of disability policy internationally, (b) develop partnership models where disabled, parents and carers participate in service delivery and policy development and (c) support NGOs in the development of equality strategy. The co-ordination of policy will continue to be undertaken by the current Inter Departmental Task Force.

(b) The **National Disability Authority** will be established as the statutory organisation in 2000. The executive will comprise a chairperson and 20 ordinary members, the majority of whom will be either disabled or the parents or carers of a disabled person. As the central, national body, the NDA will advise the Minister on policy, development, practice, standards and codes of practice. It will commission research, prepare strategic plans and develop statistical information for delivery and monitoring of services. Responsibility for the **collection of labour market statistics**

rests with the Central Statistical Office (CSO). The Dept. of Trade, Industry and Employment will liaise with CSO on the collection of (quarterly) statistics of those with a disability in the labour market.

Reorganisation of service delivery

Responsibility for **Vocational Training**: Moves from the Dept of Health and Children to Trade, Industry and Employment, to be delivered and administered by FAS, the state training agency.

Responsibility for **Sheltered and Supported Employment**: From Dept of Health and Children (delegated to the NRB) moves to Dept. of Trade, Industry and Employment.

Workplace and Equipment Adaptation Grants transferred to Dept of Trade Industry and Employment.

Life skills training for disabled in day care programmes remains with Dept of Health and Children, as do **day activation and rehabilitative workshops**.

FAS as delivery and administrative organisation will continue to operate the **Community Employment, Workplace and Job Initiative schemes**. People with disability do not have to fulfil eligibility criteria for participation in these schemes. **Employer Based Training (EBT)** is currently operating within FAS. The NRB has developed sets of standards covering EBT.

Accessible Transport Development

This section deals with **transport** primarily in the journey to work context. Progress is currently being made in this area but is limited by available resources. Policy states that all (and in particular, state) transport operators should provide the highest possible degree of **accessibility** within available resources. A monthly **mobility allowance** of £43.20 is currently payable to people with disability. The Commission on the Status of People with Disabilities recommends this should be index linked. But Dept. of Finance policy does not allow index linking of allowances or rebates.

All **new coaches** purchases made by Bus Eireann have a kneeling facility (front of coach lowers). From 2000, all Dublin Bus purchases will be low floor and accessible. The state coach companies and railway (Iarnrod Éireann) have established either User and/or Disability Consultative Groups. Dublin Area Rapid Transit (DART) stations and new rolling stock are accessible.

Taxi licences are the responsibility of local authorities. Road traffic acts and amendments have continued to clarify the Act of 1997, stating criteria for wheelchair accessible taxis. Local provision dominates this aspect of mobility. FAS administered schemes can pay journey to work for taxis for disabled participants and this is applied on an ad hoc basis locally..

Fare subsidies are in operation under the **Free Travel Pass** scheme but such passes are restricted to off-peak services. However, those with a mental handicap, those attending long-term rehabilitation courses and blind people are exempt from the restrictions. **Free Travel Companion passes** were extended in 1997 to all registered blind persons and in 1999 to those over 75 years and unable to travel alone. The Commission for the Status of People with

Disabilities has recommended that restrictions on time of travel and for Companions are removed for the disabled and the Department of Social, Community and Family Affairs is currently undertaking a review of all free schemes.

Community Action Plans to assess accessible transport in **rural areas** are encouraged. A pilot scheme is currently operating in Meath and South Mayo under the Area Development Management (ADM) structure (ADM administers local Partnerships) which is designed to lead to the implementation of good practice nationally.

Tax relief is available to assist disabled drivers and passengers to a maximum of £7,500 drivers and 10,500 (passengers) which is consumer index linked). Vehicle adaptations for disabled passengers are available at 10% of the original cost of the vehicle. For those not eligible for any of the preceding, a fuel duty rebate is payable to 200 gallons of per calendar year.

Gender Issues

Gender issues in employment of disabled persons are not foregrounded in either legislation or policy. The two issues tend to be treated as separate spheres and primarily emerge as practical schemes or pilot initiatives within the overall health and welfare spectrum. A scan of policy and legislative documents reveals that equal opportunities, whilst aimed at a wide level of typically disadvantaged groupings tend to revert to gender equal opportunities without sub-specification. Key informants were unable to identify specific policy or operational examples although all stressed that they were aware of general issues relating to gender and disability. As can be seen from the historical spine above, for disability and gender issues, the pressure for legislative change and subsequent enactment tend to march “side by side”, rather than as an integrated whole. The level of interaction remains weak.

5.10 Italy

5.10.1 Introduction

According to the most recent data from ISTAT (1994), just over 2.6 million people over 15 years old have a permanent disability. Of these, 42.5% have physical disabilities, and 29.7% are hearing impaired. Only 13% of those with a long-term disability claim to be employed, and only 34.9% of those ‘capable of work’ with a disability are employed.

The Italian NAP highlights that traditionally, the difficulties faced by disabled people in entering the Italian labour market have been met by quota systems. The law was recently amended 68/1999, however, to improve the match between the individual and employer. This assumed that ‘job centres’ of some sort exist to provide more personalised and tailored service. 40 million Lit in 1999 and 60 million Lit in 2000 were dedicated to this.

Active support has traditionally been minimal. Recently, however, Italian national law has provided for additional support to non-profit organisations aiming to involve disadvantaged (particularly disabled) individuals in the setting up of a business, piloting measures involving

poor families or families with a heavy personal care burden and for the integration of immigrants into the labour market.

Some other new measures have also been introduced. Tax credits to 1 million Lire per year (3 million for disabled workers), for a three-year period up to a ceiling of up to 60 million for each new worker – 1999-2001. This is particularly intended for SMEs in areas with a higher than average unemployment rate.

The role of social co-operatives is highlighted as particularly important. These organisations employ a great many disabled workers (17, 366 workers in 1997). The new law on placement of disabled persons, promoting their access to the labour market through social cooperatives, is expected to further boost this figure. The 1999 Financial Act also provided incentives to SMEs to employ disabled people.

5.10.2 Background – Institutional framework

Regional offices of the State are charged with encouraging and supporting employment integration through personalised programmes. Most of the actors in the field of rehabilitation and employment integration support are managed by social cooperatives. Contracts between public and private sectors to provide incentives and define help towards employment integration of disabled people are based on a diverse range of regional intervention and experience.

Activity and piloting in favour of the employment of people with disabilities are under regional administration and development of public health, assistance and professional training policies. A new national law concerning the employment of people with disabilities (68/99) came into force in January 2000. Individualised measures of support are currently the domain of the regional institutions. The management and policy development in the field of public health, assistance and training are the responsibility of regional administrations. Hence, measures introduced regarding labour market integration vary according to each administration. In each case, measures are subject to a complex system of agreements and protocols between different institutions and agencies (local groups, social cooperatives and public health organisations).

In each region, a technical group analyses potential supply and employment opportunities, and generally tries to involve regional employment agencies, bodies responsible for the integration of disadvantaged groups, representatives of the main disability services, workers from health agencies, and representatives from professional training organisations. Also in each region, an operational group comprising social and health workers is concerned with employment integration. This is the type of group that normally is responsible for the co-ordination of mediation activities in favour of the disabled individual.

The setting up of regional funds for the employment of people with disabilities is part of Law 68/99. These funds will reduce tax contributions for bodies that actively support the integration of people with disabilities. Revenues from the regional fund come from sums relating to administrative sanctions and employers contributions provided for in the law 68/99. Private business and public bodies are subject to administrative sanctions of Lit 1.000.000 (516,4 euro)

for delay in sending data on the number of employees and in relation to their quotas attained, to be increased by 50 000 Lit for each overdue day. The revenues collected from these sanctions are channelled into the regional funds for the employment of people with disabilities.

Passive measures

Social security measures are not seen to have any interaction with employment policy, and consequently are not dealt with in the Italian national report. However, the following are the broad criteria for the awarding of invalidity benefits (according to MISSOC 2000):

A worker whose ability to earn a wage is permanently reduced to at least one third of full capacity as a result of sickness or illness (physical or mental) is deemed incapable of working for the purpose of invalidity allowance. The incapacity pension is payable to the insured person who is totally and permanently incapable of any occupational activity, as a result of sickness or illness (physical or mental). (MISSOC 2000)

Minimum level of incapacity for work is 66% for invalidity allowance, and 100% for incapacity pensions. The minimum period for entitlement is 5 contribution years for general invalidity (with at least 3 years contributions during the last 5 years). For occupational invalidity, there are no conditions.

Recipients of particular disability benefits (According to the New Law 68/99) are:

- People with physical, sensory and learning disabilities or mental health problems, with a reduced working capacity of more than 45%.
- More than 33% of work injuries
- People who are sight-impaired or with a residual vision of no more than 1/10 in each eye
- People with dual sensory impairments from birth or before learning to speak.
- The main types of war injuries

5.10.3 Active labour market policy

Experience to date identifies the effectiveness of approaches that prioritise the activation of a network of support and mediation services linked to the workplace in order to overcome a situation of passive assistance on the part of the person with a disability. This generally implies 3 main types of intervention:

1. Favours an integration culture and mode of work that avoids disabled people remaining at home or in the care of the family.
2. To follow a model - together with training providers – to expand training activities which take into account both the real needs of the disabled user and real job opportunities available
3. Favours mediation with employers based on individualized action and plans which can be concretely and systematically monitored

The development of policy in the Italian context has seen some measures introduced to recognize this. However, it is the case that much is left to the regional and local level in terms of actual design of programmes and monitoring of effectiveness.

The principal active measures underway in Italy are the following:

- Compulsory recruitment by public sector and private enterprise of a predetermined quota of employees with a disability, according to the total number of employees.
- Tax breaks for businesses and contracts to recruit disabled people.
- Setting up of regional funds for measures in favour of the employment of people with disabilities.
- Setting up of support and assistance services for the integration of disabled people into the workplace
- Links between training provision and labour market opportunities.
- Creation of regional support bodies to evaluate the work capabilities of people with disabilities and their integration into the labour market.
- Monitoring and safeguarding the recruitment quotas in the case of worsening disability and/or the resignation of the disabled person.

Quotas

Businesses with more than 35 telephone lines must reserve around 51% of these for sight-impaired workers. (Law 113/85). Other measures exist for sight-impaired physiotherapy masseurs, rehabilitation therapists, teachers, and people with dual sensory impairments. The general quotas are as follows:

- 7% of employed where there are more than 50 employees.
- 2 disabled workers, in organisations comprising between 36 and 50 employees
- The new Law 68/99 widens the scope of compulsory quotas for disabled people in public sector organisations and private enterprises. 1 worker must be disabled in organisations of between 15 and 35 employees (only if a new worker is taken on) (Law 68/99).

Subsidies and assistance with adaptations

Tax breaks for employers taking on disabled employees, restructuring or adapting the workplace in favour of improving access. All direct intervention with study grants, financing and other types of incentives are the responsibility of local bodies, under the regional funds set up to favour the labour market integration of people with disabilities.

- According to the 68/99 law, employers will be exempt for 8 years from paying contributions relating to employees with a reduction in working capacity of more than 79%
- 50% exemption up to a maximum of 5 years from contributions payments for reduced capacity of between 67 and 79%

Partial reimbursement of expenses relating to the transformation of work posts in order to accommodate a disabled worker with a reduced capacity of more than 50% or for the loan of teleworking technology or removal of physical barriers to the workplace which would limit the workplace integration of the disabled person. The implementation of measures and incentives towards adaptation of workplace and reasonable integration of disabled people is again the responsibility of regional level authorities.

Training and work placement measures

Regional programmes are developed in order to be tailored to the individual and the local labour market demands involving intervention of health/training organisations, services, the user and his/her family. Nevertheless, the following are the main types of training and employment methods available to people with disabilities:

- Apprenticeships in work-based training
- Employment grants (linked to gaining work)
- 'Sheltered employment' (inserimento lavorativo socio-assistenziale)
- Work placements

'Targeted Placements'. The law 68/99 introduces a new remit for activity called 'targeted placements' for disabled workers. This involves the adoption of technical and support tools that will enable improved testing of the work capacity of the individual in order to better integrate him or her into an adapted position of employment, by workplace analysis, support means, positive action and solutions to environmental obstacles in daily work and social relations. The regions are responsible for regulating the implementation and capacity of the organisations, institutions, work and service-providing social co-operatives, associations, and so on, who develop activity to favour the employment integration of people with disabilities (Law 104/92).

Closer links between training and the labour market

The regional offices are responsible for implementing and promoting the integration of disabled people through public and private professional training (Law 104/92). The precise nature of each contract is regulated according to the norms and nature of financing at the local level. Recruitment programmes involve the development of training and orientation apprenticeships, and the restructuring the employment environment to favour full integration

Enterprise Strategies

Since 1991, the involvement of social co-operatives into commercial, industrial, agricultural and service activities (Law 381) has been growing, and with it so has their role in the employment integration of people with disabilities. Support to co-operatives employing a workforce including at least 30% from people with disabilities includes exemption from payment of contributions for

their members. In addition, they can also expect a reduction of the CUAFA quota from 6.2% to 4%.

Innovative measures

Through the Employment Community Initiative, HORIZON projects have additionally provided the opportunity to pilot new approaches such as: personalized orientation services (physical and/or motivational counseling); ‘social mediation/advocacy’; telematics, tele-training; entrepreneurship; promotion and reinforcement of social co-operation; individualised support into the labour market.

Prevention and rehabilitation measures

The National Institute for Social Protection (INPS) can grant medical care to prevent or reduce incapacity and to improve ability for work. Hospitalisation is free and charged to the region.

Policy coherence and effectiveness

There is no evidence of the actual impact of regionalisation of responsibility for specific measures in favour of integrating people with disabilities. The most important thing to highlight in fact is the overriding absence of monitoring and co-ordination of data on what is available and how effective it actually is in terms of employment or ‘employability’ outcomes.

Given the lack of data available identifying the type of measures in operation across the regions, it is impossible to draw conclusions on the positive or negative effects of national and regional level policy interactions. The rhetoric suggests that regional responses should make for greater coherence and appropriateness of responses in favour of the employment of disabled people, but evidence is lacking to support or refute this assumption.

The development of social co-operatives in the labour market is argued to have had an impact in terms of creating new employment opportunities, particularly favouring disabled people. However, no evidence is available in terms of concrete data on outcomes before and after examples of such measures to enable an objective assessment to be made.

There are no national data on the effectiveness of measures, strategies or actions in favour of employment of disabled people in Italy. There are varied definitions applied at the regional level, a wide variety of experiences developed to reflect the local situations across Italy and consequently a lack of any comparable or indeed any concrete data.

Results and Outcomes Indicators

For the reasons outlined above, there is insufficient data to respond to specific questions of efficiency, effectiveness and deadweight. Data on the numbers of people into jobs is largely absent, and generally fragmented. However, the little data there is presented below.

- Data concerning work placements show that disabled people are the category of people that make the most use of this kind of opportunity. Labour Ministry figures for June 1995 have 292 000 disabled workers employed in compulsory placements. Of these, 51% had ‘civil’ disabilities and 18% work injuries. 261 000 were registered on placements, representing 78% of ‘civil’ disabled and 3% of those with work-related injuries.
- According to recent research, only around 20-25% of starts on compulsory placement resulted in a positive outcome, the remainder ending in drop-out by the disabled individual, or in resignation before the end of the trial period, in termination by the employer during the trial period, or even before the start of the trial period.
- Those counted as employed under the compulsory quota scheme stood at 300.085 in 1981. In 1992, the figure had fallen to 234.510.

The placement experience, for people with sight disabilities, is said to be largely positive in that there are enough positions available to employ almost all those expressing an interest, particularly where they have a professional qualification. For example, there were 13 025 sight-impaired call-centre workers, 1 578 professionals in massage and physiotherapy, and 420 rehabilitation therapists registered (Albo Nazione) up to December 1997.

The Italian case finds that there is insufficient data to present results according to: gender balance, cost benefits and so on, because of the variety and fragmentation of local and regional experiences.

5.11 Luxembourg

5.11.1 Introduction

The policies for people with disabilities in Luxembourg are co-ordinated by the Ministry of the Family, Social Cohesion and Youth. Since the autumn of 1999 there is no longer a Minister for the Disabled. Employment policy is managed by the Ministry of Labour and Employment whilst the majority of implementation takes place through the Employment Administration (AdEM) and in particular the Department for Disabled Workers (STH). The National Action Plan contains some measures with reference to the new EU guideline 9 on equality of chances for all and legislation is outlined in an action plan for disabled people written in 1997.

The new government, which came to power in 1999 has stressed the importance of a coherent and global strategy towards disabled people, especially with regard to their income. The collaboration between the different ministries and sectors seems good perhaps helped by the smallness of the country. There is nonetheless some concern that the Ministries and STH work somewhat narrowly within their remit. As a result of this *info-handicap*, an organisation made up of 40 associations working in this area and with some responsibility for information provision, is developing a working group on disabled people and employment. This group will involve disabled people and those working ‘on the ground’ and will discuss the pressing issues with the

STH and different Ministries. In addition there is a National Council for the Disabled responsible for discussing co-ordination. This body is headed by the Director of *Vivre 81*, an NGO working in this area.

People must be registered as ‘disabled workers’ at the STH in order to partake of the majority of measures provided. Disability is defined as a 30% reduction in the capacity for work. There is a Commission of Orientation and Professional Reclassification (COR) that assesses those people who wish to be recognised. The assessment Commission contains 4 doctors and 3 civil servants; judgements tend to be based on medical assessments. The definition is regarded relatively flexibly however even so there can be confusion due to the multitude of definitions of disability containing differing % levels within the social security framework. In 1998 the COR saw 336 cases and recognised 137 of these as disabled (Ministry of Labour and Employment Annual Report 1998). At the end of 1998 there were a total of 1718 people who were recognised as disabled workers. Of these people, 66% had a physical handicap, 26% had a mental handicap and 8% had a sensoral disability (Ministry of Labour and Employment Annual Report 1998). At the end of 1998 1.6% of the unemployed registered with the national employment service (AdEM) were disabled.

5.11.2 Active labour market policies

Once recognised as disabled workers the persons receive counselling from the STH through a social worker and a psychologist to develop a proposed individual plan for reintegration. Such increased ‘mentoring’ and individual support is a new development brought into legislation in February 1999 as were many of the other measures from the 1999 National Action Plan (NAP). The reintegration plan could include employment placement on the open market or training or employment in a sheltered institution. Placement on the open market is increasingly being implemented by the STH through consultants who are active in meeting firms and trying to ‘sell’ the people at the AdEM to the firms. This framework of consultants is regarded as very successful by the STH. In the past the AdEM has been somewhat under funded in terms of human resources with 15-20 people trying to manage 1500-2000 dossiers. New staff are now being taken on for all services, not just the STH, to extend the help that they can provide.

Training

Training is mostly concentrated in two types of institutions. Firstly there are Centres de Propédeutique Professionnelle de l’Etat (CPP) which are state institutions offering specialised sheltered education and training to young people. Some people who are undergoing retraining are also forced to go abroad for these courses since Luxembourg does not have a critical mass of finances or disabled people to support large training centres. One new training centre is currently under construction as part of a cross-border project with Belgium, France, the Netherlands and Germany at Bitbourg. The second type of institutions are sheltered workshops which are run by non-public organisations and have more of a ‘firm-like’ organisational structure and culture (see

study in 1997 Action Plan). These sheltered institutions receive subsidies from the government to train disabled people and are overseen by a committee ('Comité de Gérance').

Whilst undertaking training in both institutions there is the possibility of benefits to ensure a sustainable minimum income. Within training there has been some evidence that women are more oriented towards cleaning and cooking whereas men get involved in a much wider range of options. The 1997 Action Plan stresses that all persons should be allowed to make a free choice as to the type of training they wish to undertake.

Quotas and other measures

In open employment there are a palette of different measures to support job retention and re-integration. There is a quota system for the public sector which seeks to ensure that 5% of jobs are filled with people with disabilities. The 1999 NAP focuses on trying to raise this level in state employment further. Quota system legislation does exist in the private sector setting different levels to be filled by different-sized organisations. These sanctions are not applied though and there are no data on the level of compliance. The STH prefer co-operation rather than forcing employers to take on disabled people.

There is financial support for re-integration for 2 years after a disabled person takes on a new job and disabled workers are eligible for an extra 6 days' paid leave per year, financed by the government. In addition there are subsidies for the adaptation of the workplace and some financial support for improving accessibility to, or at, the workplace. Legislation in this area may soon follow. There are now measures to allow company doctors to reallocate personnel to a different post in the firm rather than them dropping out of employment.

Benefits/work balance

There has been some criticism of Luxembourg from the European Commission on the level of benefits on offer and their disincentive effect on the unemployed from trying to find work. There is apparently very little difference between the level of benefit and that of the minimum income whilst in work. Moreover there are 15 000 people on invalidity benefit who have been recognised as unable to work, yet only 5 000 unemployed people in total. The new government wishes to change this situation. Unemployment is very low though and there does not seem to be a wish to force people to work, especially when this may be in an entirely different sector from that in which they are qualified.

Data/Monitoring

The data available is not particularly detailed and those people interviewed recognised this as one of the main problems with evaluation. The STH does have information by numbers of cases and total finance that it has its disposal to help people with disabilities in its annual reports. Often the financial information by single measure is limited although the excerpt from the year 2000

budget provided many data. As mentioned above, there is very little information on the employment of disabled people on the open labour market. It is also noteworthy that people with disabilities do not appear in the statistics on the level of unemployment. Censuses have been carried out to evaluate the situation in the public sector. However here and with regards to sheltered workshops there is no systematic collection of data. Though the STH does have information on its beneficiaries there are no data on the relative success or results of measures, e.g. transition to employment or deadweight effects. This makes an analysis of the policies difficult.

5.12 The Netherlands

5.12.1 Introduction

In the Netherlands, a very large number of people are unable to participate in the labour process because of disability. This can be two to three times higher than in other similar countries, even though Dutch people are not less healthy. This is due to the fact that many people have traditionally become reliant on payments under the WAO (Disablement Insurance Act). The government has since 1992 undertaken important steps in order to reduce the number of people incapacitated for work, and to keep the cost of financing the WAO affordable.

Over the past few years, a transfer of responsibilities has taken place within the social insurance sector. Spending on sickness (cash) benefits and disablement benefits passed from the public sector funds to the employers. The last developments were enforced by the introduction of the Pemba Act on January 1st, 1998. In Dutch Pemba stands for contribution differentiation and market forces in connection with disablement benefits. The amount of WAO-contributions of an organisation is depending on the number of employees with a WAO-benefit (premium differentiation).

The Pemba Act intends to encourage employers to pay attention to a policy on preventing illness and on rehabilitating disabled employees. Employers can prevent and reduce the amount of sick leave and disablement in their company by ensuring good working conditions (prevention) and by offering more opportunities for employment to people with health problems (reintegration).

The (Re)integration of the Worked Disabled Act (REA) provides for instruments and subsidies to create possibilities for employers and institutions to rehabilitate disabled persons. This act is in force since 1 July 1998. The REA has replaced the WAGW (Handicapped Workers Employment Act).

As of January 1st 1998, disability benefits are supplied under three acts:

- WAO (Disability Insurance Act): for the employed.
- WAZ (Self-employed Persons Disablement Benefits Act): for the self-employed.

- Wajong (Disablement Assistance Act for Handicapped Young Persons).

The WAO has been in place since 1 July 1967; the last two acts have replaced the former AAW (General Disablement Pensions Act, in existence since 1976).

There is no single definition of disability or of a disabled person. The laws concerning disability benefits (WAO, WAZ and Wajong), sheltered employment (WSW) and supported employment (REA) all use their own definition.

Until August 1st, 1993 a person was (totally or partially) disabled if as the result of illness or infirmities the capacity to obtain an income from labour is diminished. His or her capacity is compared with the income which healthy people with a similar education and experience normally earn. This definition was changed by the TBA (Act to restrict claims on disablement pensions). The aim of the TBA was to restrict access to benefits and encourage return to employment and self-reliance. The definition of disability shifted to a more broadly defined concept of possible labour for the disabled worker (before the TBA, the possible labour was in practice defined as the former job).

Under the social security legislation at this moment a person is legally unfit for work when the capacity to obtain an income from labour is diminished. The degree of disablement is defined as the difference between what a person actually earned (earned income) and what he could earn now (the remaining earning capacity). This is based on what a person is still able to do, considering his abilities and his skills. The remaining earning capacity is that which a person could, within reason, still earn in the regular labour circuit. This does not include work in sheltered employment. The degree of disablement corresponds with a certain benefit percentage, which are different for the WAO, WAZ and Wajong.

The **WAO** insures against loss of income due to long-term disablement. It entitles disabled employees under the age of 65 to a benefit if they are at least 15% unfit for accepted employment after 52 weeks of disability (this is the maximum benefit-period of the Sickness Benefits Act (ZW)). WAO benefit can be claimed for a period of five years. Applications to prolong this benefit must be made at least three months before the termination of this five-year period. This applies to all persons claiming WAO or AAW¹⁰ on or after August 1st 1993, irrespective of the claimant's age at that time.

The dissolution of the AAW on January 1st, 1998 resulted in the introduction of a new law, the **WAZ**. The WAZ protects self-employed persons from the financial risks of disablement. The WAZ concerns those who are self-employed, younger than 65 year and are disabled for at least 25%. The right to the benefit starts after 52 weeks (the maximum benefit-period of the Sickness Benefits Act (ZW)).

¹⁰ The AAW is the former processor of the WAZ and the Wajong, insuring non-employees.

Handicapped young people and students who become disabled while still completing their studies have hardly, if at all, been able to participate in the labour market. This is the reason why they are not usually entitled to claim WAO. The former AAW used to provide this group with a benefit. Changes in disablement legislation have resulted in this general national insurance being discontinued as of 1 January 1998. To provide handicapped young people and students with a benefit at minimum level a new scheme has been brought into being: the **Wajong**, the Disablement Assistance Act for since their Youth Disabled Persons.

As of 1 January 1998, young handicapped people and students who have become disabled while still completing their studies may claim Wajong benefit. This benefit can be applied for by young people of 17 years of age and over. Like the (former) AAW, the Wajong is intended for young people who have become disabled, and are so since their youth, and are not eligible for WAO because they have never worked.

There is no specific legislation protecting disabled people from discrimination in the Netherlands.

General Disablement Pensions Act (AAW)

The former AAW (replaced by the WAZ and the WAJONG) was not only a disability benefit scheme, but also covered payment of measures taken to maintain, recover or facilitate the ability to work, i.e. special arrangements and adaptations at work. But also additional services or products to improve living conditions could be financed on the basis of the AAW. Examples are combined transportation between home and work, sign-language interpreters and guide dogs for the blind.

The AAW also provides for measures to be taken to maintain, recover or facilitate the ability to work (special arrangements at work), as well as alterations to improve living conditions (combined transportation between home and work, sign-language interpreters and guide dogs for the blind).

Table 2.4 shows the weight of passive policies in the total collective (government plus social funds) expenditure. On average the share of expenditure on disability benefits in the total collective expenditure is 6.6% in the period 1988-1996.

Table 2.4 Share in total collective expenditure

Year	Total Collective Expenditure (in mln guilders)	Total Expenditure on Disablement Benefits (in mln guilders)	%
1988	276,260	18,486	6.7%
1989	278,150	19,027	6.8%
1990	288,990	22,038	7.6%
1991	306,270	22,164	7.2%
1992	321,170	23,159	7.2%
1993	329,880	23,116	7.0%
1994	332,910	22,449	6.7%
1995	369,788	21,333	5.8%
1996	340,415	21,854	6.4%
1997	349,470	21,464	6.1%
1998	361,145	20,698	5.7%

Source: CBS, Ministry of Social Affairs and Employment.

5.12.2 Active labour market policies

The 1999 National Action Plan for Employment

The key aims of the 1999 Dutch NAP are as follows:

- To reduce the inflow into (long-term) benefit dependency and, at the same time, to promote outflow from (long-term) benefit dependency.
- To promote the possibilities for combining work and caring.
- To restrict the early withdrawal of older people from the labour process.

Guideline 9 of the 1999 employment guidelines states:

Member states will give special attention to the needs of the handicapped, ethnic minorities and other groups and individuals who may be disadvantaged, and develop appropriate forms of preventive and active policies to promote their integration into the labour market.

The reintegration policy for (occupationally) handicapped people in the National Employment Action Plan is formulated as follows:

- As of July 1, 1998, the Occupationally Handicapped Reintegration Act (REA Act) became law. This Act contains instruments and guarantees for employers who recruit people with an occupational handicap or reintegrate them into their own companies. Existing instruments are made broader and easier to use. Employers who recruit or relocate an occupationally handicapped person are eligible for compensation of the costs involved. The employer is also protected from the financial risks of illness or (increased) disability of employees who were

occupationally handicapped immediately before their appointment. The act provides instruments to support job seekers with an occupational handicap in improving their position on the labour market.

- The Act makes it possible to experiment with a person-related reintegration budget (PRB). With effect from January 1999, three regions are working with this type of budget.
- The intensification of reintegration for the occupationally handicapped is expected to lead to an increasing number of job placements, rising by 6,500 per year to 25,000 in total; 15,000 as a result of mediation and approximately 10,000 as a result of the efforts of customers themselves. The final results for 1998 are currently not yet available.
- A proposal for legislation providing for the equal treatment of people with a handicap or chronic illness is being prepared. This relates to recruitment and selection, sports and the accessibility of buildings. This proposal represents an addition to and reinforcement of the positively encouraging reintegration policy. It gives the handicapped and chronically ill the right to equal treatment and the possibility of (individually) enforcing this right.
- Agreements have been made on a multi-annual basis between government and the involved parties in the care-centres for the handicapped on the improvement of the connection between care for the handicapped and the labour market. The possibilities for better use of the REA Act and the WSW will be investigated.
- The new REA Act fits into the broad policy concerning illness and disability. It gives employers more (financial) responsibility for their sick and disabled employees. This gives them a strong incentive to make an effort to combat sick leave and to (re)integrate sick or occupationally handicapped employees.
- In order to encourage employers to devote more attention to prevention and reintegration, in 1998 the Disability Premium Differentiation and Market Effect Act (PEMBA) was introduced. This involved the introduction into the WAO of premium differentiation and an (optional) own risk. Through the financial incentives, the employer will be more encouraged than before to relocate partially able-bodied employees within his company and to reintegrate the occupationally handicapped.
- One undesirable effect of this legislation could be that it deters employers from (re)employing people with an occupational handicap. This could lead to more stringent risk selection on a health basis when staff are recruited. In order to counteract risk selection at the application stage, the Medical Examinations Act entered into force on 1 January 1998, which in principle prohibits medical examinations at the time of appointment. In addition, social partners have formulated starting points for a careful recruitment and selection policy in companies.
- Of the “Inflow/Transition Jobs” described under Guideline 12, 10% are intended for people with an occupational handicap.
- In the sector of vocational and adult education the accessibility for handicapped participants is being improved, in order to improve their possibilities to get basic qualification.

Following the 1998 autumn consultations with the Labour Foundation, an action plan for the cabinet and the social partners was drawn up, containing recommendations aimed at the specific

interpretation of the reintegration policy for the occupationally handicapped. A total of over 350 million euro are available for 1999 for the application of employers' subsidies and instruments aimed at:

- a) Reintegrating ill employees with their own or another employer
- b) Improving the labour market position of and finding jobs for job seeking occupationally handicapped people.

The (Re)integration of the Work Disabled Act (REA)

In 1 July 1998 the REA replaces the former WAGW (Handicapped Workers Employment Act) and other reintegration-measures from other acts for disabled people (as for example the WAO and former AAW). The main target of the REA is to prevent the outflow of disabled individuals from the labour market. The REA puts the responsibility for the return of a disabled person in the labour process in the first place by the employer.

The REA has a quota for 3-7%, depending on the industry. In the REA is chosen for stimulation instead of punishment. The quota is a directive and not an obligation. If the share of disabled people in employment is not satisfactory in a few years, the quota will be an obligation. The REA contains also an incentive for employers to employ disabled people through a remission of the basic, general contribution for the WAO.

The REA applies to those who have a right to the WAO, WAZ or WAJONG. The act contains measures for disabled individuals, but also measures to stimulate employers to hire disabled people.

Three bodies, specifically the Lisv (National Institute for Social Insurance), the municipalities and the PES (Public Employment Service) undertake the implementation of the REA.

The available budget for REA is (in millions):

1998 NLG 421 (EUR 191.0)

1999 NLG 715 (EUR 324.5)

2000 NLG 790 (EUR 358.6)

Measures for the handicapped:

- Trial appointment: a disabled person can work for a few months on trial without the employer paying salary (unemployment benefit is continued during max. 3 months).
- Reintegration allowance during training: intermittent allowance at equal level as the unemployment benefit: when training is completed, entitlement to (rest of duration) unemployment benefit.
- Supplement to salary or income: when entering a new job the salary is less than the amount person should be able to earn given his disablement rate, the person can get a supplementary benefit.
- Financing training-institutes: structural financing of specific training-institutes for disabled.
- Personal reintegration-budget: 3 regional experiments with a job-ticket for disabled people: they receive a personal budget to buy placement services or other reintegration activities of their choice.
- Personal provisions: for example transport, adjusted means of communication or forms of training and education.

Measures for the employer:

- Appointment budget: a fixed amount is paid to the employer who hires a disabled employee as a lump sum compensation for adjustment of the workplace, training and coaching.
- Replacement budget: a fixed amount is paid to the employer if an employee can not return to his or her former function and needs another function in the same company.
- Individual tailor made budget: if the employer costs for reintegration are higher than the appointment or replacement budget, the employer applies for an individual budget.
- The employer is exempted from the obligation to pay salary during the first 52 weeks of sickness of an employee, if it concerns an employee who was disabled when hired.
- No-risk insurance policy: during the first six years after hiring a disabled employee the employer is exempted from supplementary (differentiated) WAO-contribution in case the employee applies for a disablement-benefit.
- Remission and discount on WAO-premium: If an employer spends 3% or more of his wage bill on disabled people, he does not have to pay (a part of) the WAO-basis-premium.

The Sheltered Employment Act (WSW)

The purpose of the WSW is to help handicapped people to get a suitable and meaningful job. Since January 1st 1998 the WSW is replaced by the WSW (New Sheltered Employment Act).

The new act proposes a narrower definition of the target group: work opportunities will be offered only to those, who as a result of physical, mental or psychiatric impairments are only able to work under adjusted conditions. Other changes in the new act concern the possibility to work in a regular job and the regularisation of the labour relation. Also the responsibilities of the municipalities are more concrete.

Table 3.1 Number of advises and subsidies

Year	Facilities advice	Wage cost subsidies	Counselling subsidies
1988	92,600		
1989	98,600		
1990	118,000		
1991	117,100		
1992	115,900	1,195	838
1993	110,100	2,456	1,238
1994	49,900 ^a	4,283	1,959
1995		8,136	3,190
1996		10,919	3,843
1997		12,590	4,014
1998		11,466	2,756

a) Since 1 January 1994 several care provisions are transferred to the ABWZ.

Source: Lisv, *Chronicle of social insurance*

Table 3.2 Number of people in the sheltered employment and the number of people at the waiting lists (at the end of the year)

Year	Persons	Fte's (full time equivalents)	Waiting list
1988	78,366	-	-
1989	79,973	76,046	10,820
1990	82,200	78,670	12,027
1991	84,113	80,359	12,969
1992	84,932	80,730	16,008
1993	85,714	80,594	16,626
1994	85,696	80,517	19,281
1995	86,588	81,168	21,891
1996	87,199	81,624	23,059
1997	91,023	85,087	20,384

Source: Ministry of Social Affairs and Employment.

Cost of the policies

The costs of the reintegration-measures for labour handicapped in the WAO and AAW (such as advice about provisions, wage cost subsidies and counselling subsidies) are presented in table 3.3.

Table 3.3 Costs of advice and subsidies (amounts in million EUR)

Year	Facilities advice	Wage subsidies	Counselling subsidies
1988	302.7		
1989	316.2		
1990	363.8		
1991	395.8		
1992	398.2	1.2	1.4
1993	379.2	4.9	1.9
1994	158.3 ^a	8.5	2.9
1995	77.8	16.4	4.9
1996	54.0	27.0	5.8
1997		32.1	5.8

a) Since 1 January 1994 several care provisions are transferred to the ABWZ.

Source: Lisv.

Detailed information about the costs of the WSW is presented in the annual reports of organisation for the sheltered employment (SW). Table 3.4 shows the financing of the SW for 1988 to 1997. The value added is the earnings of the SW.

Table 3.4 Financing of sheltered employment (amounts in millions EUR)

Year	Value added	Expenditure central government	Expenditure municipalities
1988	328.6	1,320.7	29.1
1989	361.7	1,301.8	21.4
1990	398.9	1,392.3	22.4
1991	434.1	1,455.8	15.6
1992	476.1	1,523.4	37.0
1993	524.3	1,632.4	43.7
1994	581.1	1,627.7	65.0
1995	647.8	1,667.6	83.4
1996	667.4	1,673.4	68.7
1997	669.7	1,659.7	64.0

Source: Ministry of Social Affairs and Employment.

Voucher scheme

A new scheme was initiated in 1999 which provides vouchers to disabled people to allow them purchase their own rehabilitation and employment services, thus “putting the client in charge”. This service is currently being piloted in a number of areas. The pilots are presently in the evaluation phase. Preliminary findings for a relatively low level of take up, but further findings will not be available until later in the year.

5.13 Portugal

5.13.1 Introduction

In recent years national policies in Portugal in the social domain, must be contextualised under some driving forces such as the political changes which occurred after the political change in 1974 and after Portuguese adhesion to the European Union (1986). One should take into account that the basic climate for policy changes are only 25 years old, meaning that during this period Portugal (sometimes in an adverse international context) tried to recover from almost half a century of deep socioeconomic and civic-political stagnation. Portugal is part of the so-called family of the Southern European welfare regimes which display a number of common institutional traits such as: low level of public financing, restricted level of benefits, precarious consciousness with regard to social rights and a significant role of informal and less organized support (based on families, community and voluntary initiatives).

5.13.2 Background

During the last decade and due to pressure coming from the (un)employment situation, a significant set of measures were implemented aiming to intervene in diverse aspects of the problem or to reinforce the initial qualifications and/or to work out conditions for requalification/mobility as well as the promotion of job sustainability.

Unemployment increased considerably in 1993 and 1994 although it was still one of the lowest rates in the European Union. Referring to the labour market situation, the current analysis is that the "activity rate, whose evolution has generally a cyclical behaviour, has recorded some increase. Simultaneously there was an increase in the employment rate and a decrease in the unemployment rate. During 1998, the employment growth pace was rather significant. In the second semester of 1998, employment grew 2,5% in relation to the homologous period of 1997, corresponding to a net gain of 111.2 thousand jobs. Although there has been a positive development of employment concerning the groups present in the labour market, in general, excluding men over 54 years of age, the increase was particularly significant in that which refers to women (+ 3.7%, between the 2nd semester of 1997 and that of 1998). Youth employment, which recorded in 1997 a significant recovery in relation to the negative trends of the preceding years, has also increased in 1998, although at a more moderate rate than in 1997. The employment of young women has also enjoyed a significant increase" (National Employment Action Plan, 1999).

Within its specific objectives, the National Employment Action Plan (1998) puts emphasis on the need "to develop active policy instruments adapted to the professional insertion of disadvantaged social groups" and, within the scope of this objective, to promote 9 measures designed as priorities and targets for policies. Measure number 9 is specifically oriented towards disabled people (including promoting an open labour market for all). To include in such an explicit way, disabled people within the objectives for employment policies is a significant turning point

towards the previous (more modest) link between both. (Further on some more details will be given.)

Another structural document (Agreement on Strategic Development - 1996/1999) refers to disabled people as a priority group to be included in active employment policies.

The Covenant on Co-operation for Social Solidarity agreed (in 1996) to by public and private non-profit social organisations was establish "to create the right conditions for the setting of a common strategy of co-operation between those institutions of the social sector who pursue social solidarity-oriented aims". Co-operation was foreseen for a variety of purposes and within the definition of the strategic fields of intervention ("giving support to people with disabilities and the mentally ill" were mentioned).

One can argue that the increasing expression and priority placed on disabilities in various strategic documents underlines not just the importance and relevance of the problem but an increasing social and political awareness.

Portugal is still living a period where it is important to combine policy interventions at the level of old and new social and economic problems, meaning policies at the same time providing and innovating the main pillars of social provisions within diverse fields.

The general improvement and modernisation of social policies in Portugal had consequences within the domain of policy towards disabled people. To aim at overcoming scarcity and inadequacy of public policies could influence policies for disabled people in several ways: general initiatives can take into account some of their needs and try to create a more adequate environment to recognise and to answer their specific needs. One example is the National Programme on Action to Combat Poverty (started in 1990, RCM 8/90) that defined as a general purpose the combating of poverty and social exclusion via the implementation of local projects and providing co-ordination among the activities of diverse departments and entities related with the poverty domain. Some of the projects have helped to increase and qualify resources at the community level and to improve the quality of life of the local population. However there continue to be difficulties in obtaining precise indicators when having to answer to the situation of disabled people (in housing, health and care problems).

Similar effects can be identified within the Guaranteed Minimum Income (GMI), created in 1996 (Law 19-A/96) and aiming to provide financial support and a programme of negotiated contractualised integration aiming at benefiting families, by providing them with a minimum level of living resources. There are families facing problems with disabilities that take part in this programme, thus they receive minimum support (no data are available on disabled persons included in the GMI).

Another recent measure called the Social Labour Market (RCM 104/96) is also an important plank in the struggle against unemployment due to its expected strategic impact on social exclusion. SLM is conceived as a "diversified set of solutions for socio-occupational integration or reintegration of the unemployed based on non-market socially needed activities" (RCM 104/96). The fields of activity on which SLM focuses include social support, proximity services, rehabilitation of the natural, cultural and urban heritage, tourism and making use of leisure time. "SLM introduces a clear distinction between paid employment and occupation (...). It guarantees

a socially useful occupation in the absence of job or training alternatives and a subsistence income equal to the national minimum wage (plus transport and food expenses)” (Lopes, 1997).

Within the scope of this measure it was expected that already existing measures (occupational programmes, local employment initiatives, sheltered employment, etc.) would be articulated with new innovative ones (workshop schools, insertion enterprises and service-employment cheque).

Recent initiatives were developed aiming at reinforcing the co-ordination among policies as well as formalising a more plural involvement of concerned agents. Thus, in 1996, a Citizen-Administration Forum was created, having as one of its participants a national organisation representative of disabled persons, aiming at shortening the distance between policy makers and the population and to advise on related initiatives. As part of the make-up of the current government (XIV), a specific Council of Ministries was created to guarantee the co-ordination of social policies.

At a different level but sharing identical purposes, a programme called Social Network has been created to implement a strategy of social intervention that seeks to rationalise and to make more effective the role of those involved in measures and programmes directed at fighting poverty and social exclusion and in the promotion of social development. Some interesting ideas are connected with this programme: the need for articulation of policies and agents within the domain of policies for the more vulnerable groups as well as emphasis on a more active role for local authorities. Policies for disabled people are mentioned as part of the areas to get priority attention.

Since the late 1980’s, the emphasis on active policies, has given birth to a new accent on a combination of measures and on a different view of integration via work, implying a more integrated and work centred approach in the field of people with disabilities.

5.13.3 Active labour market policy

The field of disabilities has received, although only recently, the same kind of recognition that most other social and economic problems have received, thus benefiting from the political changeover (1974) that produced the climate necessary for such recognition to come to the surface.

According to article 71 of the Constitution of the Portuguese Republic (approved in 1976 but which was revised for the third time in 1992), disabled citizens are entitled to the same rights and are subject to the same duties as all citizens: "The State is obliged to promote a national policy on prevention and treatment, rehabilitation and integration of disabled people as well as to develop the adequate pedagogy to make society aware of its duties of respect and solidarity and aiming to ensure that all citizens fully enjoy their rights, thus not putting in cause the rights and duties of parents or legal tutors" (...); it is also stated that "The State supports the associations of disabled people" (*The Portuguese Constitution*, 1992, Article 71, numbers 2 and 3). Some vigorous social movements after the political changeover in 1974 was found among people with

disabilities. Among them one can stress those underlined very strongly the dimension of disabled persons problems and the lack of policies towards mental disabilities, and, at the same time, who underlined the role and vitality of civil society (movement of Co-operatives for Education and the Rehabilitation of Mentally Disabled citizens). Another active social movement was played by the Association of War Disabled (ADFA) mainly funned by ex-participants on the colonial war in Africa.

Portuguese legislation and initiatives received a significant impact as a result of the International Year of Disabled People (1981) as well as a result of the United Nations World Programme of Action Concerning Disabled People. Portugal was one of the first countries to sign the International Labour Organisation Convention on Vocational Rehabilitation and Employment of Disabled Persons (159/1983).

During the 1980's, the main emphasis on policies within the field of people with disabilities tried to combine orientations for employment with financial incentives to employers and a law to regulate the implementation and support for sheltered employment. Like the trends in other policy fields, Portuguese adhesion to the European Union made it possible for influences to be felt and opportunities to be confronted with practical and systematised experiences and projects of other countries.

In 1989, Law no. 9/89 (of 2 May) established the main framework for a national policy, aiming at promoting and ensuring the exercise of constitutional rights in the fields of prevention, treatment, rehabilitation and equal opportunities for disabled people. Principles of universality, integration, co-ordination, equal opportunities, participation, information and solidarity were announced as the basic pillars of all public initiatives guiding rehabilitation policy. Work was stressed as a dimension where positive intervention was needed in order to eliminate discrimination. Rehabilitation was defined as a multidimensional process, thus encompassing diverse and articulated intervention, including prevention, information and inspection, medical and functional rehabilitation, special education, professional rehabilitation, support for families, accessibility and mobility, technical support, cultural, sportive and recreational initiatives. The law identified a variety of public administration services to be involved: health, education, social security, vocational training, employment, transport, urbanism and housing, fiscal, cultural and recreational. Statutory budgeting would be responsible for the costs of this policy. An interesting aspect was the recognition of a twofold policy aimed at generic aspects as well as at providing answers for the heterogeneity of individual situations.

Some of the aspects announced within this legal diploma have only in recent years been addressed by adequate measures, which says something about the distance between the conception of certain principles and the initiatives undertaken to fulfil them.

Since 1989, the Institute of Employment and Vocational Training (nowadays part of the Ministry of Labour and Solidarity)(IEFP - created in 1979) has played an important role as the main governmental agency in the field of employment policy and in the area of policies for people with disabilities too. "As well as introducing uniformity of criteria, the statute aims at retaining private bodies management responsibilities and to ensure that the voices of disabled

people are heard in the execution of each programme". Regulatory Instructions in 1990 (no. 99/90) set out the details of procedures for putting into effect the standard framework for granting technical and financial aid to the sponsors of rehabilitation programmes. IEFP gives assistance to disabled people and to public and private organisations running programmes for prevocational education, vocational guidance, training and retraining, employment and self-employment. (...) Much of its role is around the formulation of general policy and new legislation, public education, research, planning and promotion and co-ordination of public services. It also supervises technical co-ordination between vocational rehabilitation and employment services and implements staff training in the field of social and vocational integration. In addition, it supports and promotes those bodies which aim at vocational rehabilitation, including non-governmental organisations (NGOs) (ILO, 1997).

The emphasis of employment policies (linked with new political orientations) have obliged the IEFP to enlarge and to diversify its role. During the last five years, in addition to an approach aiming at a position that pays attention to local problems and potentialities, the Institute has had to play a role in the implementation of the National Employment Action Plan. "Heavy emphasis was placed on the fundamental importance of the most rigorous possible assessment and guidance conducted by multidisciplinary teams (decree law 247/89). Procedures for supporting the guidance, training and placement of disabled people have been formalised according to strict procedural rules. The policy emphasis remains on vocational training of specialist staff and the use of new technologies to improve training (Pluri-annual Employment Programme 1994-1999)" (ILO, 1997).

In relation to a **policy of co-ordination** within this area, in 1977 the National Secretariat for Rehabilitation was established. This organisation is part of the current Ministry of Labour and Solidarity. It is the official body responsible for the co-ordination of cross-sector policies in the domain of rehabilitation. The main restructuring of the Secretariat occurred in 1992 and again in 1997 new orientations were defined for it. From 1996 the Secretariat took on the name of National Secretariat for Rehabilitation and Integration of People with Disabilities (SNRIPD). According to the most recent legislation (DR 56/97, 31st December), the main objectives established for Secretariat are: "planning, co-ordination, development and execution of national policy on rehabilitation, insertion and integration of people with disabilities". In order to respond to a broader range of functions, internal reorganisation was also foreseen that, in addition to the maintenance (financial and administrative) sectors, planned the organisation of a technical department, research and training, international and European issues, juridical support and public relations.

The National Council for Rehabilitation was reorganised in 1992 as a consultative body of the Secretariat. It was made up of members appointed by state departments, NGOs, trade unions, employers and other public, private and charitable umbrella organisations. In 1997, this commission saw its scope, composition and organisation defined (within the scope of Decree Law 225/97, 27th August). This commission ceased to be a body integrated in the National Secretariat (SNRIPD) and became defined as a consultative body directly linked with the Ministry of Labour and Solidarity. One can notice two signs of the increasing relevance of issues

related with disabled people on the political agenda: on one hand, the reorganisation of public entities and, on the other, the reinforcement of the role of the consultative commission.

With regard to other initiatives undertaken during the last five years, it is worthwhile remembering the following as having raised attention:

- i) 1995 - creation of the Innovation Centre For Disabled People (CIDEF) (D 29/SN/95);
- ii) 1997 - Technical Regulations for the Access of Disabled People to public buildings, collective equipment and streets (DL 123/97) (this law stipulated seven years to promote all the adaptations needed);
- iii) 1998 - creation of an Observatory on Integration of People with disabilities (law 30/98);
- iv) 1998 - regulations to promote accessibility in public transports as well as in taxis (DN 44A/98, DN 44B/98 and 251/98);
- v) 1998 - flexibility of working hours in public services (DL 259/98);
- vi) 1998 - National Initiative for Citizens with Special Needs;
- vii) 1998 - creation of a working group to reform the regime of sheltered employment (D 8411798 - II Série);
- viii) 1998 - publication of a second edition of the "Guide of organisations and programmes for people with disabilities";
- ix) 1999 - National Campaign of Information and Motivation on the Question of People with Disabilities (the slogan of the campaign was "Accept the differences of some people as a problem for all");
- x) 1999 - regulations to promote access to Internet, namely with regard to the information of government and public services.

The National Employment Action Plan is a landmark within the policies for employment in diverse domains including the one of the most vulnerable groups. Although the recognition of "efforts made during the last few years to improve the socio-professional integration of the disabled", it is as well noticed that "there is still much to do in promoting equality as regards the employability of this segment of population". Some important omissions are referred to:

- The deficient application of the existing legislation;
- The scarcity of qualified and motivated human resources to work in this area;
- The inadequate interaction of local and/or regional resources;
- The lack of up-to-date and organised information about the theme of professional rehabilitation" (ENAP, 1998).

The Plan is designed for five years - 1998/2002.

Main (and ambitious) objectives are defined as the following:

- Increase, by 25%, during the five years of the implementation of the programme, the participation of the disabled in the employment policy measures.
- Assure a quota of 5% reserved for disabled citizens in recruitment processes for the Public Administration sector.
- Place two technicians in each Employment Centre who possess knowledge and competence in the area of rehabilitation".

In addition to the existing instruments:

- "-Evaluation/professional guidance;
- Professional training;
- Re-adaptation to work;
- Hiring Incentives (compensation subsidy, subsidy for the adaptation of workstations, subsidy for personalised reception, integration award, merit award, and reduction in Social Security contributions);
- Self-employment;
- Incentives for the disabled to work at home;
- Regime of protected employment;
- Training and employment technical help programme;
- Observer group for the Integration of Disabled Persons;
- Occupational activities centres;
- National Initiative for Citizens with Special Needs":

The following new instruments were programmed in 1998:

"Creation of a Local and Specialised Resource Network to support the intervention of the Public Employment Services (Job Centres), through the granting of credentials to rehabilitation institutions with capacity and technical competence in the area of Professional Rehabilitation;
Creation of a regime of placement support and post-placement accompaniment, through the signing of programme contracts with local entities which develop Professional Rehabilitation actions;
Creation of a community network of social support which provides an incentive for the promotion of housing solutions which are adapted to the nature and intensity of people's disabilities;
Creation of a telework support system for the disabled".

In 1999:

"Creation of different types of employment compatible with normal labour market for the disabled who do not possess the necessary conditions to be integrated in the normal competitive labour market;
Establishing a quota of 5% destined for disabled citizens in the recruitment processes for the Public Administration;
Systematic increase in the support to disabled within the ambit of the employment programmes;
Fiscal incentive for the companies which promote home-based employment for disabled workers.
Development of the ProACT - Transition to Adult Life for Young People with Special Education Needs;
Development of a protocol oriented towards the integration of members of ethnic minorities in the labour market;
Stimulate, within the framework of the Social Employment Market, the employment of cultural intermediaries recruited from within the ethnic minority communities;
Creation of a unit to accompany the situation of ethnic minorities in the face of employment;
Development of the Life-Employment programme directed towards the integration of former drug addicts in the labour market" (ENAP, 1999).

This document (agreement) has a significant potential due:

- i) to the established principles that at the same time recognise conditions of equal situation on the basis of the heterogeneity of personal and local situations of disabled people;
- ii) to the concrete objectives and the attention paid to indicators of results (assessed on the basis of the rate of insertion of participants in the measures foreseen).

The big challenge is to fulfil some of these objectives in a context of incomplete realisation of some of the previous goals. In this respect, training for the professionals, at diverse levels of responsibilities, has to play a central role in order to facilitate the expected changes. The right combination of public responsibilities and participation of private agents, for a long time working within this area, is a crucial ingredient that implies a real role for the diverse consultative bodies that from now on are asked for more than just formal representation.

Directly linked with European Union initiatives, short mention should be made to three main programmes with a significant impact at the national level (and that were co-financed): Helios, Horizon and "Integrar". The first one is connected to the National Network of Centres aiming at the adequate dissemination of information mainly to disabled people. Under the Horizon programme, 126 projects were developed (approximately 50% in the domain of professional and employment initiatives for disabled people).

Since 1997, the so-called Operational Intervention "Integrar" (to integrate) is in charge of the initiatives in the domain of training for the disabled population that was previously organised by the Institute of Employment and Vocational Training (IEFP). In addition, measure five of this same programme financed as well the construction and adaptation of Infrastructures and Equipment to Support Socio-economic Integration of More Vulnerable People (some Centres for Professional Rehabilitation were financed). During 1999, 6641 persons were involved in the local projects as part of the "Socio-Economic Integration of People with Disabilities". A significant part of the initiatives also provided training for up-grading qualification of technicians and other professionals. An Integrated Operation for Employment of the Disabled (in Lisbon), aiming at providing an adequate and integrated answer to employment demands, was also financed and during 1998 received 139 persons.

A main question arising from this panorama has to do with the disparity of the existing measures within policies, programmes and projects due to legislative overlap and lack of implementation of some political measures. Rather than a integrated policy for disabled person one should recognise a plurality of measures, initiatives and activities which coherence and co-ordination is fragile.

The position of disabled people in the labour market

The dissemination of the results of a national survey (called QUANTI) on people with disabilities played an important role and provided a good basis for planning and raising the awareness of the investments and priorities towards this population. According to this survey (held from 1993 until 1995) there exist in Portugal 905.488 disabled people, representing 9,16% of the total population (approximately the same as the average estimated for other European Union countries). It was found that there is an increasing number of people who suffer at least one

disability during their lives. The critical period in life for acquiring a disability is situated between 45 and 54 years old, due to an increasing rate of dependency. At the beginning, and during retirement age, the rate of disability is higher. A significant number of disabled people are part of categories of population with compulsory education, vocational training and employment, which implies careful attention to related special needs (QUANTI, 1996). It was possible as well to identify the distribution of disabled people according to the type of disability (see Appendix 1 and 2).

No information is available on unemployment among disabled people, however one can obtain some indirect information. One source of information comes from the statistics of official employment centres. During 1999, these were some of the features found:

- 3300 disabled persons asked for employment (in the official centres):
 - * 2082 men,
 - * 1218 women.

Comparing years 1996, 1998 and 1999, the evolution of the rate of unemployment registered a more significant decrease among disabled people (-32,9% and -24,06% for the non-disabled population).

Mental and mobility disabilities have higher levels of demands for employment:

- 2 255 (72% men and 62% women of the total) were unemployed
 - * seeking for the first job – 675;
 - * asking for a new job – 755.

Compared to the general population, and over a period of 3 years (1996, 1998, 1999), people with disabilities have:

* a more positive rate of variation with the exception of the category of disabled people with one occupation, where they have a higher rate of demands for a job (43,3% in comparison with 25,39% of the general population);

- 52% of men and 47% of the women are demanding a job for 12 or more months;
- 72% have less than compulsory education and just 2,5% have a medium or higher degree.

However, in recent years, some changes were noticed, employment is still a difficult issue for people with disabilities due to a combination of factors and among them the socio-institutional ones are not a minor issue.

After the approval of a comprehensive law in 1989, the National Employment Action Plan (1998) became the main policy orientation towards the domain of people with disabilities. Its broad scope and the plurality of measures and activities foreseen within it are likely to be considered adequate for the extension and nature of problems and needs within this area.

One of the questions that should be analysed is how it will be possible to change experiences based on projects and local programs into policies that can offer the needed security for a

vulnerable population. In other words, how to move the diversity of experiences into a coherent policy (based on experiences).

Attention is necessary to avoid that the positive flexibility and adequacy of projects and experiences might slide into a precarious way to run, manage and assess policies of the most vulnerable groups (in name of their diversity and heterogeneity).

Thinking about previous experiences as well as the "organisational culture" linked with a low level of social rights, a significant effort should be allocated to the animation of new initiatives. Aiming at a transversal influence in combination with the need for a new vigour in the existing (more sectorial) ones, active policies on employment (namely in the specific field of people with disabilities) asks for an enormous investment towards the improvement of qualifications of the related professionals but as well towards the abolishment of established mechanisms and procedures in regular services and organisations.

There are very good historical reasons to consider that in Portugal the "activation" principle in policies puts great emphasis and responsibilities on public agents, namely for the incomplete and insufficient level of social provisions and as well as for the driving role they are supposed to play in a context of limited resources. Portugal is still in the position where basic guarantees must be worked out without forgetting new modes and compromises of diverse agents in society.

5.14 Spain

5.14.1 Introduction

To qualify for programs supported by INEM (the Spanish Public Employment Service) people must suffer a reduction of capacity for working of at least 33 per cent (and must be registered as unemployed). The level and type of the pension benefits are related to the level of capacity reduction. Experts from IMSERSO (Institute for Migration and Social Services, formerly INSERSO) determine the percentages.

The Ministry of Labour is in charge of the employment, pension and benefit policies for disabled people. There are two key organisations of this Ministry: INEM, the Spanish Public Employment Service; and IMSERSO. Both organisations collaborate in the provision of training programs for disabled people.

The regional structure of the Spanish public administration has imposed a process of transferring many competences on employment policies from the central government to the regional authorities (called 'Autonomous Communities'). Although this transfer process has not yet been completed (and its 'speed' is different among Autonomous Communities), in many aspects the above countrywide public organisations are more coordinators rather than being responsible for the specific implemented policies.

At an intermediate level between public institutions and disabled peoples' organisations there are the following advisory bodies:

- Royal Foundation for Preventive Care and Treatment of Disabled Persons, where public administration and organisations are represented.
- Disabled Persons Board of the IMSERSO.
- Council of State of disabled people, which is an inter-ministry office created in 1999 to promote the collaboration of the disabled organisations and of the public administration about the design of coherent policies for this collective.

In these advisory bodies, there are representatives of the Autonomous Communities with competences.

The disabled peoples' organisations have an important 'social visibility', mainly ONCE (the Spanish organisation representing the blind) and the ONCE- Foundation. The cornerstone of this organisation is a lottery that is only sold by the ONCE members.

However, other organisations have also been firmly involved in the recent evolution of the sector. In the eighties, there has been a process toward unification and coordination of the main organisations (by disability type and for the disabled as a whole). Probably, CERMI (Spanish Council of disabled peoples' representatives) is the most important. CERMI was created in 1993 by six organisations (COCEMFE, FEAPS, CNSE, FIAPAS, ASPACE and ONCE). At this moment, it includes the ten biggest organisations where there are integrated more than 2000 small associations. It means that around 2.5 millions people are represented by CERMI.

5.14.2 Background

The exhaustion of the LISMI

In 1982 the LISMI was enacted. This law is the most important insight about disability policies in the eighties. It has permitted the development of the social protection as a cornerstone to support the social integration of the disabled (as the own name of the law stressed). Nevertheless, the social integration through the participation into the labour market (or special sheltered employment schemes for those with special integration problems) was stressed in this act as one of the main objectives. The Royal decree 1451 (May 11th of 1983) implemented some of the measures proposed for the integration into the labour market: a quota of 2 per cent for disabled workers for public and private employers of more than 50 employees¹¹; a subsidy for those firms hiring a disabled workers under a permanent contract with a full-time basis; a reduction in the employer's social security tax in respect of disabled workers; a financial support for disabled

¹¹ These disabled workers had to be previously registered as unemployed in the employment offices.

workers' cooperatives; and additional fiscal incentives for annual increases in a firm's disabled work force. The CES report (CES, 1995) offers data about these measures. They show that the data sources are very fragmentary and disperse, and the relatively small impact on total employment of the above described initiatives.

In 1985, two additional Royal decrees (developing the 1982 Act) regulated the *Centros Especiales de Empleo* (Special Employment Centres, hereafter CEE) and the *Centros Ocupacionales* (Occupational Centres). The Special Employment Centres were conceived as a previous step for the *normalised* labour market, whilst Occupational Centres had a function more related to the rehabilitation than to the labour market. Also the CES report (CES, 1995) offers some statistical information about these special workshops.

Although these sort of employment measures were considered as advances respect to the previous situation, the generalised perception has been that the main success of the LISMI was providing a coherent policy of enough income transfers, relegating other key aspects of social integration, mainly the participation in the labour market.

The general perception was that the LISMI, at the end of the eighties, was exhausted. A Parliament Commission of 1992 (created for a global evaluation of the LISMI) underlined that it was necessary to begin with a new phase for the policies toward disabled people. The key concept has to be the social integration through the participation in the *normalised* labour market. With the highest unemployment rate in the OECD, the Spanish labour market is a very hostile place for everybody, but for the disabled people has been an almost non accessible place. In other words, the problem for this group is more the participation into the labour market (to become an active) more than remaining unemployed. For example, see table 1. The unemployment rate is greater for the disabled, but the difference between the participation rates of this collective and the population is almost the double for men and almost the triple for women. These figures confirm that the problem of the disabled in the labour market is mainly the access.

Table 1. Participation and unemployment rates for the disabled people and for the population by gender (percentages). (1986)

Rates	Men dis.	Wom.dis.	Men.pop.	Wom.pop.
Particip.	45	13.7	79.4	34.7
Unempl.	28.6	21.9	20.8	26.1

Source: Table 4 from CES (1995).

5.14.3 Active labour market policies

Is in this way that we have to interpret the recent insights of the employment policies for the disabled: the Action Plan for the Disabled in 1996; the measures in the Long-term Employment

Plan (*Plan Plurianual de Empleo*); the Urgent Measures Plan in 1997, and the specific measures considered in the NAPs of 1998 and 1999.

The proposals of the 1992 Parliament Commission are collected in the Action Plan for the Disabled People of February 1996. It is conceived as a global plan, a framework to give coherence to the policy measures promoted by the different levels of the public administration (mainly central government, regional authorities and municipalities) in order to promote (explicitly) active policies. The plan is structured in five chapters, and the fourth one is devoted to the participation and integration into the economic activity. This fourth chapter includes three programs: professional recovery; placement and labour market integration, and economic and social protection.

In the Long-Term Employment Plan (which is incorporated into the current employment strategy of the European Union) included in the section II.5 the measures and orientations respect to the labour market integration of the disabled people. The measures covers many fields:

- Incentives to the disabled hiring: training and apprenticeship contracts; permanent contracts, and temporary contracts.
 - Measures proposed by the disabled organisations: increasing institutional participation of the organisations; a renewal of the register of disabled unemployed and promotion of specialised intermediary services; developing occupational orientation; giving a legal support to the supported employment.
 - Measures derived from the LISMI: analysis of the employment and unemployment of the disabled; intermediary services; rehabilitation; improving CEEs; integrating financial assistance, fiscal incentives in sheltered employment centres and in *normal* firms; substitution of passive policies by active policies.

In October 1997, we have the most important recent insight: the agreement between CERMI and the Spanish Ministry of Labour about the Plan of Urgent Measures to promote the employment of the disabled. It includes four main issues: institutional participation; intermediary services into the labour market; vocational training, and hiring and labour market integration.

During the last two years (1998 and 1999) the employment policies for this collective is described in the corresponding National Action Plans presented by Spain. In the NAP-1998 we can stress two measures: improving the employment of the collective, focusing on young people and women; and the creation of jobs adapted to disabled people. The indicators related to the performance of these measures could be calculated using the statistical information contained in the *Boletín de Estadísticas Laborales* and the *Anuario de Estadísticas Laborales*. However, these indicators are *aggregated*, in other words, they are not referred to specific measures or programs. The result is that other extremely inefficient programs can distort the effectiveness of specific measures.

The NAP-1999 presents a context of a general 'push' on active labour market policies (an increase in 67.4 per cent in the funds allocated to these policies by the Spanish Public Employment Service, INEM). The measures described under the guideline 9 ('promoting a labour market open to all') are the following: to introduce the Law for Social and Labour Integration to encourage the integration of people under (or in risk of) social exclusion; and to improve the access of this group to the labour market through increasing employability and financial assistance for their recruitment. The proposed indicators are the numbers of people benefited from these actions. Again, the performance indicators are really limited: an increase of beneficiaries could give a distorted idea of the effectiveness of the measures because it is only related to the size of the policy and not with the quality of the programs. There are other measures for the disabled people under the guideline 7 ('improving the quality of the school systems'). In this sense, the Social Guarantee Programs will increase over 38,000 beneficiaries. These programs look after people particularly disadvantaged (among other reasons because of special educational needs deriving from disabilities).

In many ways, the change of orientation detected in the policy process above described does not mean a bigger size of old policies but the implementation of new policies or, at least, deep structure of some policies. The common feature of all these new policies and programs initiatives is the activation of individuals and the *activation* of policies. About individuals, the activation refers on creating economic incentives in the *right* direction, or in other words, providing an incentive to the entry into the labour market. On the other hand, the activation of policies focuses on the *normalisation* of the disabled employment into the global employment policy and on the attempt do not creating firms or organisations isolated from the market to give an occupation to the disabled people.

Among the most remarkable activating measures there are the following:

- Changes introduced in the CEE in order to approach it to a typical firm operating into the open market.
- The recovery of some pensions when a disabled worker (who was a beneficiary of this pension before his/her hiring by a firm) is separated from his/her job (amendment to the Social Security Act introduced by the law 13/1996).
- The programs of Supported Employment, which are mainly focused on psychic, disabled people.

All of them can be considered as *good practices*, in the sense that this term is used in the design of the current European strategy of employment policies. We proceed with a description of the good practices.

The CEE was born as a positive discrimination policy for those disabled with more problems of labour market participation. Therefore, people with mental retardation have the bigger share in

the CEEs. Disabled people who suffer more than one handicap have found in the CEE a first step to the social integration. During the nineties and after around ten years of the official definition of the CEEs, the debate in the disabled organisations focused on the flexibility of the CEEs in order to compete with firms in the products market. Therefore, the CEEs would give an employment opportunity for the disabled closer to the *normalised* labour market. This adaptation was proposed following these lines:

- The possibility to increase the percentage of non-disabled workers.
- The possibility to ask for overtime to adapt the performance of the centre to a positive demand shock.
- The possibility to separate workers through the usual institutional procedures stated in the Spanish Workers' Charter, in special, collective dismissals for economic or technological reasons.
- The possibility to contract some disabled working at their home.
- The possibility to use part-time without lose the financial helps.

The main change implemented has been the definition: now any centre with 70 per cent or more of disabled worker is considered as CEE. At the same time, the funding is proportional to the percentage of disabled workers. It is very soon to test the effects on the day-to-day performance of the CEE as true firms.

The change introduced in the relationship between some pensions and salary is a perfect example of activation of a typical passive policy. The reason behind is the following: if a disabled enjoy a non-contributory pension or benefit, he/she only will be interested in accept those jobs with a high salary and with a high probability to remain employed, because if he/she is laid off, it will be impossible to access again to his/her previous pension.

The amendment introduced in 1996 in the Social Security Act try to counteract this incentive to remain inactive. It allows the recovery of the non-contributory pension when the disabled is separated form his/her job.

Therefore, we can see in this measure an important step toward the activation of the old passive policies, promoting participation into labour market through incentives in the right direction.

About supported employment, it is an employment strategy for reaching the social and labour integration of the disabled using a structured supporting system. The starting point in Spain of the supported employment was the 1st Simposium on supported employment at Majorca in 1991. In 1998 a research (Verdugo et al., 1998) collected data about the evolution of the supported employment in Spain. The beneficiaries are mainly psychic disabled (although they do not have the highest permanence in the jobs). The supporting structure requires a 'working trainer' (the 'support' to increase the employability of the disabled person) but in Spain the ratio of trainers on jobs is low (comparing to other countries). In addition, the required support depends on the type of disability (and it is the highest for those disabled with mental retardation or with more than one impairment).

The funding proceeds mainly from the European HORIZON initiative, although step by step some Autonomous Communities create some funds for supported employment.

The final example of good practice allow us to introduce a final issue, absence in almost any reviewed documentation: the important role played by the funding from the European Union, in special in the framework of the HORIZON program.

In IMSERSO (1998) there is a descriptive (and short) analysis of the employment for the disabled associated to the HORIZON program.

Above 50 per cent of the projects have created jobs under different forms, but oriented to the *normalised* employment (salaried workers, self-employment, small new firms, cooperatives, etc.). In this study, it is remarked the innovations in partnership forms and/or in the specific activities developed. Finally, it includes some information about the evaluation of these initiatives. Every project has developed some kind of evaluation. The evaluated issues have been methodological aspects, labour market integration, and attitudinal changes among the beneficiaries. The indicators most used in the evaluation have been the following: physical indicators; qualitative analysis, and quantitative analysis (through surveys).

The lack of systematic evaluations

This information on evaluation has been the only systematic data gathering on evaluation that I have found. There are other sources, but there are isolated initiatives of some disabled organisations and/or the attempt of some public administrations to evaluate a specific measure. For example, the Royal Foundation promote a valuable effort towards collecting data about the fulfilment of the quota in the public sector in a systematic way, the AESE (the Spanish Association of Supported Employment) has promoted analysis about its main actions of supported employment, etc.

Nevertheless, there is in the ministry and increasing willingness to consider evaluation as a valuable resource for the policy design. This trend can provide an incentive by the European initiatives as HORIZON or EQUAL, and the NAPs, where indicators of the success of the implemented measures should be proposed. This is a first step in the right direction, but it is not enough: in the NAPs the proposed indicators are not necessarily related to the efficiency of the measures or whether the objective of the measure has been fulfilled or not¹². In addition, never it is considered the eventual problem of a deadweight effect of some measures.

¹² For example, an increase in the number of students of vocational training courses is not a guarantee to increase the probability to became occupied of all of them. It depends on other variables, as implementation measures, quality of teachers, etc.

To sum up, the movement of policies for the disabled from the *passive* labour market policies (income transfers) to the *active* labour market policies has created great expectations about the next future of the employment for the disabled. The main objective of this important change is the integration of the disabled in the *normalised* labour market. Among the different measures implemented during last years, three measures have been remarked as good practices, all of them from the activation point of view. In addition, there is a chance to do not consider the policies for the disabled any longer as *ad hoc* measures out from the general design of the employment policy. In this way, may be the NAPs have created a long-term change in the integration of these policies into the general employment policies. The usual wisdom in the past was consider policies to those disabled as a part of social protection not a part of the employment policy and it remains in some forms nowadays. For instance, in the yearly socio-economic reports of the CES the issue of the employment of the disabled is not analysed in those sections devoted to the employment policies but in those discussing social protection. In the same way, currently the office for the Action Plan for the Disabled is located at the IMSERSO, not at the INEM or other organism closer to the making of general employment policy. Finally, the evaluation remains as a lack of the employment policies for the disabled, although this shortcoming could be more related to a general (and traditional) problem of the economic policy in Spain than with a specific absence of will in the disabled policies.

5.15 Sweden

5.15.1 Introduction

If an applicant at an employment office is in need of special guidance or rehabilitation measures as a result of his/her functional disability, or they cannot obtain work without the labour market policy measures reserved for applicants with a functional disability, the disability shall be entered in the National Labour Market Boards register.

The Labour Market Boards measures for the unemployed can be divided up into measures due to the economic cycle, which are directed towards all those seeking work, including those with a functional disability. In addition, there are special measures for individuals with disabilities.

A duty for the Labour Market Board is to prioritise groups considered being exposed on the labour market. To those groups people with work disabilities are canted. The participation of those groups in measures due to the economic cycle must be at least as big as there share of the unemployed registered at the Labour Market Board.

The number of persons registered with the employment offices/labour market institutes (Af/Ami) who have a disability in December 1996 was 83,796. The total number of persons registered was 835,007.

An employment with wage subsidy, public sheltered employment and employment at Samhall AB are characterised as employment with support for disabled.

Sheltered employment (public sheltered employment and Samhall AB) can be used only if the disabled person can not find a work on the open labour market, with or without wage subsidy. The Samhall concern is though not a part of the Labour Market Board.

A majority of the participants in public sheltered employment can not be considered being disabled in accordance with the most common definitions of disability (physical, mental or learning disability). The big majority of the participants have drug abuse and alcohol abuse problems or have problems on the labour market due to a criminal past. Each month about five to six thousand persons participate in this measure. Because of the lack of disability relevance I will therefore not include more information about this measure in this report.

5.15.2 Active labour market policies

Wage Subsidies

Wage subsidies are by far the most common labour market policy measure for job applicants with functional disabilities. In 1998 approximately 49,000 people were employed with the aid of wage subsidy.

According to the ordinance on wage subsidies, such subsidies may be paid to employers who recruit a functionally disabled worker. In the case of a disabled worker who is already employed the employer will receive the wage subsidy only if the employee returns to work after having been in receipt a full sickness compensation in accordance with the General Insurance act and is considered not capable of retaining the employment without the grant being paid. Only in a very small number of cases have wage subsidies been paid for workers who are already employed.

The level of the subsidy is determined on the basis of the individuals capacity to work and the degree of functional disability. The maximum subsidy, with a few exceptions, is 80 per cent of the wage cost. The main rule is that no proportion of the employees monthly wage in excess of 13,700 kronor may be used as a basis for the subsidy. If a person who has received a subsidy moves over to employment without a subsidy, the payment of the subsidy may be resumed within three years, if the person with the functional disability suffers a reduction in his/her working capacity.

The subsidy is paid for a period of no more than four years. It shall be reviewed regularly. The subsidy may be prolonged beyond the fourth year of employment only if this is justified in the

light of the work capacity of the disabled worker and his or her ability to transfer to a job where a wage subsidy would not be needed.

Employment with a wage subsidy shall be placed on the same footing as normal employment, which means that wage subsidy employment gives entitles the employee to sick-pay, sickness compensation and sickness benefit and can be combined with these and with early retirement. A person can, for instance, be employed half-time and be on half-time early retirement. The half time worked can be subsidised by paying a wage subsidy to the employer. The level of the subsidy is based on the working capacity during the remaining half-time.

Special Introduction and Follow Up-support for Disabled in Work Life

The Labour Market Board has since 1993/94 carried out trial activities to test if special person for support in accordance with the methodology of the supported employment could increase the possibilities for persons with more comprehensive disabilities to get and retain a job.

In general you can say that the trial activities have shown that a special support person for individual support and for introduction and follow up at the work place is the kind of support that has been missing for some groups of disabled. In the first place it's persons with psychical and learning disabilities who have been in need of the human support in combination of methodological and structured way of work. The activity has become an ordinary labour market measure the 1 July 1998.

Grant for Work Assistant

An employer who recruits a functionally disabled person or has a functionally disabled employee is entitled to a grant of up to 50,000 kronor per year for a work assistant. The grant is paid for expenditure in connection with specific personal support at a work place on behalf of seriously functionally disabled person if the functional disability gives rise to expenditure for such support to a level which significantly exceeds what may be regarded as normal for the position or work in question.

Within the complex of measures that includes occupational aid, work assistant and self-employment aid, the breakdown of funds spent is such that 36 per cent go to occupational aids, 34 per cent to work assistants and 27 per cent to self-employment aid. All in all, some 130 million kronor were spent on these three measures in 1995/96.

Self-employed Aid

Self-employed aid is intended to help functionally disabled persons start their own businesses. This aid may be given to functionally disabled persons who cannot obtain suitable employment on the regular labour market without labour market measures; it amounts to a maximum of

60,000 kronor. One condition for payment of self-employment aid is that the business can be assumed to make a significant contribution to the persons livelihood. Self-employment aid may be combined with the special grants given to unemployed people to help them start their own businesses.

Samhall AB

Samhall AB is the second most common labour market policy among the special measures for work disabled. In 1996 Samhall had 32 500 employees, of which 90 per cent had work disability.

Samhall is a state owned company with limited liability. The company has about 800 work places with 375 own factories, 60 integrated activities, 60 stores, 80 restaurants/hotels and 200 entreprenades in the service sector spread around 330 locations in Sweden.

During the first half of the 90-ties Sweden together with Netherlands had the highest share of the labour force in sheltered employment. The share of sheltered employment in Sweden was 7,5 per mille.

The purpose of this measure is to create meaningful and developing work for people with work disabilities where the needs are. There is production of goods and services which is adapted to the abilities of the employees at the sheltered workshop. Samhall gets compensation from the state for this work and for other extra costs due to, among other things, the extensive geographical dissemination of the Samhall concern.

Samhall sees it self as a "frontier guard" against stigmatisation and early retirement pension for people with disabilities. The frontier guard-function means that al other possibilities to get work, with or without wage subsidies, has to be tested before an employment in Samhall AB can become a reality. Recruitment to Samhall AB is carried out by the employment officers and the labour market institutes.

During an employment in Samhall you are obliged to be at the disposal of the labour market . The employee has the duty to leave his employment if he or she is offered a suitable work by an other employer. The employment security act is not in force. Through collective agreement the actual law is though applicable when an employment is terminated due to personal reasons.

Samhall work with three priority groups, which means that at least 40 per cent of the new employees should be people with psychical disabilities, people with learning disabilities and people with more than one disability. The three largest disability groups at Samhall in 1995 were mobility impaired (32 per cent) and psychically disabled and people with learning disabilities, 17 per cent each. The company is involved in production of goods and services demanded on the open market.

Act Concerning Certain Measures to Promote Employment

Under the terms of the Act on Certain Measures to Promote Employment the employer has a responsibility to discuss with the County Labour Board

1. measures to improve the working conditions of elderly workers who are already employed or employees whose work capacity is reduced,
2. measures to safeguard continued employment,
3. whether the recruitment of elderly employees or employees with reduced work capacity, and measures to promote the employment of such persons.

When there are reasons, the County Labour Board shall, on the basis of what has emerged from the discussions with the Board, give the employer instructions regarding measures that should be taken to provide better employment opportunities for elderly workers or workers with reduced work capacity. In this context, the board can demand that the employer, in connection with recruitment activities, increases the proportion of such employees in the work force in accordance with more detailed information provided by the board.

If the employer does not comply with the instructions sent by the Labour Market Board, the board can require the employer not to employ other workers than those referred to it or approved by the public labour office.

Grants for Technical Aids and Modifications to the Work Place

The National Social Insurance Board has secondary responsibility for rehabilitation under the terms of the General Insurance Act, in relation to the individual employer.

The social insurance offices are responsible for grants for technical aids and modifications to the work place for those who are already employed.

If an employer, for whatever reason, fails to take the necessary steps for rehabilitation, the Social Insurance Office can intervene and initiate them. Such rehabilitation steps could include obtaining occupational aids and adaptation of the work place.

The Labour Market Board is responsible for ensuring that the equivalent support is provided to unemployed people with disabilities to enable them to obtain and perform a job. The support is available when someone with a disability is employed and for any needs which may arise during the first twelve months of employment.

The Labour Market Board has a particular responsibility for the development of technical aids for work for the disabled being focused on specific goals and performed as efficiently as possible, to ensure that procurement is arranged constructively and with foresight to encourage new technical solutions in concrete working situations.

The same rules apply to the payment of funds in two separate statutes, one for the social insurance offices and one for the county labour boards.

Grants for personal aids are applied for by the insured person, while the employer applies for funds for adaptation of the work place. Grants can be given to both the employee and his/her employer at the same time for modifications to the work place and for personnel aids. The grant amounts to a maximum of 50,000 kronor each for the employer and the employee. If the grant is for computer based aids a higher sum may be provided.

No grants may be paid for aids or modifications normally required at that work place or which are required to ensure that the work environment is satisfactory. Nor may grants be paid for the repair of a fixture, a machine or a building.

Grants paid by the social insurance office to the employer for technical aids may be provided with support for half the cost for the aid or modification in excess of 10,000 kronor. Somewhat less generous rules exist for the employer in comparison with the payment of grants by the county labour board.

The County Labour Boards and social insurance offices have in practice very extensive influence over the equipment purchased. In many cases they decide for which equipment funds will be made available.

The Handicap Institute works with technology and methods development as well as with the testing of personal aids for the disabled. Although the work of the Institute is not specifically focused on technical aids at work, the personal aids are also used in working life. The aim of the activities of the Handicap Institute is to improve the quality of life for people with a disability by means of effective technical aids and an accessible environment. The institute is the central organ for technical aid issues and is run by the state and by the County Councils Association. It engages in research and development, testing, competence development and information.

NUTEK (the National Board for Technical and Industrial Development) is a state authority works with technical support for the disabled and which has recently begun to co-operate with the National Board for Communications Research with regard to programme measures relating to disabilities and technology, although with no specific focus on the disabled in working life.

Health care provided by county councils and municipal councils may also contribute to the provision of technical aids. In the first instance the county council is obliged to provide and finance technical aids for the individual without any special relation to work, aids which may of course also be used at work.

Work Environment Act

Issues relating to the work environment are regulated primarily by the Working Environment Act. The work environment regulations also incorporate demands for the adaptation of the working conditions of individual employees. Such adaptation would include, for example, technical modifications, the adaptation of tools, and measures relating to the work organisation.

The Labour Inspectorates are regional supervisory authorities in the field of the work environment and are part of the Board for Occupational Health & Safety. The Labour Inspectorates shall carry out inspections and issue injunctions and prohibitions to be enforced by means of penalties to ensure that the rules the Work Environment Act are respected.

The Labour Inspectorate has also a supervisory responsibility in connection with the adaptation of the individual work environment but not when it comes to rehabilitation of an individual worker. It also has supervisory responsibility in respect of system issues, i.e., the demands made on the employer to carry out rehabilitation activities, to have a rehabilitation organisation and the allocation of responsibility, etc.

The insurance office has a somewhat vague supervisory responsibility for the rehabilitation of individual workers. When it comes to financial support, the insurance office is entitled to decide on compensation for rehabilitation and the procurement of rehabilitation services

Under the terms of the work environment act, the work environment shall be satisfactory, taking into account the nature of the work and social and technical developments in society. Conditions at work shall be adapted to the varying capacities of people in both physical and mental respects. The employer shall also see to it that his business has a work adaptation and rehabilitation unit which is organised in a suitable way to enable it to perform the tasks which are specified in the work environment act and the general insurance act.

The demand for a suitable organisation includes the need to establish goals for the employers work adaptation and rehabilitation activities, to make regular studies to identify what needs exist for work adaptation and rehabilitation measures. The employer shall explain how the work adaptation and rehabilitation measures are to be organised. The personnel working with work adaptation and rehabilitation shall possess the knowledge and competence required for these tasks.

The rules in the work environment act stipulate that the employer shall follow up the work adjustment and rehabilitation activities each year, and make the changes the follow up shows to be necessary. Moreover, the employer shall have established the procedures that are needed for these activities.

The employer shall take into account the specific aptitudes of the employee for the job by adjusting the working conditions or taking other suitable steps. When the work is planned and arranged the differences in the aptitudes of people for various tasks shall be taken into account.

The employer has main responsibility both administratively and financially for rehabilitation of employees and is at present obliged to defray their loss of income during the first two weeks in the event of the employee taking sick leave.

Employment Security Act

Applications for a wage subsidy, procurement of an occupational aid, other rehabilitation measures of various types are in principle voluntary actions which cannot be forced on an employer.

However there is some indirect compulsion as a result of the employment security law. The failure of an employer to take any or sufficient measures for rehabilitation can mean that factual grounds for dismissal are deemed not to exist. In such circumstances, a dismissal would conflict with the employment security act, and it can be declared null and void and involve the employer in paying heavy damages. The unjustly treated employee can take the employer to court on his own or, if he or she obtains the support of his/her union, together with the union for breach of the employment security act.

Under the terms of the Employment Security Act the dismissal of an employee, regardless of category, shall be based on factual grounds. The reduced ability to work on account of sickness or functional impairment is not a ground for dismissal. The reduced working capacity should instead result in the employer using the aids made available by labour market policy and taking special action to make the work easier or in the employer transferring the employee to less demanding tasks.

As a general rule, there is no question of dismissal on account of illness so long as the employee is receiving sickness benefit from the national insurance office. To the extent that the illness or functional impairment involves a permanent reduction in work capacity that is so significant that the employee can no longer be expected to carry out any work of any importance dismissal is permitted.

But even in cases where employees can not perform work of any significance the employer must investigate whether it is possible to find other work for them before releasing them. In this context the employer shall use all reasonable means to reorganise his business so as to avoid releasing the employee. Typically, this demand involves making use of vacancies and does not require a new position to be created. Another limitation on the obligation to transfer the employee is that it will only apply to tasks for which the employee is sufficiently qualified.

No distinction is made between persons who are already functionally disabled and those whose functionality is reduced after employment. Job security, the work environment and rehabilitation

responsibility apply to the full to both groups. Nor in the case of the special types of aid that are available, such as grants for occupational aids, is any distinction made between the two groups.

The assessment of whether the employer has factual grounds for dismissing an employee includes the question of satisfying the statutory demand for rehabilitation measures. It could be said that the employment security law interacts with the provisions of the work environment act when it comes to the rehabilitation responsibility of the employer. However, it is not immediately obvious what the employers rehabilitation responsibility involves, in terms of the extent of his financial responsibility or in respect of the ability of the employer to take economic and organisational considerations into account.

According to the employment security act, an employee whose working capacity is reduced and who on account of this has been provided with special employment at a company shall have prior rights to continued employment regardless of the ranking list, if this can be arranged without serious inconvenience. Special employment includes specially adjusted work places and employment with wage subsidy. It is worth noting that the employee must also in these cases be qualified for the tasks he or she is to continue to perform.

Act Prohibiting Discrimination in Work Life of People with Disabilities

The new law coming in to force the 1 of May 1999 prohibits discrimination of people with disabilities on the labour market. More precise it prohibits the discrimination of disabled people due to their disability when they are applicants for a job or employees.

The law defines disability in wide manner saying that disabled are people with durable physical, mental or learning limitations of their possibility to functions. Limitations which the person in question have had from birth or which occurred later or can be expected to occur later (i.e. cancer, MS, HIV).

Both direct and indirect discrimination is prohibited. Indirect discrimination is defined in accordance with the definition of indirect discrimination on the grounds of gender of the EC-law.

The law also demands investigations to be made by the employer in connection to harassment by an other employee and also measures to be taken by the employer to stop the harassment.

When employing or promoting a disabled person the employer is forced by the law to make reasonable accommodations. The definition of 'reasonable' in the law is though not very precise.

In first place it is the trade union of the disabled person which has the right to negotiate with the employer and bring the matter to the Swedish Labour Court as the representative of the employee. If the trade union doesn't wish to do that the Swedish Disability Ombudsman has the right to become the representative of the disabled employee or applicant. This means that the

Ombudsman also has the right to litigate at the labour court. The sanction for breaking the law is always economic remedies.

The new discrimination law has only been into force for only eight months. It's therefore too early for any measurable effects of the new legislation on the situation of people with disabilities in work life.

Work Related Rehabilitation of Employees

The national insurance office has the responsibility for supervising rehabilitation by the employer in individual cases. However, it has no sanctions to resort to in the case of a gross breach of the rehabilitation rules by an employer. Once the insurance office reports the employer to the labour inspectorate for breach of the rehabilitation rules a power to impose sanctions has been created. It could be said that the supervisory responsibility of the insurance office has largely been assigned to the Labour Inspectorate.

The work environment act and the general insurance act do not give details for how the rehabilitation should be implemented. The idea is that the individual, the employer and the regional social insurance office should reach an agreement on the best possible rehabilitation measures, based on the needs of the individual, for instance rehabilitation at work. However, it is not possible to impose rehabilitation at the work place against the wishes of the employer. The ability of the Labour Inspectorate to use its sanctions system provided by the work environment act only arises in connection with inadequate adaptation of the work environment in individual concrete cases and the general organisation of the rehabilitation activities at the work place in question.

If it were the case that the lack of rehabilitation in the work place is a general characteristic of the employers' rehabilitation activities and if this can be seen to contravene the statutory demands for suitably organised work adaptation and rehabilitation, then there is a possibility for the Labour Inspectorate to intervene. In the final analysis, this means that the Labour Inspectorate can demand that the employer organises the work adaptation and rehabilitation activities in a particular way or at least in a better way. On the other hand, the Labour Inspectorate cannot intervene in a specific individual rehabilitation case.

An insured person who is registered with a national insurance office is entitled to rehabilitation measures and rehabilitation compensation. The insured person's employer shall be responsible, in consultation with the individual concerned, for ensuring that his/her need for rehabilitation is analysed as soon as possible and that any measures needed for effective rehabilitation are taken.

The national insurance office co-ordinates and supervises the measures which are needed for these rehabilitation activities. The work, provided the insured person agrees, shall be arranged in co-operation with the insured person's employer and union, the health and medical service, the

social welfare office, and labour market authorities, as well as any other authorities which may be involved. In this context, the insurance office shall seek to ensure that these bodies, each within its own area of activity, shall take the measures which are needed for effective rehabilitation of the insured person.

The general insurance act, which regulates sickness compensation, requires that the employer investigate and plan rehabilitation measures if an employee is sick for a long period of time.

The employer is obliged, unless it is deemed unnecessary, to accept responsibility for investigating and assessing the need for rehabilitation measures when an employee has been wholly or partially absent from his/her job for longer than four weeks as a result of illness, or has often had short periods of illness or if the employee him/herself requests it.

The rehabilitation investigation report should be sent to the regional social insurance office within eight weeks of the day the employee registered as sick.

The object of rehabilitation shall be to restore work capacity and the ability to support themselves by means of paid employment to a person who has suffered illness. The insured persons employer shall be responsible, in consultation with the insured person, for ensuring that the need for rehabilitation is clarified as soon as possible and that the necessary measures are taken for effective rehabilitation.

If it does not appear unnecessary, the employer shall begin a rehabilitation survey;

1. if the insured person has been completely or partially absent from his/her work for longer than four consecutive weeks as a result of illness ,
2. if the insured persons work has often been interrupted as a result of short periods of illness or
3. if the insured person requests it.

The rehabilitation survey shall be sent to the social insurance office within eight weeks of the date the sickness has been reported. In the case of points 2 and 3 above, the eight-week period is calculated as beginning from another point in time.

If there is good reason, for instance if the employer does not fulfil his responsibility to provide a rehabilitation survey, the social insurance office will take over responsibility for the survey.

The social insurance office shall ensure, in consultation with the insured person, that his/her requirements for rehabilitation are defined as soon as possible and measures are taken to ensure effective rehabilitation. The social insurance office shall ensure that rehabilitation measures begin as soon medical and other factors permit.

If the insured person needs rehabilitation measures for which compensation can be paid as described in this chapter, the social insurance office shall draw up a rehabilitation plan.

The rehabilitation plan shall state the rehabilitation measures which can be considered and who shall be responsible for them, a timetable for the rehabilitation and other information required for carrying out the rehabilitation programme. The plan shall also include information on the estimated cost for compensation during the rehabilitation period.

The social insurance office shall regularly monitor that the rehabilitation plan is adhered to and when necessary make changes to it.

Both sickness compensation in the form of sick-pay and sickness benefit and rehabilitation compensation are administered by the local social insurance offices. As I have noted above, the levels of sickness compensation and rehabilitation compensation are the same. This means that the potential for co-ordinating these two systems is good. The disbursement of life annuities to compensate for loss of income in connection with occupational injuries is also administered by the social insurance offices.

Rehabilitation compensation is paid to a person who takes part in work-life oriented rehabilitation and includes rehabilitation pay to compensate for the reduction in work capacity which follows from participation in a rehabilitation measure.

Sickness compensation and sickness benefit are paid out when work capacity is reduced as a result of illness and during medical treatment and rehabilitation.

There are no limitations regarding the possibility of combining sick-pay, life annuity and wage subsidy with rehabilitation at work. The lack of such combinations could be due to the order of priority in a persons return from an active sickness period to work. The reduction in work capacity as a result of illness and participation in medical treatment and rehabilitation is compensated for by means of sick-pay and sickness benefit. At a later stage, after medical rehabilitation, there is often a need for work life-oriented rehabilitation. In these cases it may be necessary to pay rehabilitation compensation and a grant for occupational aids.

Rehabilitation at ones own work place is one of the most common rehabilitation measures. A survey made of persons on long-term sick leave (90 days or more) in Stockholm and in Jämtland shows that of those who underwent work life-oriented rehabilitation between the years 1992 and 1994, between 42 and 44 per cent were given training at their own work places. These percentages relate to persons on long-term sick leave who retained their jobs. The two regions compared are in many ways each others opposites. The Stockholm region is densely populated with the countries largest city, while Jämtland is a sparsely-populated region in the north-west of the country.

Social Security and Work

The social security system has of course an important role in stimulating or even in some cases more or less forcing people to take on work. Here you will find the main instruments in the system of social security to stimulate for permanent work or to try on work in case of sickness or disability.

There is also the possibility of receiving partial payment of all types of compensation (sick-pay, sickness compensation, sickness benefit and early retirement). All of the forms of compensation can be paid out parallel with a job:

Full benefit is paid only when as a result of illness or injury the insured person is completely unable to earn an income by working.

Three-quarters compensation can be paid to an individual whose work capacity is reduced by at least three quarters, but not entirely.

Half compensation can be paid to an insured person whose work capacity is reduced by less than three quarters but by at least one half.

Finally, quarter compensation can be paid to an individual whose work capacity is reduced by less than half but by at least one quarter.

All of these benefits form part of the Swedish general social insurance system and are available to Swedish citizens as well as persons resident in Sweden who are not Swedish citizens.

The act on sick-pay contains provisions which protect the employer from the additional costs which may be incurred on employing persons with a high level of sick leave. An employer can receive compensation for sick-pay for employees suffering from illnesses which can be assumed to lead to a large amount of sick leave. At present, some 7,000 persons are covered by this special high risk protection

There are also a number of possibilities for a person receiving sickness benefit or early retirement pension to try working without their right to benefit being influenced immediately.

Return to Work with Income

The rules for withdrawal of an early retirement pension have long been governed by an awareness of the importance of not disrupting a rehabilitation process. The social insurance office shall apply the rules on withdrawal or reduction of early retirement pension with caution if an insured person makes an attempt to return to work.

The insured person normally has the right to try out a job for up to three months without his/her entitlement to pension being affected. In addition, the forecast for the insured persons ability to be able to continue working should be good before the entitlement to pension is affected.

Return to Work Without Income

A common form of rehabilitation focused on working life is training in an actual environment. This measure involves the insured person making an attempt to return to his/her previous job, or another one that is better suited, with the approval of the social insurance office and still retaining compensation from the social insurance office. Training in an actual environment can be arranged, where appropriate, with the original employer or with another company. The idea behind this measure is that persons on sick leave can test their strength and capacity in a calm atmosphere, without any pressure to perform well. There is no formal limitation for the duration of this type of training. A measure of this kind can be broken off due to a deterioration the insured persons health or the insured person demonstrating that he/she has some form of work capacity and returning to normal work. In the latter case the early pension is of course reconsidered. (A doctor who writes a sick note should clarify whether the patient can visit his/her work place despite their illness.)

Early retirement pension on hold

The General Insurance Act contains rules which make it possible to put an early retirement pension on hold. The purpose of the rules is to facilitate and create the right conditions for trying to work. A person who has had their early retirement pension withdrawn or reduced as a result of returning to gainful employment can apply for the benefit to be reinstated without requiring a doctors certificate provided that

- the application is made within five years from the month the pension was withdrawn or reduced,
- the gainful employment on which the withdrawal or reduction of the pension was based has ceased and
- the application refers to benefits corresponding at most and calculated on the same pension points as applied to the pension the insured person was drawing at the time of withdrawal or reduction.

The facility for putting an early retirement pension on hold has been used very rarely.

However, no reliable statistics are available on how many applications are processed on the basis of the rules for putting an early retirement pension on hold. Nevertheless, they only amount a few per annum.

A person who draws an early retirement pension or sickness benefit and who has begun rehabilitation aimed at returning to working life is entitled to retain his/her pension during the rehabilitation period. If the sickness benefit ceases during the period of rehabilitation, the insured person may be granted continued sickness benefit. The fact that the person is undergoing rehabilitation means that they cannot be considered as fit for work.

Streamlining of the System

In recent years there have been changes in the rules which are intended to streamline the system. This can mean, for instance, that the opportunity to take into account other factors than purely medical ones in assessing, for instance, the right to sickness compensation, are radically reduced. One principle is that society's basic security system should be streamlined on the basis of the various reasons for needing help, whereby sickness compensation and early retirement should provide security in the event of a medically based reduction in work capacity. Problems which are not medical should primarily be dealt with by means of labour market measures or other social policy means.

This streamlining is also an outward expression of increased professionalisation and the added emphasis on the back-to-work line in Swedish social policy. This involves referring people to the bodies in society which are best suited to dealing with their problems and taking advantage of any partial work capacity to a greater extent than before.

However, in assessing work capacity, consideration will still be given to the age, housing conditions, education and previous work experience of the insured person. However, the scope for taking these factors into account has declined.

The assessment of work capacity is carried out in stages. The individual's inability to return to his/her normal work is initially related to other work for the employer. If there is no possibility of other work with the employer, or such work would require excessively prolonged rehabilitation measures, the insured person's work capacity should be assessed in relation to the open labour market in general. This assessment covers the whole of the national labour market. The insured person can be assessed as able to work even if there are no vacancies to apply for. If the individual, despite his/her illness, can manage to do a normal job on the labour market, then he/she has no right to compensation from the social insurance office.

If an insured person can no longer manage to do his/her normal work full-time, other work with the same employer, or a normal job on the labour market, but is still assessed to have some residual work capacity, then the right to partial benefit will be considered.

Corporate policies and plans

The employers responsibility for job retention is governed by the Work Environment Act and the General Insurance Act. The regulations in the Work Environment Act also cover the organisation and planning of the employers job retention activities. The regulatory system is rather ambitious in character and are relatively detailed, providing the Labour Inspectorates with the opportunity to serve injunctions and prohibitions on an employer who is breaching the law.

The extensive regulation of this area and the local insurance offices supervisory role in individual rehabilitation cases means that the Swedish system is marked by a large measure of involvement on the part of various public institutions. The employers scope for independent action is greatly circumscribed by the existing regulations.

There are few policies which deal with job retention, either at company level, or industry level, or in agreements between unions and employers.

One of the exception is The Galaxy project which gives work disabled building workers an opportunity to continue working despite their functional impairment. Galaxy is a joint industry initiative by the building workers union and a number of major building companies. A Galaxy job involves placement in a job with the aid of a wage subsidy at a normal work place. The tasks are adapted to take account of the employees needs in accordance with an individual action plan. The aim of the project is physical and mental rehabilitation and a return to regular employment without a wage subsidy. At present 1,200 people with functional disabilities are employed on Galaxy projects.

Results/Outcomes Indicators

Growing international competition and the accelerating rate of technical advances tends to benefit individuals with a higher education and a high general level of competence. At present we can see a growing element of work teams and enriched job content and demands on employees to be more flexible and change tasks. There is a trend towards more qualified salaried positions while simple tasks of a repetitive character are disappearing. New organisational structures require more knowledge, training and education, personal flexibility and breadth.

This tendency places large groups of functionally disabled persons at a disadvantage, both with regard to entering and also to retaining their place on the Swedish labour market.

The situation of people with disabilities on the labour market is one of the measures of the efficiency of the Swedish system for promotion of employment of disabled people and for the promotion of working conditions for people with disabilities.

Therefor I will begin with a statistical description of the position of people with disabilities on the labour market. After the statistical description there the results of the main labour market and other programs for disabled in connection to the labour market will take place.

The Situation of People with Disabilities on the Labour Market

The statistical description is based on two investigations. The Swedish Labour Force Investigations are the most comprehensive investigation carried out in Sweden on the labour market field. The investigation includes interviews with more the 50 thousand persons each quarter of a year. Every second year this investigation carries additional questions about disability. The results of the last investigation was presented in 1999 and refers to the situation during the last quarter of 1998,

The definitions of disability in the Labour Force Investigation is based on the definition in the UN Standard Rules; disabled are people who have a physical, medical or a mental disability which can lead to constraints in their day-to-day lives. The disability can be inborn or can have occurred later in life as a result of sickness or an accident.

The other mayor statistical investigation presented in this report is a follow up study carried out by the Labour Market Board. This study is based on the previous Labour Force Investigation from 1997 with an disability perspective. The additional Labour Market Board study covers only disabled with a reduced work ability.

17 per cent of the population between 16 and 64 years have physical, medical or a mental disability which can lead to limitations in daily life. All most 1 million people respond to this description in Sweden.

61 per cent of those who had a disability in the Labour Force Investigation also stated reduced work ability. This makes the share of the population between 16 and 64 years old, which has a reduced work ability due to disability, to 10 per cent.

Employed are here those who during the week of investigation carried out work (at least 1 hour) either as employees with a salary or as self employed and also as assistants without salary in companies belonging to a family member. Persons employed with special support for disabled and in sheltered employment are also defined as employed according to this definition.

Among the population 16 to 64 years of age with some kind of disability 60 per cent were employed . The share of the employed population in general (16 to 64 years of age) was 72 per cent.

Among the population with reduced work ability the employment rate was 48 per cent.

Employment rates varies very much between different disability group which has its obvious explanation in the fact that different disabilities have different effects on work ability.

Table 1. Number of individuals with disabilities who are employed or not employed

Disabilities	Employed			Not employed		
Asthma-allergies	64,1	±	3,1	35,9	±	3,1
Diabetes	61,1	±	6,5	38,9	±	6,5
Dyslexia	57,7	±	9,2	42,3	±	9,2
Cardiovascular illnesses	46,1	±	6,8	53,9	±	6,8
Impaired hearing	77,6	±	4,3	22,4	±	4,3
Stomach and intestinal illnesses	62,1	±	6,8	37,9	±	6,8
Mental health problem	32,4	±	6,3	67,6	±	6,3
Impaired mobility	57	±	2,3	43	±	2,3
Impaired vision	59,3	±	5,6	40,7	±	5,6
Other	56,7	±	3,4	43,3	±	3,4
All	60,1	±	1,4	39,9	±	1,4

Employed with disabilities work more often part time than the none disabled. The share of full time workers (35 hours work per week or more) with disabilities is 68 per cent. Among the population in general the same share is 76 per cent. Among both groups women work more part time than men.

Unemployed according to another definition are people who were not employed during the week, but who could and who wanted to work and even applied for a work during the last four weeks and persons who are waiting for a job which begins in four weeks.

Among people with reduced work ability in the labour force the unemployment rate in 1998 was 9 per cent. Among non disabled the same rate was 5 per cent and among disabled without reduced work ability the unemployment rate was during the same period 4 per cent.

Persons either employed or unemployed are defined as belonging to the labour force. Groups which are not belonging to the labour force are for instance students, house wives and those who are going through their military service.

38 per cent of the disabled with reduced work ability are outside the labour force. The same share for persons without any disability is 22 per cent. Among disabled without reduced work ability the share of people outside the labour force 19,6 per cent.

The big difference between people with reduced work ability and others is that the first group is participating to a much lesser extent in education and has a much higher share of early retirement pensions.

Younger persons with reduced work capacity are participating much more in educational activities and have a much lower share of early retirement pensioners. Not more than 10 per cent of people between 16 and 34 years with reduced work capacity are early retirement pensioners or on long time sick leave and. In this group 44 per cent are in education.

You can on good grounds suspect a considerable hidden unemployment among persons with early retirement pension. A study among 2 000 person, between 16 and 34 years of age (members of youth disability organisations), showed that 64 per cent of those who participated and had a early retirement pension were ready to accept a work offer under certain conditions.

Not surprising people with disabilities in the age gap between 16 and 64 years had a larger share of older people then the population at large (16 to 64 years of age).

Not even a fifth of the disabled population (18 per cent) are between 16 and 29 years of age and more then two fifths (43 per cent) of the same group are to be found in the age between 50 to 64 years. For the total population the same shares are 28 and 29 per cent.

The number of persons registered as work disabled older than 44 years has grown during almost the 90-ties This is also true for all of the disability groups. On the other hand the number of work disabled younger than 24 years has decreased during the same period.

In contrast to non work disabled women compose a minority of 40 per cent of the work disabled. A possible explanation is that women to a greater extent then men receive early retirement pension. In 1996 56 percent of those receiving early retirement pension were women.

All most half of the disabled population and half of the whole population (16 to 64 years of age) has a high school education.

Less than 20 per cent of the disabled and 28 per cent in the whole population has an education which is higher than high school.

Among persons with reduced work ability the educational background is lower among men than among women.

The educational level is low among participants in labour market measures specially for disabled. The share of employees with university education among wage subsidy recipients was in 1997 only 4 per cent, among employees in public sheltered work 1 per cent and among those who went from Af/Ami to Samhall - 3 per cent.

In 1996 work disabled with only primary school in the labour force were unemployed (12 per cent) to the same extent as work disabled with upper-school education (11 per cent). For non work disabled the corresponding shares of unemployed were - 11 and 7 per cent.

Even if we look at the transfers from Af/Ami to work the shares are approximately the same for work disabled with higher education and for work disabled with only primary school.

It seems that the wage subsidy system equalises the possibilities for people with work disability to get a job independent of educational background. This doesn't though apply to work disabled older than 44 years and for women with work disability. Here you can find a positive connection between high educational background (high school or higher) and the possibilities to get a work.

The share of work disabled who have education for an applied work is low. In all professional arias the share of those who lack education for an applied work is considerably higher among work disabled then among non work disabled.

5.16 United Kingdom

5.16.1 Introduction

The position of disabled people in the labour market

Disabled people account for nearly a fifth of the working-age population in Great Britain, but for only about one eighth of all in employment. There are over 6.5 million people with a current long-term disability or health problem that has a substantial adverse impact on their day-to-day activities or limits the work they can do.

Disabled people are over six times as likely as non-disabled people to be out of work and claiming benefits. There are over 2.6 million disabled people out of work and on benefits: over a million of them want to work. However, many would not be able to start work straightaway, mainly due to health reasons. They are also more likely to receive in-work benefits. Disabled people are only half as likely as non-disabled people to be in employment. There are currently around 3.1 million disabled people in employment; they make up 12% of all people in employment. When employed, they are more likely to work part-time or be self-employed. Employment rates vary greatly between types of disability. Some are associated with relatively high employment rates (e.g. diabetes, skin conditions, hearing problems) while other groups have much lower employment rates. Around 3/4 of those with mental illness and two thirds of those with learning difficulties are out of work and on state benefits.

Table 1 Disabled People in the Labour Market¹³:

	CURRENT LONG-TERM DISABILITIES ONLY			
	Long-term disabled current limiting disabled ¹⁴ a) or b)	a) DDA-current disability	b) Work-limiting disability	Not long-term disabled
All people of working age (000s)	6516	5198	5346	28449
(men 16-64, women 16-59)	19%	15%	15%	81%
per cent from ethnic minorities	6%	6%	7%	7%
per cent women ¹⁵	48%	49%	47%	48%

¹³ Estimates from the most recent Labour Force Survey (Summer 1999 - Great Britain)

¹⁴ This category includes those with a disability that has a substantial adverse impact on their day-to-day activities (i.e. DDA) or limits kind or amount of work and those known to have a progressive condition. It may exclude some people with progressive conditions and severe disfigurements who feel that these do not limit their work or have a substantial adverse impact on their day-to-day activities.

Benchmarking Employment Policies for People with Disabilities

	CURRENT LONG-TERM DISABILITIES ONLY			
	Long-term disabled current limiting disabled ¹⁴ a) or b)	a) DDA-current disability	b) Work-limiting disability	Not long-term disabled
per cent with no qualifications	30%	32%	33%	14%
on state benefits ¹⁶ and not in work (000s)	2617	2372	2531	1754
per cent of population	40%	46%	47%	6%
...and would like work (000s)	1080	947	1026	1169
per cent of population	17%	18%	19%	4%
...and available to start work in a fortnight (000s)	381	288	343	863
per cent of population	6%	6%	7%	3%
In employment (000s)	3084	2211	2118	23023
per cent of population	47%	43%	40%	81%
per cent of all in employment:				
self-employed	13%	14%	14%	11%
working part-time	28%	29%	31%	23%
in a permanent job	93%	93%	92%	93%
average number of years in current employment	8.5%	8.9%	8.1%	7.4%
average gross hourly wage (£)	7.45	7.48	7.00	8.35
ILO unemployed (000s)	345	226	304	1385
per cent of population	5%	4%	6%	5%
ILO unemployment rate ¹⁷	10.1	9.3	12.5	5.7
per cent of all ILO unemployed who are u/e for a year or more	38%	38%	39%	24%
Inactive (000s) ¹⁸	3087	2760	2924	4041
per cent of population	47%	53%	55%	14%

¹⁵ Lower numbers reflect the fact that women aged 60-64 are not included in the working-age population.

¹⁶ This includes state pension, allowances or National Insurance credits, and excludes child benefit.

¹⁷ ⁴The unemployment rate is the number of ILO unemployed (unemployed, ready to start work in a fortnight, having looked for work in the last four weeks) as a percentage of the total labour force (the sum of all persons in employment or ILO unemployed).

¹⁸ Not in employment and not seeking work or not available for work.

Note: The LFS disability questions were changed in Spring 1997 to take account of the DDA definition; comparisons with earlier quarters should not be made as they would be misleading.

**Table 2 Labour Market Status And Benefit Receipt¹⁹
Estimates from the most recent Labour Force Survey (Summer 1999 - Great Britain)**

RECEIVING STATE BENEFITS (other than Child Benefit) ²⁰			NOT RECEIVING STATE BENEFITS (other than Child Benefit)		
	Long-term disabled ²¹	Not long-term disabled		Long-term disabled	Not long-term disabled
Total number	3,021,000	2,694,000	Total number	3,491,000	25,732,000
In employment	405,000	940,000	In employment	2,680,000	22,079,000
per cent of all in employment	13	4	per cent all in employment	87	96
ILO unemployed ²²	240,000	723,000	ILO unemployed	105,000	661,000
per cent of all unemployed	70	52	per cent of all unemployed	30	48
Inactive	2,377,000	1,031,000	Inactive	707,000	2,992,000
per cent of all inactive	77	26	per cent of all inactive	23	74
... would like work	840,000	446,000	... would like work	181,000	723,000
... and available to start work	141,000	141,000	... and available to start work	61,000	307,000
... would not like work	1,536,000	585,000	... would not like work	527,000	2,269,000

Base: All people of working age (men 16-64, women 16-59)

Institutional arrangements

Policy concerning employment for people with disabilities is spread across at least three policy areas - benefits and social security; employment related benefits, and training and education. The administration of these rests with three government agencies; the DfEE (Department for

¹⁹ The numbers in this table may not add up to the total for each economic activity as there is a small proportion of people for whom benefit receipt is not known.

²⁰ This includes state pension, allowances or National Insurance credits, and excludes child benefit.

²¹ This category includes those with a disability which has a substantial adverse impact on their day-to-day activities (i.e. DDA) and those known to have a progressive condition. It may exclude some people with progressive conditions and severe disfigurements who feel that these do not limit their work or have a substantial adverse impact on their day-to-day activities.

²² The ILO definition of unemployment is "unemployed, ready to start work in a fortnight, having looked for work in the last four weeks".

Education and Employment), the DSS (Department of Social Security) and the TECs (Training and Enterprise Councils) – to be replaced by the LSCs (Learning and Skills Councils). The main responsibility lies with the DfEE through the Employment Service (ES) and its long established the Advisory Committee for Disabled People in Employment and Training (ACDET). The ES also offers support to unemployed disabled people through its mainstream services. The DSS handles benefits policy and controls the Benefits Agency, which administers social security benefits and has joint responsibility with the ES in administering employment related benefits.

Policy responsibilities for delivering training for the unemployed, vocational training for young people, employer-based training and support for enterprises in Great Britain currently still rests with local employer-led private companies (TECs and, in Scotland, LECs). They contract training services to a range of public, private and voluntary sector providers. However, the recent Post-16 Learning and Skills Bill aims to restructure delivery and responsibility for training and enterprise support into new regional Learning and Skills Councils.

There inter-relationship of policies and the delivery agencies presents a number of issues in co-ordinating and producing 'joined-up' policy responses. Joined-up policy making is a key concern for the UK government. Divided institutional responsibilities remain however, with clients of the Benefits Agency less likely to be referred to work-based training than those presenting for the first time at UK Jobcentres. But, government is currently running new pilots which encourage participation in job search by those in receipt of benefits, through the creation of a 'one stop service' for the DSS and Employment Service. Participation in 'ONE' from April will be compulsory and is intended to bridge the gap between benefit claim and job search for those able to work.

Anti-Discrimination Legislation

The Disability Discrimination Act 1995 exists to protect disabled people against discrimination in recruitment and employment. Previously disabled people had had to rely on voluntary and self-regulatory measures, and the only legislation dealing directly with the employment of disabled people was the introduction of a quota system of disabled employment by the Disabled Persons (Employment) Act 1994 which was rarely enforced. The Act also protects against discrimination in the fields of provision of goods, facilities and services, or the disposal or management of premises. The Disability Rights Task Force was established by the Act to advise the Secretary of State on disability matters, and was succeeded in 2000 by the Disability Rights Commission which has more specific powers to assist with the elimination of discrimination and the promotion of equal opportunities disabled for people.

Under the provisions of the Act it is illegal for an employer to treat a disabled person less favourably than another person because of a reason connected to his or her disability. Less favourable treatment is permissible if the employer can prove it is justified by reasons that are both material to the circumstances of the case and substantial. The Act also requires employers

to make reasonable adjustments to the workplace which otherwise would put a disabled person at a disadvantage compared to an able bodied person. These could include adjustments to working hours, modification of equipment or duties within the workplace.

The effectiveness of the Act as a stand alone piece of legislation is debatable. Signs of success are that more cases have been brought under the DDA in its first year of operation than under the Sex Discrimination Act and the Race Relations Act combined during their first years. However, its full effectiveness has been hindered by insufficient knowledge or understanding of the Act by employers and disabled people, and the difficulty of exercising rights through legal proceedings. Another point of concern is the possible ambiguity around the definition of disability in the Act.

Passive Measures

People with a long term illness or disability can claim a number of different benefits to help meet their needs. Depending on their circumstances, people can qualify for more than one of these benefits at same time. The main ones are: Incapacity Benefit (contributory); and Severe Disablement Allowance, Disability Living Allowance and Attendance Allowance (all non-contributory). Several other benefits provide special premiums for disabled adults and children. The ONE scheme aims to provide a one-stop shop for benefits advice, to help overcome the confusion in complicated benefits entitlement and to link benefits to employment for disabled people.

5.16.2 Active labour market policy

The policy thrust for the UK is "work for those who can, and security for those who cannot". The core question is then, how to help disabled people into work? The definitions of help are different from previous policy emphasis. Now, the Employment Service (ES) work from the point of view of what kind of help an individual needs – a more traditional value of help. The system now identifies how to help. This could be in a number of ways, but the approach now focuses on helping those who want to work into work

Policy is trying to transform the system from one which says disabled people can't work into one which says they can. The Government view is that, although the benefits which are currently available are intended to provide security for all those with a long term illness or disability, in some respects the level of support does not fully match up to their needs. The Government is also making changes to Incapacity Benefit - both to restore the original purpose of the benefit in providing a replacement income for people recently in work; and to take account of changing social conditions. Following consultation, the Government has introduced the following changes.

- **Reform of Severe Disablement Allowance**, to enable young people who are disabled and cannot work and who claim benefit before 20 to receive Incapacity Benefit. After a year on benefit, their entitlement would be £80.80 a week compared with £54.40 – thereby reducing

the need to rely on Income Support to top up their income. This extension is intended to benefit young disabled people who go into higher education or vocational training.

- **Strengthening the link between work and entitlement in Incapacity Benefit**, so that it is only paid to those who have recently been in work and paid National Insurance Contributions;
- **Expanding specialist disability services to help disabled people enter work, and examining new ways to improve their retention in work** through New Deal for Disabled People;
- Requiring those claiming incapacity benefits to take part in a **ONE personal adviser interview**, to ensure that they receive help to plan a route back to work, and get the benefits to which they are entitled;
- **Reform of the All Work Test** so that, as well as determining entitlement to benefit, it also provides information about people's capabilities which can be used to help them plan a return to work; and changing the name of the test to reflect this new approach;

Mainstream training and placement

Adult Work-Based Learning (formerly Training for Work) helps unemployed adults to acquire skills and experience in order to obtain jobs. It offers a package of training and/or work experience designed according to individual needs and is available to all unemployed people aged over 25 and 63 years who have been unemployed for six months.

Disabled people have priority access and can join the programme immediately. People can train part time if they have a disability or have domestic responsibilities that prevent them from training full time (Specialist residential provision is available to those who are unable to benefit from local Work Based Training for Adults).

Although there are financial incentives to providers to take on disabled people, screening out of those with the greatest needs is suspected. The emphasis on employment as an outcome of training puts pressure on providers to offer training to the most job-ready candidates. Prospective trainees do not know what participation in training schemes might mean for their benefit entitlement, thus creating uncertainty. The potential loss of Incapacity Benefit encourages identification of 'incapable of work', perhaps leading to voluntary work as the only available option.

New Deal

The national minimum wage and the new Disabled Person's Tax Credit are also intended to help make work pay. Key features of the scheme are the following:

- **New deal for Unemployed people aged 18-24**

Four month gateway with Personal Advisor, followed by one of four options: one year's full-time education or training, or six months on either the Voluntary sector option, Environmental Task Force or subsidised work.

- **New Deal for Jobseekers aged 25 or over**

Three-four month advisory process with an average of seven interviews, followed by one of two options – one year's full-time education or training or six months subsidised work.

There are a number of concerns about the appropriateness of New Deal programmes for disabled people. Firstly, the four-month gateway period may not be long enough for people with learning disabilities or severe impairments. Secondly, the element of compulsion for people on JSA may put them in situations beyond their capabilities for work. Thirdly, the focus of the NDDP has been mainly on welfare to work rather than on job retention (Job Retention Pilots are now being developed to test ways of keeping people in work when illness or disability threaten their jobs). RNID have indicated that improving client's employability had been emphasised to the detriment of finding them real jobs. For a thorough evaluation of the scheme, it is recommended that the relative importance of financial incentives, support to employers and individual case management is undertaken.

Self-employment

According to the autumn 1996 LFS, a fifth of disabled men, compared with a sixth of non-disabled men, were self-employed (Office for National Statistics, 1997). To encourage: three specialist schemes, which apply to only a small number of workers. It is difficult to gauge how many disabled people make use of the mainstream ES scheme to encourage self-employment, New Business Support or the range of other enterprise programmes and initiatives.

Specialist Training and Placement

Disability Service Teams (DSTs) offer specialist services to disabled people to help them gain and retain employment. They draw together a number of services. Disability Employment Advisors (DEAs) are based in mainstream Jobcentres. They assist disabled people to obtain and retain employment; arrange employment assessment and employment rehabilitation; offer advice on the mainstream Adult work-based training programme and specialist **Access to Work** scheme; and for severely disabled people offer a route to supported employment. Placement outcomes reflect the specific objectives of rehabilitation programmes, such as assessment and preparation for work.

The main national policies and programmes which promote open access to employment specifically for disabled people are:

- **Job Introduction Scheme and Work Trials**

Operated by the ES, JIS offers direct financial to employers to take on disabled people. The job is expected to last 6 months and may be full – or part-time. The scheme was reported to be very successful in 1981, although recent figures suggest take-up has dropped significantly.

- **Access to Work**

A co-ordinated programme of financial assistance and practical aids to disabled individuals to overcome obstacles on the job or in travelling to work.

Early intervention is not a key feature of UK ES Disability Service measures. Traditionally, there has been little investment in strategies to adapt the individual to job opportunities. But, the New Deals are arguably shifting this emphasis. Interest in managing disability in the workplace is growing.

- **New Deal for Disabled People**

The New Deal for Disabled People is developing and testing new ways to help people with a long-term illness or disability to enter and retain work. It is as yet undecided how the scheme could be implemented at a national level. Current piloting is focused on a personal advisor service; innovative scheme pilots; an information campaign; and research and evaluation. Concessions available from April 1999 onwards will enable someone to enter into an unpaid work trial for up to 15 working days whilst remaining on benefit; a Jobmatch payment of £50 a week when moving into part time work for up to 26 weeks; access to £200 Jobfinders' Grant when starting work and a £15 earning concession without risking benefit entitlement.

A NDDP Personal Advisor service is also being piloted before roll-out by the ES and various private, local authority and voluntary agencies. The PA is seen as an integral feature of the Welfare to Work strategy and the PA dedicated to disabled people has been welcomed, particularly as disabled people represent a significant proportion of all strands of New Deal services and the ONE client group, which will include claimants of Incapacity Benefit. Of the 2,584 initial interviews undertaken, 1,537 have agreed to participate further and have had an action plan drawn up, 222 have moved into work and 1,105 remain with an advisor.

Early evaluations indicate that:

- Clients participating in the evaluation had significantly increased their job-searching activities since the introduction of the PAs. However, implementation of the NDDP PA service is very unlikely to reduce the number of people on Disability Benefits by the amount of people who claim they would like to work (around 30% according to 1999 LFS Survey).

- Clients are happy with the services made available through PAs, although PAs themselves acknowledge that they are not always able to assess the employment implications of some forms of impairment and ill health and also provide accurate benefits advice.

It is too early to establish whether enrolment on the scheme will significantly increase participants chances of gaining employment.

Supported Employment Agencies

Supported Employment Agencies provide individualised support to disabled people accessing employment, involving liaison with prospective employers and maintaining contact with the worker subsequent to employment to resolve any difficulties and support issues. There are 158 SEAs on the full membership list of the Association for Supported Employment, supporting around 4,000 to 5,000 people; they estimate approximately as many agencies who are not members. SEAs receive funding from a number of sources including local authorities and regional economic regeneration schemes. Some have contracts with DSTs.

Incentives to disabled people

- **Disabled Person's Working Tax Credit**

This replaces the Disability Working Allowance, a social security benefit to top up low earnings, designed as an incentive for partially disabled employees and self-employed people. DPTC is an in-work benefit for disabled people working more than 16 hours per week. A new linking rule allows people to have a break in their claim without losing their benefit, and has been extended from 8 weeks to 52 weeks to address the disincentives to working from losing benefits.

Sheltered/ Supported Employment

The Employment Services programmes for people of less productivity refers to:

- 1 - the creation of jobs especially for disabled people in specific work settings, the employer is reimbursed for reduced productivity, and;
- 2 - to the provision of support to disabled people in ordinary work places.

Companies such as Shaw Trust and Remploy are private companies which operate the former type of employment, along with around 190 supported factories and businesses run buy local authorities and voluntary organisations. Support for disabled people in open employment takes a number of different forms including sharing the cost of employing a disabled person with Remploy, or other forms if direct support to disabled employees such as additional training and liaison between the employer and the employee.

Evidence suggests that availability of funding for these forms of supported employment is constricted by local variations and is often insecure and short-term. Consequently provision can be ad hoc and driven mainly by enthusiasm for the work by individuals at the local level rather than a consistent national strategy.

Persuasion Measures

Employment of people with disabilities is expected by the government on the basis that 'it makes good business sense'. The promotion of employment practices is centred on the promotion of good employment practices; encouragement to adopt voluntary codes of practice; disability symbols and encouragement to join employer networks.

- **Good practice guides and codes**

A document drawn up in 1984 and updated in 1993 aims to help companies draw up a policy on disability employment. Research indicates that take-up has been ineffective.

- **Disability Symbols**

Another voluntary measure, which is not awarded, but adopted by companies who have shown organisational commitment to good employment opportunities for disabled people. There are currently over 4,000 symbol users in private and public sector companies.

- **Employer Networks**

Peer group activities encouraging good employment practices such as the Employers Forum on Disability are welcomed and supported by the government. However, a government survey found that awareness of these sorts of activities among employers was low, although they often provided valuable sources of information about disabilities legislation and proactive recruitment of disabled people. In addition, although the numbers of Forums are increasing, they are largely lead by voluntary organisations and may not be employer-lead. Concerns from Forum members were that ES staff needed better skills to enable them to support employers properly, and there needed to be more of them.

- **Campaigns**

'E.g. the 'See the Person' campaign aiming change attitudes and raise public awareness of disability issues. Estimates of effectiveness are as yet unavailable.

There is little evidence that persuasion policies have increased the numbers of disabled people recruited by employers. In a survey of members of the Employer's Forum on Disability, only 16% of members thought that wage subsidies would encourage them to take a disabled person through New Deal, and 84% would be willing to consider waving the wage subsidy if the money

was invested in support services. There also seems to be a dual problem of perceived employer prejudice in recruitment and lack of job applications from disabled people.

Mainstreaming disability

UK has issued new mainstream guidelines - the "Policy appraisal for equal treatment" to all Departments and Agencies setting out the key principles of effective policy appraisal. Details moves needed to identify, assess and where appropriate take action to reduce or remove the differential impact on disadvantaged groups, inc.women, ethnic minorities and disabled people. Guidelines apply to development and delivery of all Government policies, programmes and services. Departments and Agencies will be required to monitor and evaluate their proposals and report progress. UK Plan has effectively mainstreamed disability issues into all pillars.

5.17 USA

5.17.1 Introduction

Any summary of employment policy in the United States for persons with disabilities must examine both legislative mandates, government agencies that advocate for the employment of the disabled, as well as specific vocational rehabilitation / return-to-work programs. The following section will first concentrate on recent laws pertaining to employing persons with disabilities, describe the functions of the advocacy agencies, and then provide a brief overview of the various return-to-work programs. Of course the best-intended policy will be ineffective if there is not sufficient employment opportunities. This employment "policy" for persons with disabilities must then be placed in context by examining the factors that affect the state of the overall labour market. This involves a discussion of the role of the private sector in employing persons with disabilities.

Legislative Initiatives to Encourage Employment/Return to Work of Persons with Disabilities

Equal employment opportunities for persons with disabilities is rooted in United States civil rights legislation. The civil rights movement in the US dates back to early '60s and the Passage of the Civil Rights Act of 1964. Though persons with disabilities were not specifically mentioned in this Act, it nonetheless has affected the way in which employers regard members of all minority classes. There is also much civil rights legislation at the state level that precedes the Americans with Disabilities Act. Although such laws tended to get less than aggressive enforcement, they have been part of the employment landscape for some time. Similarly, the Rehabilitation Act of 1973, which prohibits disability discrimination, applied only to state and federal governments and their contractors but, again, this legislation has affected the environment in which employers operate. This legislation also provides for VR service provision for persons with physical, mental, or emotional impairments to become employable. Minor amendments were made to this landmark legislation over the course of the next 20 years. The decade of the

'90s was highlighted by three important legislative initiatives designed to expand the employability of persons with disabilities.

Americans with Disabilities Act

In 1990, civil rights protection was guaranteed to all persons with disabilities under the Americans with Disabilities Act (ADA). The ADA defines a qualified individual with a disability as an "individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. The term 'disability' means: (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment." (42 U.S.C. sec. 12111[8], section 3, paragraph 2).

The Title I provisions of the ADA set minimum levels of employment protection for disabled workers. The objectives of the employment section of the ADA include: 1) increasing access to employment for individuals with disabilities; 2) providing effective remedies for current or potential workers with disabilities; and 3) increasing employer willingness to hire and retain workers with disabilities. The ADA covers all employers with a workforce of 15 or more people.

Though the ADA provides other protections to disabled workers, the key job retention provision for disabled workers is that persons may not be discharged from their job on the basis of disability. Employees may be discharged if, as a result of their disability, they are unable to do the 'essential functions' of their former job with or without 'reasonable accommodation', but the disability alone is not cause for dismissal. In addition to the specific retention and accommodation requirements of the ADA, Titles II and III provide for increased access to public places. Title II covers programs, activities, and services of public entities including State and local government offices and agencies, and public transportation. Title III covers virtually all privately operated facilities whose operations are open to the public. This includes places of lodging, restaurants, theatres, stadiums, convention centres, lecture halls, stores, shopping centres, public transportation facilities, museums, libraries, parks, private schools, social service centres, and recreation areas. As such, these two parts of the ADA imply two effects for work retention. First, since many places of work are also public places, work environments have become more disability-friendly, even in the absence of specific disability accommodations for employees. Second, by making the general environment more disability-friendly, persons with disabilities are better able to handle daily tasks such as shopping, visiting physicians and commuting, which makes work a more viable option.

Although it is still relatively early days in terms of determining the effectiveness of the ADA the record to date is mixed. Five years after the ADA's enactment, the proportion of unemployed individuals with disabilities was identical to the 1986 figure, and the proportion of individuals with disabilities who are working actually declined between 1986 and 1994 (Holmes 1994: A18).

Part of the reason for the apparent failure of the law to increase access may be traced to an economic recession in the early 1990s.

As Lee and Thompson go on to note, a summary of ADA claims filed with the Equal Employment Opportunity Commission (EEOC) shows that access to employment has not been the primary focus of enforcement activity. Challenges to negative hiring decisions comprised only 10% of the disability discrimination claims filed with the EEOC between July 26, 1992 (the date the law first became effective), and March 31, 1997. Most charges involved discharge (52%) or failure to provide reasonable accommodation (29%).

Additional data from the EEOC suggest that the disabilities mentioned during congressional debates (mobility impairments, visual and hearing impairments) have not been the focus of the ADA's enforcement. ...The most frequent impairment claimed by individuals alleging disability discrimination under the ADA is back impairments (18%), followed by emotional or psychiatric impairments (13%), neurological impairments (11%), impairments of the extremities (9%), and heart impairments (4%).

The EEOC data show a disconnect between the purpose of the law – to increase access to employment for individuals with disabilities– and the enforcement experience. They demonstrate that currently of previously employed workers (90% of the charges), a substantial proportion of whom may have developed disabilities during their employment, are using the law to challenge perceived discrimination. These data also show that workers who have disabilities that are particularly difficult to diagnose and verify – back disorders and psychiatric impairments – account for nearly one-third of the charges.

Family and Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) require employers with more than 50 employees to provide these workers with up to 12 weeks of leave from their job to allow them to recover from a serious health condition. Moreover, the employer must continue any group health insurance benefits during an employee's leave. Employers are not obligated to provide compensation during this leave period unless the condition is a work-related injury or illness and is covered under the provisions of the state workers' compensation program.

The statutory language of the FMLA refers to 'serious health condition' and not 'disability'. Under the Act, 'serious health condition' means 'an illness, injury, impairment, or physical or mental conditions that involves: (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider. An employer may require medical certification of a serious health condition from the employee, and may require periodic reports during the period of leave of the employee's status and intent to return to work, as well as 'fitness-for-duty' certification upon return to work in appropriate situations'.

As O'Leary notes, there has been a significant amount of analysis of the impacts of this legislation.

Extensive research conducted by the Family Leave Commission sheds a great deal of light on the achievements of the FMLA. Through public hearings, a review of enforcement reports by the Department of Labour and extensive employee and employer surveys sponsored by the Commission, a comprehensive view of the impact of the Act has been developed. From this data it is known that about 66 percent of the US labor force is covered by the legislation. But while most covered employees are aware of the law, and two thirds have changed their leave policies in the wake of the FMLA, only 58 percent of covered workers are aware of the protections to which they are entitled. As a result, early in 1997, the Labour Department began a public education campaign to improve employee awareness about the Act.

The Commission also found that although 17 percent of workers take FMLA types of leave, less than two percent took formal FMLA leave. Excluding women on maternity leave, 59 percent of leave-takers do so for their own serious health problems.

Work Incentive Improvement Act of 1999

To understand the scope of this landmark legislation a bit of background is necessary on the previous rules regarding work and work incentives for Disability Insurance (DI) beneficiaries. The Social Security Administration (SSA) monitors the beneficiary's disability to determine whether it is continuing. Beneficiaries may work despite their impairments, but if their earnings exceed the level defined by SSA as substantial gainful activity (SGA), SSA may terminate their benefits. SSA has defined SGA as earnings currently exceeding \$500 per month (\$1,000 per month for blind beneficiaries).

The problem with this system is that there are significant barriers to employment of people with severe disabilities as evidenced by the fact that only in 500 DI beneficiaries voluntarily leave the rolls. The SGA earnings cliff (or "notch" effect) discourages work in that this linkage between DI benefits and earnings leads to an "all or nothing" focus. For instance, a tremendous disincentive to work arises since beneficiaries eventually lose health care coverage if they leave the DI rolls. Another problem is that few beneficiaries know or use the current work incentives. This situation is exacerbated by lengthy eligibility determinations, lack of consistent information and confidence in the enforcement of the work incentives. Finally, the de facto monopoly of the State VR system for SSA referrals for return-to-work severely restricts the number of such referrals served.

The Work Incentive Improvement Act (WIIA) just passed in December 1999 by the U.S. Congress is intended to remove some of the most significant barriers to employment of persons with disabilities who qualify to receive federal income support -- both DI and Supplemental Security Income (SSI). WIIA provides reforms in three distinct areas: 1) it provides continuing health coverage to SSDI beneficiaries and SSI recipients who go to work; 2) improves the way

SSA handles the work attempts of beneficiaries; and 3) increases choice in employment service providers through the Ticket to Work program. The essential provisions of each reform are discussed in turn.

The first set of provisions is to provide adequate and affordable health insurance when a person on SSI or SSDI goes to work. Specifically, there is a state Medicaid buy-in option for workers with disabilities who earn over 250% of poverty level income (about \$40,000 annually). There is a similar Medicaid buy-in option for workers who lose eligibility for SSDI/SSI due to medical improvement but continue to have severe medically-determined disabilities. There is also a ten-year trial program to provide continuing Medicare coverage for all SSDI beneficiaries after return to work. Another innovation is a time-limited demonstration program allowing states to extend Medicaid to workers who have a disability that, without health care, would become severe enough to qualify them for SSDI or SSI.

The second set of reforms are Social Security work incentives aimed at encouraging SSDI beneficiaries to return to work by providing assurances that benefit payments will continue if attempts at employment prove unsuccessful. For instance, there is now an expedited eligibility determination process for those people who lose their DI benefits due to work and need to return to the rolls due to their continuing disability. A second reform is that working, by itself, will no longer trigger a continuing disability review. That is, a person's continuing eligibility for DI benefits is based solely on their medical condition. There will be stronger protection and advocacy services for DI beneficiaries attempting to return to work. Moreover, a community-based Work Incentive Planning and Assistance Program offering a user-friendly, public/private approach to job training and placement assistance will be funded for outreach programs to provide accurate information on work incentive rules and programs.

The third area of reforms is the Ticket to Work program, wherein beneficiaries receive a “ticket” enabling them to choose rehabilitation services from a much wider employment network. The idea behind the ticket proposal is to create an incentive system of a new payment scheme for employment service providers, contingent upon successful vocational outcomes. This system will allow DI and SSI claimants to access services from both public or private service providers. These VR providers are reimbursed a percentage of the SSA benefit payments saved when the beneficiary earns more than “substantial gainful activity” for a stipulated time period.

Technology Related Assistance for Individuals with Disabilities Act of 1988

A final piece of legislation worth noting is the “Tech” Act of 1988. This legislation is unique in its emphasis on modifications to the workplace to accommodate workers with disabilities. “This Act provides improved access to assistive technology in the workplace. The program is broadly intended to increase the awareness of, and access to, advances in disability technology among individuals, employers, government representatives and the community at large. Specific aims are to raise public and governmental awareness of the need for assistive technology and increase its availability. The program provides grants to states to establish statewide programs of technology-related training, access and assistance. It also provides awards to private agencies delivering assistive technology training and services at the local level.”

Governmental Agencies that Advocate for the Employment of Persons with Disabilities

There are two independent federal agencies charged with persuading employers to hire and retain specifically those persons with disabilities.

National Council on Disability

The National Council on Disability (NCD) was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent federal agency led by 15 Presidentially-appointed members. The purpose of the NCD is to promote equal opportunity programs for all persons with disabilities and to enable such individuals to achieve both economic self-sufficiency and integration into all aspects of society.

NCD plays a major role in developing, reviewing, and evaluating any disability policy in America that is conducted or assisted by federal agencies. These include programs established by the Rehabilitation Act of 1973, the Developmental Disabilities Assistance and Bill of Rights Act. The NCD is also charged with gathering information about the implementation and effectiveness of the ADA. The NCD makes recommendations to the President, Congress, Secretary of Education, the National Institute on Disability and Rehabilitation Research, and the Rehabilitation Services Administration. As an example of the employment-related

recommendation the Council found that public and private programs tend to emphasize compensation or benefits, rather than return-to-work and independence.

President's Committee on Employment of Persons with Disabilities

The President's Committee on Employment of Persons with Disabilities (PCEPD) has a mission to facilitate the communication, coordination, and promotion of public and private efforts to enhance the employment of people with disabilities. The Committee provides information, training, and technical assistance to America's business leaders, organized labor, rehabilitation and service providers, advocacy organizations, families and individuals with disabilities. The President's Committee reports to the President on the progress and problems of maximizing employment opportunities for people with disabilities.

The PCEPD also funds the Job Accommodation Network (JAN), which provides technical and advisory services. JAN provides a toll-free consulting service that provides information about job accommodations and the employability of persons with disabilities in North America (US and Canada).

Return to Work Programs for Persons with Disabilities

Assessing the national approach to employment policies for people with disabilities is a particularly lofty objective when applied to the situation in the United States. The draft by Paul O'Leary pertaining to the policy and institutional context of disability programs in the United States noted numerous federal authorities involved in the implementation of integrating persons with disabilities into the workforce. As such, the "national approach" depends on which program is being examined and for whom the program is designed.

The variety of federal employment initiatives targeted to people with disabilities has led to a series of studies by the U.S. General Accounting Office (GAO). A recent study notes that in the past few decades, national concerns about returning persons with disabilities to gainful employment has led the U.S. Congress to implement more than two dozen federal employment-focused programs. These federal employment initiatives incorporate three approaches to employing individuals with disabilities:

Competitive employment most often refers to a regular job, in which an individual does not receive postemployment services. The majority of federal placement initiatives are aimed at placing individuals with disabilities in competitive employment. Services provided under such federal efforts include job training, educational support, counseling, assessment, and placement.

Under supported employment, individuals with disabilities are integrated into a work setting but are provided postemployment services, frequently including job coaches or on-the-job training, to help facilitate the transition to employment. Federal initiatives for supported employment are intended for individuals with relatively severe disabilities.

In sheltered employment, individuals with disabilities work in a “sheltered workshop,” which is a controlled environment providing job operations involving a limited set of tasks. Sheltered employment is most frequently used with individuals with severe functional limitations, although the blind have a long history of working in sheltered employment operations.

It is at this stage that such a national approach within the context of the US “system” becomes problematic, as for each program “the devil is in the details”. For instance, such programs have dramatically different eligibility requirements and incorporate varying definitions of what constitutes a disability. This leads to cites from GAO of the number of persons with disabilities ranging from 3.5 million to 49 million. What is clearly needed is an analysis framework that targets active and passive labor market initiatives depending on whether a person meets the specified eligibility criteria.

The approach that follows examines specific programs for persons with disabilities depending on either the severity or etiology of the vocationally-related impairment and whether the program provides income support (and thus provides the paying agency with some incentive to reduce these benefit payments). The gamut of work-related programs designed for persons with disabilities include the following:

- Federally-funded vocational rehabilitation for persons with work disabilities who are not funded by private sector initiatives;
- Federally-funded income support, medical care, and return-to-work services for persons meeting some work history criteria and impairments lasting for at least one year which preclude the person from engaging in “substantial gainful activity” anywhere in the United States (Social Security Administration’s Disability Insurance);
- Federally-funded income support, medical care, and return-to-work incentives and services for persons with permanent and total disabilities with insignificant work history such that they are eligible for federal and/or state income support (Social Security Administration’s Supplemental Security income);
- Federally-funded income support, medical care, and return-to-work services for persons with war-related injuries or illnesses (Veterans Compensation, Pension, Hospitalization and Vocational Rehabilitation);
- Employer-funded income support, medical care, and return-to-work services for persons with work injuries or work-related illnesses (Workers’ Compensation);
- Federally-funded job training and return to work initiatives for persons with mild work impairments served along with other “disadvantaged” workers as part of general manpower training programs sponsored by the U.S. Department of Labor;

- Sheltered employment for persons with severe disabilities that do not allow them to compete in “competitive employment”; and
- Supported employment for persons with severe disabilities deemed capable of working in the competitive labor market with appropriate work-place supports.

Role of the private sector in US disability employment policy

Most of these federal employment programs for persons with disabilities rely heavily on leveraging support from the private sector to place individuals in jobs. However, there are three specific areas in which there is extensive and almost exclusive private-sector involvement in employment/return-to work initiatives for persons with disabilities. These initiatives include short and long-term disability benefit programs with their own return-to-work initiatives, disability management, and private sector rehabilitation.

Short and Long-Term Disability Benefit Programs

With the exception of mandatory temporary disability insurance in five states (California, Hawaii, New Jersey, New York, and Rhode Island) and SSDI, there are no state or federal programs for sickness, short-term or long-term disability programs for non-occupational illness or injuries. In the United States this role is usually filled by employer, union, and/or employee-funded short and long-term disability programs.

Sick leave is the most common type of disability protection. It usually is payable from the first day of sickness, and replaces 100 percent of the worker’s normal wage and lasts from five days to several weeks. Employer-purchased insurance policies or self-insured short-term disability (STD) coverage often has a waiting period of one week to one month before benefits, which typically replace 50-70% of prior earnings, are payable. These benefits, which may require medical evidence of ability to work, are paid for up to one-half a year. Approximately \$15 billion in STD payments were made in 1993.

Long-term disability (LTD) benefits financed by employers are available to roughly one-fourth of all private sector employees in the US. Eligibility for LTD benefits is predicated upon an inability to engage in the employee’s prior occupation or any similar work in the local economy. LTD coverage is much more prevalent among professional workers than unskilled workers and among large versus small companies. LTD benefits are payable after a waiting period of three to six months following disability onset, usually coinciding with the termination STD benefit payments. Estimated LTD payments for 1993 were \$3 billion.

Disability Management

The costs of these STD and LTD payments, as well as workers’ compensation payments from work injuries, are ultimately borne by the employer through increased insurance premiums.

Companies thus have an incentive to reduce these costs of disability from both occupational as well as non-occupational injuries and illnesses. Perhaps the biggest change in workers' compensation and LTD insurance in the US during the past two decades has been the advent of "disability management" and "return to work" for persons with disabilities. During this time legislation, medical management, and the pressures for cost containment have resulted in greater work force participation by disabled workers.

Disability management is the broad term used in the US to encompass a variety of activities and programs intended to prevent disabilities from occurring, and/or to minimize their impact on employers and employees. It should be noted that formal disability management is a function of the size of the organization. In its most complete form, it will address disabilities incurred either on or off the job, include headquarters staff as well as field supervisors and employees, and mental (including substance abuse) as well as physical disabilities. It also includes programs that focus on prevention. The general programs covered under the mantra of disability management include:

- Safety programs for employees
- Employee health departments and/or clinics
- Wellness programs
- Employee assistance programs/plans
- Claims coordination, management and return-to-work, and
- Modified return-to-work programs.

Private Sector Rehabilitation

Within the private sector are mainly activities carried out by private employers and insurers, usually in connection with the payment of disability benefits of one sort or the other. These benefits may be workers' compensation benefits for on-the job incidents, or short-term or long-term disability benefits for either on-the job or off-the-job illnesses and injuries. In addition, individuals may purchase rehabilitation services to aid them in their recovery from some disabling illness or injury.

The distinction between the public and private sectors is a fundamental one. By and large, private sector providers operate for-profit businesses or as staff of a private insurer or employer who are in business to maximize their profit position. Presumably, they will seek to rehabilitate only persons they believe will cost less in the way of services than will be gained by that person's restoration to the payroll or removal from an insurer's obligation. Private sector providers must generate sufficient incomes or, if they are inefficient or fail to satisfy their clients, go out of business. Public sector providers, for the most part, do not face a market test.

Another difference between public and private sector agencies is the degree of flexibility and discretion each has in choosing clients. Increasingly, the public sector agency, particularly VR,

must select clients in accordance with the priorities set forth in the legislation. The priorities change as different disability groups vie for Congressional or Presidential attention.

Another distinction in service provision arises from the markedly different rehabilitation objectives of the public and private sectors. The public sector VR program is charged with the goal of maximizing the vocational potential of a client -- the individual applying for services. This oftentimes entails a regimen of formal training or schooling. The mission of private sector rehabilitation is usually a much narrower objective - return the person to work as expeditiously as possible. Oftentimes the "client" is the employer or insurance carrier whose interests are necessarily concerned with cost minimization. Consequently, private sector providers are more apt to prescribe job modification and/or placement services than more costly training and education.

Private sector rehabilitation faces a market test with all of its attendant advantages and disadvantages. We can look at the private sector activities and pose the same set of questions as of the public sector rehabilitation programs.

Who is selected for receiving rehabilitation services? Leaving aside the demand for rehabilitation services exercised by persons who pay for their own services, the rehabilitation services are paid for by employers and insurers and they select the persons to receive such services. There may well be exceptions to this method of selection since some plans may allow the injured or ill persons the right to choose whether to receive services and receipt of services may be viewed as a right under the plan. The general rule, however, is that the payer chooses when services are to be offered and who will receive such services. If one accepts the proposition that the rational insurer or employer will not proffer such services unless it is advantageous, then we have a market test functioning as a substitute for any measure of effectiveness.

In other words, if a private insurer retains a private rehabilitation provider, this becomes a market-driven type of decision and it is not likely that any superimposed type of evaluation will be a better guide than the market. Accordingly, we have not been able to discover any comprehensive, impartial studies of the functioning of rehabilitation or return to work programs in the private sector. Nor is there a need to undertake one.

6.0 COMPARATIVE ANALYSIS

6.1 Introduction

In this section we present a thematic overview of disability and employment policy, drawing on lessons and information emerging from individual country analyses. We start with a discussion of the overall shape of employment policies related to disabled people, and indicate the main trends, which appear to be emerging. We then move on to consider the different categories of policy (such as passive measures; anti-discrimination; rehabilitation) both in isolation and in the ways in which they interact one with another. We conclude with consideration of some generic issues, including the extent to which a gender perspective can be seen in policy.

6.1.1 Information base

Before going further however, it is necessary to make some observations concerning the viability of taking a cross-national perspective on these issues. The bulk of this report contains detailed information concerning individual country experiences, and we feel this provides a valuable resource for the understanding of how different countries approach the employment of disabled people. In this mass of information however it is clear that the extent to which high quality, robust evaluation of the effectiveness of employment policies is available is severely limited. Although, quite detailed information is available in some countries on funding for specific programmes and throughput of beneficiaries, we have not come across any detailed analysis of more long-term outcomes, qualitative outcomes, evidence of deadweight or the influence of external factors on outcomes. As a result, it has only rarely been possible to identify cases where the specific impact of particular policies can be seen clearly, and even in these the attribution of causality is often open to question. Factors such as the interaction of different policies, macro economic change and its impact on labour market conditions, and variability of definitions all have the potential to add complexity to an already difficult field. This is also combined with change in policy, where it is frequently the case that, whilst policies can be quite clearly identified, they have not been in place for long enough for their impacts to be seen. What information does exist is often related to earlier policies, which no longer pertain. In some cases innovation in disability and employment policy can be seen in pilot programmes rather than national level action (much of this activity being funded by the European Social Fund), which further clouds the picture since it encourages substantial variability in provision in different places and prevents any sense of national consistency in macro provision.

Given these difficulties at national level, it is all the more difficult to compare between different countries. No two countries operate substantially similar systems, and there are major differences in almost all the key factors, which impact on the structure and delivery of disability and employment policy, factors. These include:

- ‘philosophy’ towards the issues (varying for example from full civil rights approaches to ‘special’ treatment and quotas)
- definitions of disability, from none at all to highly complex systems looking at physical characteristics or functional abilities
- benefit systems, their intentions, structure, levels
- economic and labour market conditions and trends
- extent of social partner involvement
- extent of variability and innovation in delivery
- power and influence of key stakeholders (including disability organisations)

We have therefore concluded that it is not possible, given current information availability, to provide comparative data on the effectiveness of specific policy fields between countries. Instead, we seek in the following commentary to identify key trends in employment policy, and to illustrate the strengths and weaknesses of different approaches as they manifest themselves in different countries. From this it is possible to assess the ways in which policy and practice in this field are developing, and to begin to identify both positive trends and the factors which influence them, and the sorts of information and indicators which will be required if effective cross-national comparison is to be possible.

The available evidence clearly highlights the importance of the development of a system of indicators, which can be applied cross-nationally in the full understanding of the peculiarities of each national system of support, if we are to move any closer to being able to benchmark progress in employment policies for people with disabilities.

6.2 Trends in policies to encourage employment

6.2.1 Passive to active measures

In most countries, officially stated policy combines several elements:

- integration into the labour market
- measures to tackle discrimination
- reduced dependence on benefits

In recent years the emphasis has increasingly been towards encouraging retention, rehabilitation and integration of disabled people into the ‘conventional’ workforce, stimulated both by an equality agenda which seeks equality of opportunity, and increased pressure on benefit regimes which have seen ever increasing demands upon them. In the EU, the advent of the European Employment Guidelines have increased the attention paid to moves from passive to active labour market measures, however this trend can also be seen in non EU countries as well, fuelled by the OECD agenda on jobs.

This trend is not however without its problems. A number of factors have emerged which show that what at face value appears to be a progressive move can be problematic, particularly in its implementation. Many of these are discussed in more detail below in relation to specific policy areas, but some of them include:

- perceptions of the reasons for change – in many countries, including Australia, Ireland and the UK, these moves have been interpreted as primarily driven by the need to save welfare resources. This can be seen as undermining the ‘compensatory’ element needed in disability policy (which seeks to provide some recompense for the difficulties experienced by disabled people); and as forcing disabled people into work against their will or which is inappropriate
- persistent contradictions in different parts of the policy arena as they impact on disabled people, for example support measures for training or rehabilitation may be undermined by unhelpful tax and benefit regimes. Despite efforts by many countries including Belgium and Spain to reduce problems relating to the “benefits trap”, the fear of losing entitlements upon moving into potentially short term employment still prevents many disabled individuals from entering the labour market
- responsibilities for implementation are often fragmented, poorly co-ordinated and at times contradictory. In the majority of countries, responsibilities for income maintenance, the assessment of disability status, training and labour market policy are split between three or four different government ministries and/or implementing agencies. This means that budgetary decisions affecting different government departments and disability policy elements do not necessarily enhance the move towards a more joined up policy. Organisational philosophies, policy objectives, successful output measurements and levels of expertise relating to the needs of the client group can therefore vary significantly. The example given in Austria is indicative of the situation in many member states. While the Federal Offices for Social Affairs (Bundessozialämter) have significant experience dealing with the problems facing disabled individuals (particularly in relation to the benefits system), the latter only make up a very small proportion of the clientele of local offices of the Labour Market Services (Arbeitsmarktservice), where their needs were in the past often only poorly understood. In Belgium, responsibilities are further split between the federal, regional and community level. While being designed to provide a more responsive service to local communities, this system also creates problems of co-ordination in policy making and implementation.
- ‘inertia’ in the benefits system acting as a brake on the extent and effectiveness of employment support measures

6.2.2 Complexity in policy

One clear conclusion is that policy impacts on the employment of disabled people is frequently highly complex, and is not confined only to direct employment measures.

The bulk of material provided in the country reports is eloquent testimony to the huge range of measures, definitions, programmes, agencies and criteria in operation in any one country. Policy in this field combines elements specifically focused on disabled people (often particular categories of disabled people), with wider policies which impact on disabled people but which are intended for more generalised impacts. Within specific disability policy, different elements address different issues (such as compensation; rehabilitation; job retention; anti-discrimination), are often not coordinated, are the responsibility of different Government departments or agencies; and may give confusing and conflicting messages to disabled people and employers.

For example a policy area, which affects a significant number of older workers, among whom the incidence of disability is higher, relates to pensions and early retirement. Government support for early retirement measures is a legacy of the years of very high youth unemployment, which removed a significant number of disabled older workers from the workforce who consequently never appeared on the unemployment register. While this experience is shared by all member states, it is a feature, which is particularly strongly highlighted in Finland and the Netherlands. In the light of increasing pressures on public pension systems and fears of future skills shortages resulting from declining birth rates, all member state governments have in recent years sought to reverse these policies, only to find such attempts undermined by perverse benefit rules which have allowed the burden of early retirement to be shifted initially onto disability benefit system and latterly onto the unemployment benefit system. This successive shift from more generous and less restrictive benefits onto more restrictive and less financially attractive benefits has been a feature of policy developments in a number of member states, particularly in relation to retirement practices. Years of support for the early retirement option as a way of easing pressure on the labour market had helped foster a perception among employers that older workers were less likely to learn new skills and remain productive, which is now proving hard to reverse.

Wider policies are equally complex and variable in their impacts on disabled people. Generalised active employment policy seeks to move unemployed people into work or training – its relationship to the particular issues experienced by disabled people may or may not be dealt with specifically. Services provided may be by support workers who deal with all types of clients, by those with a specialist disability remit, or by outside agencies. The emphasis on mainstreaming, which is evident in the National Action Plans for Employment of the majority of member states, could therefore act to the detriment of disabled individuals, if it is not enhanced by the provision of specialist services or underpinned by training measures, which ensure that mainstream employment service staff are aware of the requirements of disabled individuals. Alongside training, the nature of output measurement is a key issue. Where employment service staff work towards meeting particular through- or output targets, this may disadvantaged individuals who require more intensive intervention to achieve employment outcomes. Australia is seeking to address this issue in its new contracting out arrangement for local employment service provision, by establishing a separate set of targets for employment services dealing with disabled individuals.

Welfare regimes are likely to have an impact, for example in relation to eligibility requirements, ability to cope with disabled people's working patterns (for example where bouts of sickness may lead to irregular working opportunities) and levels of support. Such individuals are particularly likely to be affected by the benefits trap, which continues to dog the benefits systems of many member states and discourages many unemployed individuals from seeking employment in the first instance.

Policy, practice and organisation of services for disabled people are undergoing substantial change in many countries, particularly since the early 1990s, and this in itself adds to the problems of complexity. Change of any sort is likely to bring with it uncertainties, and takes time to bed down. In addition, change in one area (such as benefit entitlements) may not be co-ordinated with other policy areas and so may not achieve the effects expected, or have unforeseen consequences. This can go some way to explain why the approach by a significant number of member states, which seeks to move disabled individuals from welfare dependency into work is finding a poor reception among groups representing disabled people. While benefit entitlements are seen to become more restrictive, adequate and proven support structures are not yet in place to ensure integration into the labour market even for those for whom this may be a viable option. The general lack of good evidence of effectiveness compounds the difficulty of assessing the impact of changes.

6.2.3 Defining disability

In our view much of this complexity comes from the inherent problems of defining disability in its own right, a situation made more difficult by the different needs of different purposes (such as payment of benefits or assessment for working capacity). This leads to different assessments and criteria for different purposes. A good example of this is where definitions are 'restrictive', and demand that individuals demonstrate their inability to undertake certain tasks (such as the UK's new 'all work test') – such situations are most often associated with benefit regimes, and seek to ensure only those specifically intended to receive payments will actually get them. In other cases definitions are more inclusive and ability based, and seek to identify an individual's capabilities. These examples are most often encountered in the context of active labour market policy, and may be connected to attempts to enable individuals to identify what types of work they may be able to undertake. In these situations it may well be the case that individuals are treated differently by different organs of the state, and conceivably end up with reduced income (through not meeting a restrictive test) whilst also not locating employment (where the labour market shows high overall levels of unemployment for example). A general conclusion is that many disabled people are very hostile to such assessment processes, particularly where they do not perceive employment to be a realistic option. Philosophically many disability organisations are very hostile to classification and registration of disabled people (particularly where this is not required of the general population), and see it as both a control measure and imposition of unnecessary bureaucracy. Anomalies are also frequent in systems, which try to define what disability actually is. The most striking

contrast to the definition issue is of course in Denmark, which does not define disability at all. In the Danish case any individual can be assessed not for the nature of their disability, but for assessment of what practical support they may need to be able to gain and retain employment. This approach seeks to avoid the 'segregation' of disabled people, and is intended to focus on practical measures that anyone might need, rather than focusing on a person's limitations. Danish opinion is generally positive concerning this approach, setting it firmly in a human rights context. However, this approach does not allow for easy assessment of exclusion from the labour market, and there is some feeling that the extent of integration of disabled people into the Danish labour market is every bit as low as in other countries.

The table below shows how disability is defined in different countries and for the purposes of different policy streams.

Conflict in policy streams is in practice managed by countries in different ways. It is not the case that disability and employment policy is everywhere in chaos and is ineffective, however it is our view that in most cases it is poorly understood and poorly co-ordinated, and is often an expression of the ascendant political philosophy. This means for example that in some instances the finance department's perspective dominates (particularly evident where benefit consumption has historically been very high) or others where the civil rights perspective dominates.

Definitions of disability governing employment policies across the Member States, Australia and the USA

COUNTRY	DEFINITIONS APPLIED
<p>AUSTRALIA</p>	<p>Work Ability Tables. WATs determine the impact of a job seeker’s disability on their capacity to work.</p> <p>The assessment generates a profile of an individual’s <u>ability to work</u> over nine dimensions (ability to: report regularly for work; to persist at work tasks; to understand and follow instructions; to communicate with others in the workplace; to travel to and from and move at work; to manipulate objects at work; work behaviour; to learn and undertake a variety of tasks; and ability to lift, carry and move objects at work.</p> <p>Eligibility for specialist employment services in the non-government sector is defined in Section 8 of the Disability Services Act 1986. This section states that the target group for funding under the Act consists of people with a disability that: is attributable to an <u>intellectual, psychiatric, sensory or physical impairment</u> or a combination of such impairments; is permanent or likely to be permanent; <u>and results in a substantially reduced capacity of the person for communication, learning or mobility; and the need for ongoing support services.</u></p> <p>Eligibility for Commonwealth funded rehabilitation services, as defined in Section 18 of the Disability Services Act 1986, consists of persons over 14 and under 65 years of age; and have a disability related to an <u>intellectual, psychiatric, sensory or physical impairment</u> or a combination of such impairments; and <u>results in a substantially reduced capacity of the person to either obtain or retain unsupported paid employment; or to live independently.</u></p> <p>The current criteria for deciding eligibility for the Disability Support Pension are essentially based on a <u>medical model of disability</u> and a test of whether people are able to work full-time at award wages.</p> <p>Type of models: Medical Model; Employability Model</p>
<p>AUSTRIA</p>	<p>The Disabled Persons Employment Act requires citizens with a degree of disability of at least 50 % are to be registered. The classification follows <u>medical criteria</u>. The appropriate guideline regulation originates from 1957 and predominantly aims at <u>physical impairments</u>. The public employment service registers a person as disabled if the disability represents the main difficulty in obtaining a job.</p> <p>Type of models: Medical Model (% disabled)</p>
<p>BELGIUM</p>	<p>In order to receive benefits, training or to be eligible for sheltered employment provided by the Funds, disabled people must be assessed and then registered as disabled. This assessment is based on slightly differing definitions of disability in the different Communities and Regions. The situation is complicated by the plethora of criteria applied for other benefits within the social system in Belgium.</p>
<p>DENMARK</p>	<p>This approach bases citizen’s social rights not on their past or present attachment to the labour market or their “disability”, but on the concept of general social rights and “need”. The 1974 law on social assistance lays down that assistance may be granted to <u>anyone in need of guidance, financial or practical assistance</u>, of support in developing or regaining occupational abilities or of care, special treatment or educational support. There is therefore <u>no official definition of disability</u> in Denmark. (This makes it difficult to assess the participation rate of disabled individuals in</p>

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	<p>the labour market or the unemployment rate among disabled people).</p> <p>From 1998, flexible employment can be offered to those whose <u>capacity to work</u> is permanently reduced.</p> <p>Type of models: Social/citizenship; Employability</p>
FINLAND	<p>Maintenance of work ability measures (directed at the work place), include health promotion, early rehabilitation interventions directed at employees with perceived risks of disability; and rehabilitative interventions aimed at <u>workers with reduced working capacity</u>.</p> <p>Type of models: Employability Model</p>
FRANCE	<p>There is no legal definition for “Disability” in France. The Ministry for Employment and Solidarity defines disability as a “<u>social disadvantage resulting from a deficiency or an incapacity which limits the undertaking/accomplishment of a normal role</u>”. (It has been argued that the lack of a uniform definition and the lack of resources available to bodies responsible for the recognition of disability claims (particularly the Commission Technique d’Orientation et de Reclassement Professionnel – COTOREP) is posing a particular problem and efforts are therefore being undertaken to formulate a definition).</p> <p>The Labour Code (L323-10) defines a disabled worker as a person whose chances of obtaining or retaining a job in normal employment are effectively restricted because of insufficient or <u>reduced physical or mental capacity. (3 levels of severity)</u>. COTOREP takes decision corresponding to type of measure: 1. Eligibility for social benefits is based on a <u>medical</u> definition, according to a scale (barème) which assesses <i>deficiency</i>. 2. For employment and vocational training measures, the notion of “deficiency” is not deemed sufficient to assess the <u>capacity of the disabled person to work</u>. Therefore, the advice of a doctor, and other criteria are taken into account. There is always a subjective element and the Government is working to harmonise and clarify the criteria used.</p> <p>Type of models: Medical Model (reduced capacity; categorisation of severity); Employability Model (capacity to work)</p>
GERMANY	<p>With regard to vocational integration, the Social Welfare Code defines disability as follows: Disabled persons are <u>physically, mentally or emotionally disabled</u> persons whose prospects of becoming or remaining <u>integrated within the workforce are severely reduced</u> in the long-term due to the nature or severity of their disability; they therefore <u>require support</u> in terms of vocational integration. The determination of disability status is the responsibility of a special independent welfare institution.</p> <p>Type of Models: Employability</p>
GREECE	<p>During the 1980s, emphasis in the terminology shifted from a person’s disability to a person’s special needs. Since then “people with <u>special needs</u>” became a widely used term to describe disabled people in Greece. The term was first used in a legislative text, in Law 1648 (1986) concerning employment protection. Law 1648 (1986) revised and extended quota arrangements to the private sector. The quota system was revised by Law 30965 (1991). Amended in 1994 to apply only to those listed in the OAED register of unemployed disabled people with an assessed disability of 40%.</p> <p>There exists very limited data on the disabled population and no official data on disabled people in employment. Efforts to make a census of the disabled population (e.g. in 1991) have come up against strong reactions from disability organisations as a result of the stigma still associated with disability.</p> <p>Type of models: Medical Model (% disability)</p>
IRELAND	<p>Definitions of disability vary according to the organisation, and the context of delivery of specific policies or services. There is no unified or comprehensive definition of disability in either current legislation or between government departments. The Department of Health continues to employ a <u>medical model</u> of disability whilst others such as FAS emphasise a broader definition</p>

	<p>which includes any kind of <u>difficulty affecting ability to work</u>. Definitions have arisen where there is a need to target policies at particular categories of persons with disabilities.</p> <p>All those on Disability Benefit (Sickness Benefit) would currently be considered to be 'disabled'. The Department of Justice, Equality and Law Reform favours a flexible approach to disability definition, depending on the context in which it is used. The Dept of Finance definition covers "a person who on account of an <u>injury, disease or congenital deformity</u> is <u>substantially handicapped or discriminated against in obtaining or keeping employment</u>". At the same time the Dept of Finance requires "a <u>capability to fully perform the duties</u> of the post", and that "people with disabilities who are capable of effective performance in the jobs which they hold to, or to which they aspire are not disadvantaged by reason of having a disability .. <u>all reasonable efforts are made to meet the special requirements</u> to which some disabilities arose so as to maximise employment"²³</p> <p>The definition of disability with reference to employment²⁴ includes "<u>loss of bodily or mental facilities, chronic infectious diseases</u> whether manifest or not, <u>learning and personality conditions</u>. Where special treatment or facilities are concerned they must be provided unless their provision would give rise to undue hardship on the part of the (job) provider ... differential treatment based on sound actuarial evidence remains lawful</p> <p>The definition issue is to be determined by the new National Disability Authority (NDA). On its formal establishment, the NDA it will be asked to make recommendations to facilitate the adoption by Governments and Agencies on an appropriate definition of disability.</p> <p>Type of models: Medical Model; Employability Model</p>
<p>ITALY</p>	<p>The criteria for the awarding of invalidity benefits are broad. To receive invalidity benefits, a workers ability to earn a wage must be permanently reduced to at least <u>one third of full capacity</u> as a result of sickness or illness (physical or mental) is deemed <u>incapable of working</u> for the purpose of invalidity allowance. The incapacity pension is payable to the insured person who is totally and permanently incapable of any occupational activity, as a result of sickness or illness (physical or mental).²⁵</p> <p>Minimum level of incapacity for work is 66% for invalidity allowance, and 100% for incapacity pensions. Recipients of particular disability benefits (According to the New Law 68/99) are:</p> <ul style="list-style-type: none"> • People with physical, sensory and learning disabilities or mental health problems, with a reduced working capacity of more than 45%. • More than 33% of work injuries • People who are sight-impaired or with a residual vision of no more than 1/10 in each eye • People with dual sensory impairments from birth or before learning to speak. • The main types of war injuries <p>Type of models: Medical Model</p>

²³ Department of Finance Code of practice (1994): 3-4

²⁴ employment Equality Bill 1996 Section 35 and 34(1),

²⁵ (MISSOC 2000)

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LUXEMBOURG	<p>People must be registered as 'disabled workers' at the STH in order to partake of the majority of measures provided. Disability is defined as a 30% <u>reduction in the capacity</u> for work. There is a Commission of Orientation and Professional Reclassification (COR) that assesses those people who wish to be recognised. The assessment Commission contains 4 doctors and 3 civil servants; judgements tend to be <u>based on medical assessments</u>. The definition is regarded relatively flexibly however even so there can be confusion due to the multitude of definitions of disability containing differing % levels within the social security framework.</p> <p>Type of models: Medical Model</p>
NETHERLANDS	<p>There is no single definition of disability or of a disabled person. The laws concerning disability benefits (WAO, WAZ and Wajong), sheltered employment (WSW) and supported employment (REA) all use their own definition. Until August 1st, 1993 a person was (totally or partially) disabled if as the result of illness or infirmities the <u>capacity to obtain an income from labour is diminished</u>. His or her capacity is compared with the income which healthy people with a similar education and experience normally earn. This definition was changed by the TBA (Act to restrict claims on disablement pensions). The aim of the TBA was to restrict access to benefits and encourage return to employment and self-reliance. The definition of disability shifted to a more <u>medical concept</u>. The WAO insures against loss of income due to long-term disablement. It entitles disabled employees under the age of 65 to a benefit if they are at least 15% <u>unfit</u> for accepted employment after 52 weeks of disability WAZ concerns those who are self-employed, younger than 65 year and are disabled for at least 25%.</p> <p>Under the social security legislation at this moment a person is legally unfit for work when the <u>capacity to obtain an income from labour is diminished</u>. The degree of disablement is defined as the <u>difference between what a person actually earned (earned income) and what he could earn now (the remaining earning capacity)</u>. This is based on what a person is still able to do, considering his abilities and his skills. The remaining earning capacity is that which a person could, within reason, still earn in the regular labour circuit. This does not include work in sheltered employment.</p> <p>Type of Models: Employability; Medical Model</p>
SPAIN	<p>To qualify for programs supported by INEM (the Spanish Public Employment Service) people must suffer a <u>reduction of capacity for working</u> of at least 33 per cent (and must be registered as unemployed). The level and type of the pension benefits are related to the level of capacity reduction. Experts from IMSERSO (Institute for Migration and Social Services, formerly INSERSO) determine the percentages.</p> <p>Type of Models: Medical Model</p>
UK	<p>The Disability Discrimination Act (DDA) defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'. Terms are defined in the Act or elaborated by Government guidance on matters to be taken into account in determining questions relating to the definition of disability (DFEE, 1996b). Impairment includes <u>physical impairments affecting the senses, such as sight and hearing, and mental impairments including learning disabilities and mental illness</u> (if it is recognised by a respected body of medical opinion). Certain specified conditions are not regarded as impairments (notably: alcohol or nicotine addiction). <u>Long-term effects must have lasted at least 12 months or be likely to last at least 12 months</u> or for the rest of the life of the person affected, and include those which are likely to recur. Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories: mobility; manual dexterity; continence; ability to lift, carry or move ordinary objects; speech, hearing or eyesight; memory, or ability to concentrate, learn or understand; being able to recognise physical danger. (N.B. Work is not one of the normal listed day-day-day activities)</p>

	<p>Also covered by the Act are: severe disfigurements, although they have no effect on a person's ability to carry out normal day-to-day activities; progressive conditions, where impairments are likely to become substantial, such as cancer, HIV infection, multiple sclerosis or muscular dystrophy; the Act covers people with these conditions from the moment that there is a noticeable effect on normal day-to-day activity, however slight people who have had a disability covered by the Act in the past and have recovered. <i>The DDA does not affect definitions and eligibility criteria for benefits within the social security system, although it is probable that access to Employment Services in the future will be governed by the DDA definition.</i></p> <p>The British Council of Disabled People (BCODP) believes that disability should be defined by 'the loss or limitation of opportunities to take part in the mainstream of life in the community on an equal level with others due to physical or social barriers'.</p> <p><i>Definitions of disability</i> are an issue in terms of policy measures. For example, the Incapacity Benefit definition is not synonymous with disability. Estimations of extent of disability in UK vary from 15 million (self-definition) through to 5 million (Third party definition such as for IB, JSA and disability premium), or 8 million (DDA definition).</p> <p>People taking up Employment Service Disability Services undergo a Personal Capability Assessment (PCA), for which a medical report is provided by a doctor. The previously entitled All Work Test is trying to move to a capacity test to help advisors assess an individual's position in terms of moving back to work, rather than focusing on what they are unable to do. The GP will also be expected in the future to write a report for the claimant's ONE adviser, telling them what <u>types of work they can and cannot do</u> and other medical conditions that may impact on type of employment.</p> <p>Type of Models: Medical; impact on day-to-day living; Employability</p>
<p>USA</p>	<p>The ADA defines an individual with a disability as an "individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. The term 'disability' means: (a) a <u>physical or mental impairment that substantially limits</u> one or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment."²⁶</p> <p>The statutory language of the Family and Medical Leave Act (FMLA) refers to '<u>serious health condition</u>' and not 'disability'. Under the Act, 'serious health condition' means 'an illness, injury, impairment, or physical or mental conditions that involves: (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider. An employer may require medical certification of a serious health condition from the employee, and may require periodic reports during the period of leave of the employee's status and intent to return to work, as well as 'fitness-for-duty' certification upon return to work in appropriate situations'.</p> <p>Return to Work programmes have dramatically different eligibility requirements and incorporate varying definitions of what constitutes a disability. This leads to cites from GAO of the number of persons with disabilities ranging from 3.5 million to 49 million. A DI beneficiary must have a <u>medically-determined</u> disability that is sufficiently severe such that it is expected to last at least one year or that can be expected to result in death and precludes the individual from earning substantial gainful activity anywhere in the US economy. State agencies, called Disability Determination Services develop medical, vocational, and other necessary evidence; evaluate it and make a determination as to whether the claimant meets the disability criteria established by</p>

²⁶ (42 U.S.C. sec. 12111[8], section 3, paragraph 2).

	<p>SSA for SSDI benefits.</p> <p>Types of models: Medical Model; Impact on daily living</p>
<p>SWEDEN</p>	<p>The definitions of disability used in the Labour Force Survey are based on the definition in the UN Standard Rules; disabled are people who have a physical, medical or a mental disability which can lead to <u>constraints in their day-to-day lives</u>. The disability can be inborn or can have occurred later in life as a result of sickness or an accident.</p> <p>If an applicant at an employment office is in need of special guidance or rehabilitation measures as a result of his/her functional disability, or they cannot obtain work without the labour market policy measures reserved for applicants with a functional disability, the disability shall be entered in the National Labour Market Boards register.</p> <p>Support measures use the term '<u>functionally disabled</u>' to determine eligibility. Under the terms of the Employment Security Act the dismissal of an employee, regardless of category, shall be based on factual grounds. The reduced ability to work on account of sickness or functional impairment is not a ground for dismissal. Thus, <u>reduced working capacity</u> is a measure of disability.</p> <p>The Employment Security Act dictates that the employer should use the assistance available through labour market policy and taking special action to adapt the workplace or post itself.</p> <p>However, in the event that illness or functional impairment involves a permanent reduction in work capacity that is so significant that the employee can no longer be expected to carry out any work of any importance dismissal is permitted.</p> <p>A new law Prohibiting Discrimination in Work Life of People with Disabilities coming in to force the 1 of May 1999, and defines disability in wide manner such that disabled are people with <u>durable physical, mental or learning limitations of their possibility to function</u>. Limitations which the person in question have had from birth or which occurred later or can be expected to occur later (i.e. cancer, MS, HIV). In assessing work capacity, <u>consideration will still be given to some 'environmental factors' the age, housing conditions, education and previous work experience</u> of the insured person. However, the scope for taking these factors into account has declined.</p> <p>Type of models: Impact on daily living; Medical Model</p>

6.2.4 National Action Plans

National Action Plans vary in their treatment of disability issues. The elaboration of specific disability measures – particularly over and above those already in place are limited, with a few examples, including Belgium, the Netherlands, France and Finland. The majority of National Action Plans argue that because of their characteristics and propensity to fall into the categories covered by guidelines 1,2 and 3 (e.g. long-term unemployed individuals etc.) and the desire to mainstream employment policies, general labour market activation policies are also designed to meet the needs of disabled individuals.

It is possible to identify different models of overall approaches (although these are not rigid and nearly every country has elements of each policy regime although one generally predominates), including:

- rights, specialist organisations and programmes - USA, Australia
- active labour market policy with disability ‘mainstreamed’ and based on social partner consensus (Nordic countries)
- ‘welfare to work’ strategy supported by anti discrimination legislation (UK)
- ‘quota’ based systems founded on measures to require employment of proportions of disabled people, combined with sanctions for non compliance (Germany, Austria, France)

The choice of “regime” of philosophical approach is often deeply rooted either in the national welfare ethos or in the historical configuration of services for disabled individuals. In some instances it is not easy to determine the overarching policy focus, as new measures have come to the fore which have attracted much policy attention, but may in reality only constitute a small proportion of the overall budget expended on labour market measures for people with disabilities. In the Austrian case, for example, much emphasis is currently placed in the policy literature on tailored measures such as “Arbeitsassistentz”, which provide targeted labour market integration assistance to individuals. However, in terms of actual expenditure, this remains a relatively small programme. The Belgian 1999 NAP outlines a number of different regional measures aimed at the integration of disabled individuals into the labour market. Nevertheless, 80-90% of related expenditure continues to be devoted to provision in sheltered employment. It is possible that the balance of financial allocations will shift in the long term as emphasis shifts from passive to active measures, but in the majority of countries passive measures continue to consume significantly more resources than activation measures (although precise statistics to quantify this are hard to come by).

6.2.5 Labour market conditions

We have touched above on the influence of labour market conditions on the access of disabled people to the labour market. It is self evident that where high levels of unemployment are experienced by the general population, it will be more difficult for all groups which experience social and economic exclusion to secure employment. That said, there are still differences between different countries in their proportions of disabled people in work, even when they are at similar points in the economic cycle. While in general it appears that growth in employment tends to bring with it growth in the access of disabled people to employment, this is by no means the case in all countries. In some cases, other factors come into play as well, for example it seems to be the case in Australia that disabled women have benefited much more from growth in general employment than disabled men, which may reflect gender bias in the structure of labour market. Stereotypically ‘women’s’ jobs overall have been created faster than those traditionally occupied by men, and many of these (services, clerical and office work, telecommunications, IT industries) are more accessible to disabled people than more ‘physical’ jobs traditionally done by men.

In a number of countries such as Finland and the Netherlands, the structure of the general labour market has over the years been distorted by very high levels of early retirement (encouraged by national policy or collective agreements). This has meant the exit from the labour market of a large number of individuals who would fall into the disabled category, but are now no longer actively seeking work. While this may relieve unemployment statistics, it is a trend, which is increasingly being called into question and governments are seeking to counteract, because of concerns over the security of public pensions.

Having considered these general trends, we now turn to consider the different types of policy instruments, which are used in various ways to encourage disabled people into the labour market.

6.3 Policy instruments

6.3.1 Passive/active

As mentioned above, there has been during the 1990s an overall philosophical shift away from ‘passive’ towards ‘active’ labour market measures – not just in relation to disabled people, but for all un- or under-employed groups. In essence this means reduced use of and availability of unemployment (or disability) benefits in isolation, and increased emphasis on an active relationship to employment opportunities. These actions include:

- employability, the extent to which individuals have skills, aptitudes and expectations needed for them to be employable.
- training and learning – measures to increase skills and qualifications demanded in the current and future labour market. This includes measures to support initial or continuing vocational education and training
- work experience – providing opportunities for individuals to experience working life in various ways (with additional potential benefits in increasing the experience of employers of the capabilities of disabled people)
- assistance with job search and applications (careers counselling, how to apply for jobs, CV preparation etc)
- transitional work of various kinds, for example intermediate labour markets where work experience and skills can be gained in a supportive environment, with expectations of progression to open employment later.

We go into more depth about these active measures in the sections below. The distinction between active and passive is however not entirely clear. There is some debate for example over whether sheltered employment of disabled people in specialist work places is passive or active. Supporters would often claim this is an active measure, since individuals are able to undertake productive work, and may be able after some time to seek employment in the open labour market. Others however see traditional supported employment as a more passive measure, limiting expectations of what disabled people are able to do, segregating them from mainstream society, and rarely fitting them for open employment. This view is clear for example in the UK Government's policy to wind down the Remploy network of sheltered workshops, on the basis that not only are they uneconomic, but limit the possibilities of individuals progressing to the open labour market. This example illustrates one of the key issues in moves away from passive approaches (as do many attempts to reform benefit systems to make them more employment friendly), which is the sensitivity of the issue. Such moves in the UK, Ireland and Australia have been very controversial politically, and has been widely presented by its opponents as an attack on disabled people, as driven only by economic considerations, and as destroying a facility regarded by both employees and support staff as effective. The fact that the debate about this issue has been conducted with close attention to the costs of implementation is a good illustration of the lack of accounting measures suitable to identify additional or value added benefits from the approach.

6.3.2 Tailored approaches

One of the main emphases in the move from passive to active measures concerns increased emphasis on individually tailored services, which claim to take holistic views of individual needs. In this scenario, individual's differing needs, be they for skills training, income support measures, housing, employment support, are supposed to be dealt with together and often by a single reference point. These multi functional approaches have tended to be the most highly regarded in the different countries covered

in this study, both by disability organisations (at least in theory), and by policy makers. They include measures such as the New Deal for Disabled individuals in the UK, Arbeitsassistentz in Austria, the Disability Employment Assistance Case based funding trial in Australia, the Fresh Start Initiative in France, and Integrationsfachdienste in Germany. All these initiatives aim at providing a disabled person with an individual plan for assistance, which can include physical and psychological rehabilitation services, provision of job search skills, training, work experience or assistance in employment. The philosophy behind this individualisation of service provision is hard to criticise, since there are few who would argue against approaches, which deal with interconnected issues and limit the number of contacts and bureaucracy needed.

In practice however it clear that this approach is not easy to implement. Factors identified by respondents, which influence the effectiveness of holistic approaches include:

- Resourcing – in many cases these policies have been introduced with the expectation that they will save money since more disabled people will be in work and therefore not calling on the benefit budget. However, the costs of implementing such schemes will not be low. Personal services can only be effectively provided if those in contact with clients are well trained, well supported and have the time and contacts to deal with emerging issues. The experience of the UK has shown that in some cases staff in the Employment Service dealing with individuals on the New Deal for Disabled people are also responsible for other clients and have a target rate for successful placements. This can have a negative impact on the attention provided to the more “difficult” cases, where re-integration into the labour market may be a more long term goal. This is therefore not a cheap option and needs to be staffed with the specific requirement of disabled individuals in mind. Similarly, the cost of support for clients (for example transport to work, aids and adaptations, subsidies to employers to compensate for reduced productivity etc) may not be so different from the amount they were receiving in benefit, and in many cases will be needed all the time someone is in work. This is not to say that this approach is not worth pursuing, and in general the views of both implementers and disabled organisations was that people who want to work are better off working that being on benefits even if they cost the same or more. But expectations that the exchequer will save funds from large scale moves from passive, non working benefits to active involvement in the labour market cannot on the basis of present evidence by supported. In France where this policy has been in place longer than in the UK, the increasing emphasis on individualised paths to insertion has seen expenditure shift from 43% of resources being expended on individualised training measures in 1990 to 53% in 1996. As a result it is argued that satisfaction among disabled people in relation to the training received has increased and the proportion of vocational integration after training has increased from 40% in 1993 to 65% in 1995.

- Scope for action – these approaches are felt to be most effective where there is genuine scope for action to be taken to deal with multiple issues. In the UK, evidence from implementation of the New Deal suggests that the personalised approach can be highly variable, and that many Personal Advisors are limited in their ability to identify the full range of issues, which need to be tackled for an individual to be able to work, let alone solve them. PAs may lack the experience needed to work effectively with clients; may not know what options are available to deal with complex problems; may be too time pressured to deal with them; or may feel obliged to meet targets (of number placed in employment for example) and therefore pressure people into inappropriate avenues.
- Willingness of individuals to accept that employment is a viable and attractive option for them, no matter how much support they are given. It is clear from many disability organisations that individuals do not believe they will be better off at work – and this also extends to carers and family members. The Irish evidence for example shows that families may be dependent on benefits received by disabled members, and will feel threatened if this situation changes.
- Interaction with passive measures – following on from the Irish example, part of the resistance to change here comes from the rigidity of benefit structures. If individuals are encouraged into employment but are unable to sustain it in the long run (for any number of reasons), they may find themselves in a significantly worse off position when unemployed again than they were previously. A significant number of countries have sought to overcome the “benefits trap” by providing that benefit entitlements can be carried on and can be resumed at the same level should the disabled person become unemployed again. There is little evidence so far as to whether this approach has borne fruit.
- Labour market conditions – if employment is not available, no amount of support and encouragement can create jobs, which do not exist. The Austrian example shows transferral rates into open employment of 26%, which does not appear to be a high figure and it would need to be assessed how this compares with placement rates across the board.

Overall then we have seen that the move from passive to active measures as an overall policy objective is widespread, not just in the EU but in all the other country studies as well. There are early indications in some countries that activation in and in particular individualisation of approaches to the labour market integration of disabled individuals are paying off, but in many cases it is too early to judge the success or failure of such policies. What is clear is that they are only likely to be successful if it is realised that such policy does not present a “cheap” option and that many changes may be required in the infrastructure to make them work effectively.

This would be a particularly apposite subject for the Commission to address in its reviews of both National Action Plans, and the Employment Guidelines as a whole.

6.3.3 Anti discrimination legislation, Equal Opportunities

A recurring theme in many countries' approaches to disability issues concerns legislative measures to tackle discrimination and oblige employers to address the needs of disabled workers. As with many aspects of disability and employment, there are clear philosophical differences in approach, to some extent rooted in the wider approaches adopted towards equality of opportunity and civil rights. Distinct differences for example can be seen between:

- the US approach, rooted firmly in the civil rights movement, and with historical roots in ethnic and gender civil rights politics. This approach is manifested in the various measures described in the country section, which establishes a comprehensive framework for ensuring access to open employment and retention of employment by Americans with Disabilities, and redress in cases of proved discrimination (the effectiveness of these measures is another question, which will be explored below). Development of this civil rights and equality of opportunity approach can also be seen in Australia, and in the UK, parts of Scandinavia and Ireland
- the 'quota' based approaches, which seem to oblige employers to demonstrate that a proportion of their employees are disabled – this approach being particularly strongly supported in Germany, where it is perceived as successful in achieving relatively high levels of participation in the labour force by disabled employees, even though 76% of employers do not reach the quota level (participation levels being instead supported by recycling the levies paid by companies for non compliance into other measures 1 billion DM in 1996. There is a question mark over whether this arises due to the lack of available disabled people able to work, or from reluctance on the part of employers to take on disabled workers). It is also a feature of other countries, but with less obvious impact – in Austria for example where quotas are widely abrogated by companies who would rather pay a levy; in France where, of employers covered by the quota law, only 35% reach or exceed it, and in Greece.

In practice, most countries have a combination of measures in place, which are perceived to be effective to differing degrees. There are no examples where quota systems achieve their theoretical targets (usually set as a proportion of employees who should be disabled in a given company – mostly medium and larger companies), however the supporters of quota systems point to the resources released by levies or fines as being available to support other employment development measures. Some argue that there are not sufficient disabled people available to work to enable employers to meet their quotas, and that therefore quotas cannot be said to be ineffective per se. If true this argues in favour of the need to combine active labour market measures which tackle the employability of disabled people with quota systems. That said, it is clearly the case that in most countries

the tide is swinging away from quotas – either for their abandonment altogether (as in the UK), or for other measures (active employment support for individuals and/or stronger anti discrimination laws) to be given higher profile and greater force.

Anti discrimination legislation as it relates to employment is not without its own problems. In many countries we conclude that such legislation is more about communicating messages to disabled people and to employers, than about providing effective remedies for individuals. In the USA for example, legislation is seen as far more effective in job retention (particularly where an individual becomes disabled during employment) than in securing access. In theory anti- discrimination legislation is intended to prevent discrimination in the first place, rather than leading to action in the courts or other tribunals to secure individual rights. Going to law is not only expensive, time consuming and uncertain in its outcome, it also sours relationships and even when resolved may make continued employment untenable. Employers know this, and therefore may not take such legislation seriously unless it is clear it will be enforced. Common law based judicial systems (particularly in the Anglo Saxon world) evolve the precise meaning and interpretation of laws through testing them in action, and this process itself can take a considerable time – it is to be expected therefore that the results of the new Disability Discrimination Act (DDA) in the UK will not be seen for some time.

Even where anti discrimination legislation is in place, from the point of view of disability organisations it is frequently felt to be compromised in its details. A good case in point is the UK's DDA, which obliges employers to make modifications to the work environment to enable disabled employees to work 'at reasonable cost' – there is certain to be dispute as to what counts a reasonable in these circumstances. It is generally the case that employers are hostile to any form of legislation, which imposes conditions upon them, particularly where these bring additional costs. This is the reason why it is often the case that legislation (including quotas) is frequently only applied to larger companies. EU orthodoxy promotes action in relation to SMEs to remove administrative burdens and bureaucracy, and this may well be at odds with what would be necessary to ensure anti discrimination or other statutes were effective. SMEs as a sector tend to employ very large proportions of the workforce, particularly in some Southern member states (notably Italy and Greece), and where legislation is restricted by size of enterprise a large proportion of the labour market will be untouched.

A conclusion from this would be that, whilst legislation is an important unpinning for employment action for disabled people, the evidence suggests that it cannot be effective in isolation. It is needed as a backdrop, but for large scale change to be possible it must be combined with other measures which more directly tackle the barriers to disabled people's participation. Calling on legislation to protect individual rights is a necessary safeguard, but is too expensive, and too compromised in relation to other pressures in the labour market, to work on its own.

One area of law which has received positive coverage from correspondents in this study for its impacts on disability and employment is that related to wider anti discrimination legislation, that directed at wider accessibility issues rather than at employment itself. Instances were cited for example where law to compel public transport to be accessible, for buildings to be built to accessibility standards, for services to be available in a variety of formats, have had a positive impact on the ability of individuals to gain employment. Jobs do not exist in isolation – employees have to be able to get to work (or have work come to them), get into buildings, deal with the administrative issues which arise from being employed (taxes for example). Measures which improve the accessibility of issues such as this were particularly cited in the Australian and French cases as having positive impacts on disabled people's employment.

6.3.4 'Persuasion' measures

In this section we deal with measures aimed at changing attitudes and actions, particularly those of employers. As discussed above, it is generally the case the employers are hostile to legislation and the imposition of requirements upon them, and in some countries have argued successfully for non obligatory measures based on persuasion and self regulation. Whilst disability organisations do work with employers around these sorts of issues, in the main they regard them with suspicion, and believe that competing interests will almost always undermine the effectiveness.

Measures identified in the study which seek to increase the profile of disabled people in the work force include:

- awareness raising and campaigns to tackle negative images of disabled people (many countries, but especially in Greece and Japan)
- awards and ceremonies to highlight positive practice (Australia)
- codes of practice in employment of disabled people (Belgium)
- social chapters dealing with this issue embedded in social partner bargaining agreements (Denmark)
- demonstration projects (Denmark, EU Horizon Community Initiative)
- employment development strategy as an alternative to quotas (France)

Assessment of the effectiveness of such activity is very hard to achieve. It is almost impossible to establish whether attitudes have been changed, particularly in a field such as this where, for example, attitude surveys always show a very high level of sympathy and support for positive measures, even though actual practice is very different. In general terms such measures are rated positively by employers and policy makers, as setting the appropriate tone and challenging the attitudinal base which legitimates negative images. In practice however it is clear that whilst such measures may help change the context somewhat, when it comes to individual decisions over the provision of

work for a disabled person, the decision will be much more powerfully influenced by more immediate factors. From the point of view of employers, these will include the skills, aptitudes and general 'suitability' for individuals for the work in question, along with practical considerations (access, costs etc). For disabled people decisions will be influenced by the extent to which they see themselves as able to perform the work in question, plus an assessment of the costs and benefits of participation.

From this study there appears to be relatively little evidence to show whether persuasion measures are capable of impacting on these micro decisions. Whilst they may challenge general stereotypes, the attitudes which govern perceptions of the 'suitability' of an individual are much harder to address. They are more likely to be challenged in other ways, for example through the involvement of intermediary organisations or advocates.

This is also a convenient place to discuss the position of SMEs in relation to disabled people's employment. We touched on this briefly in the Legislation section, with the comment that most employment specific legislation leaves SMEs out of the equation. This is clearly an issue for disability, since SMEs employ very large proportions of the workforce. The position of SMEs in relation to the employment of disabled people varies. In some countries they are seen as being less progressive, and having less proportionate employment of disabled people than larger employers – this is the view in the UK and Netherlands for example. This 'performance' is attributed to greater resistance on the part of SMEs to taking the sort of measures perceived as necessary to employ disabled people their absence from relevant legislation, and lesser likelihood that premises and other aspects of their operations will be accessible to disabled employees.

Some other countries however have differing views of the role of SMEs. In Ireland for example there is perceived to be more of a tradition of 'roles' being available for disabled people (particularly those with learning difficulties) amongst small employers, performing simple tasks, but more generally as an informal social service. Similar traditions also exist in other countries (such as Spain and Italy). This type of role is perceived to be more possible in small employers, where large organisation bureaucracy does not get in the way, and where companies are more embedded in the community (these are often family firms, with the disabled person sometimes a family member).

From the civil rights point of view this type of arrangement may be unhelpful in the generic sense since it is unregulated, ad hoc and unreliable; however countries which see themselves as retaining a stronger family and community basis to small business would argue it does provide positive roles and a more 'human' approach. The contrast here might be with the USA, where businesses were seen as having a much more direct interest in the specific job performance of all individuals (include disabled employees).

In the end it is difficult to draw firm conclusions one way or another as to whether this is a positive feature. This type of arrangement may not show up at all in monitoring

statistics, and the extent to which it contributes to progression is doubtful. In any case, its incidence is likely to be decreasing as economies and labour markets are exposed to greater global pressures.

This is also an appropriate place to consider the role of the other social partners, trades unions. ‘Shop floor’ attitudes were seen in some countries as being just as problematic as employer attitudes, for example in Ireland. A union respondent in Ireland with a progressive attitude to disability cited instances of employees being at least uncomfortable with, and at worst hostile to, the employment of disabled people. This was attributed to a number of negative attitudes, including suspicion of the unknown, resentment at perceived ‘special treatment’, fear of individuals (particularly those with learning difficulties or mental illness), or of a threat to jobs from special measures. The Union movement in Ireland has to some extent sought to tackle such prejudices, with some success, and overall promotes positive policies.

In other countries the role of unions was not high profile in the information provided about disability and employment policy, indicating a general lack of engagement with this as an issue by many unions. The most common relationship with unions was seen in relation to the championing of member rights, for example where existing member’s jobs were threatened by incipient disability, or their rights changes as a result of new legislation. In these cases, unions are an important facilitator not only of individual redress, but also of the testing of laws to establish limits and guidelines. There was much less evidence of close union interest in the access of unemployed disabled people to employment as a general issue, beyond the types of generic statement commonly made in conformity with equality of opportunity in principle, but with little consequence in practice.

6.3.5 Retention measures

One of the key features of the review of policies for disabled people is the increasing emphasis that is – at least on paper – being placed on retention. Policy makers are increasingly acknowledging that prevention and early intervention is more effective (and cheaper) than cure. Policy in Finland and other Nordic countries emphasises the importance of strong health and safety at work measures throughout working life to reduce the incidence of work related illness and disability. In Finland, four main laws provide for maintenance of work ability measures, which can include health promotion, early rehabilitation interventions directed at employees with perceived risks of disability and rehabilitative interventions aimed at workers with lowered work capacity. Employers have access to special funds to improve the working environment to reduce risk to employee health and safety. As a result of these measures, workplaces have been shown to have increased their investment in such measures. In 1998, 12,700 individuals benefited from early rehabilitation measures and 6400 people received intervention to maintain work capacity.

In some countries, such measures are being enhanced and supported by the insurance industry, notably in the US, which often ends up footing the bill for work related injury. Instead of merely taking into account industry wide risk, some insurance companies are now looking at the record of individual companies when calculating premiums, thus making it financially more attractive to improve the undertaking's health and safety record. In some US insurance companies the largest size of redress payable by insurance companies to those disabled at work has led to two consequences. Firstly, companies are strict in their requirements of insured company compliance not only with extant legislation, but also with industry best practice and possible future liabilities. Secondly, insurance companies encourage employers to retain employees disabled whilst at work, since this is likely to be a cheaper and less litigious outcome than if the employee leaves work. The incentives and costs imposed on different stakeholders in this area are therefore a possible source of further study and possible policy action, going well beyond the employer and employee.

In addition to addressing prevention, increasing emphasis is being placed on early intervention either to ensure that an individual affected by illness or disability is able to retain his/her workplace through physical or organisational adaptations or to offer retraining and redeployment or early job search assistance. Such measures are in acknowledgement of the fact that re-integration into the labour market become more difficult the longer the period out of employment continues.

An example from Germany shows that intervention can also usefully be addressed to young disabled people prior to leaving school. A project in Hamburg not only provides vocational and job search guidance to disabled school leavers, but also targets actors in education and vocational training institutions to ease the transition from school into vocational training.

For those already in employment, legislative measures are clearly in place in the majority of countries to prevent an individual who has become disabled as a result of an accident at work to be made redundant (although potential loopholes are always available). A further aspect of this situation concerns measures to provide practical support to enable employees to stay in work. Such measures can cover a variety of issues, but can be divided into those which enable an individual to retain their existing job; those which encourage redeployment with the existing employer, and those which enable transition to alternative employment elsewhere. Measures include provision of aids and adaptations; guidance and counselling; retraining; practical support (with transport for example); and mediation between individuals and employers.

Despite increasing emphasis being placed on this policy element in some countries, and its importance in the light of an ageing workforce, this study identified relatively few examples of major policy initiatives in this area. Job retention seems in most cases to be

an adjunct to other disability and employment policies, and draws on similar organisational structures, delivery organisations and methodologies. In Australia, such provision is recognised as a priority and is delivered alongside other services by the CRS organisation. Germany operates a retraining programme for those needing to re-orientate themselves, but with mixed success – only 15,000 places are available and 32% drop out before being in a position to return to work. Germany also provides subsidies to employers to compensate for reduced productivity and to enable adaptations to be made, but whilst this is possible it again appears to be the case that take-up is relatively low. A more successful approach seems to be that adopted in the Netherlands, where rather than having specific programmes for particular parts of support needs, employers are able to call upon funds to provide any form of support needed to enable employees to remain in employment (this can also be used for access to employment in the first place). The flexibility of this system is well thought of in the Dutch context.

6.3.6 Job subsidies

Job subsidies are being used in two main ways to assist the integration of disabled individuals into the labour market. One is to encourage the initial employment of a disabled worker by providing a subsidy to cover the social and in some cases even part of the wage costs of employment. Secondly, subsidies are being used to cover what is being seen as the difference in productivity between a disabled worker and his/her able bodied colleagues. In most cases such measures work by assessing the individual capacity of a prospective employee to undertake a given job (usually expressed as a percentage). A subsidy is then made available to the employer to cover the shortfall between the output of the employee, and that which would be expected of an able bodied worker. In this model the employer does not lose out because in effect they are only paying for the output they receive. From the point of view of the employee they have access to employment at a wage the same as that of their colleagues. The calculation for the state is that it may be less expensive to provide this subsidy than to pay unemployment or disability benefits to an individual without work, whilst an employed worker may pay tax (though this is in most cases simply churning funds) and will be covered by the employer's social protection liabilities (although in some schemes these too are subsidised).

As with so many aspects of policy towards disabled people, whilst these measures look attractive in principle, in practice they are complex and have the potential to become entangled in administrative and implementation problems. Different countries have different experience, as illustrated below:

- In Belgium a scheme with a maximum 50% subsidy level and a relatively generous budget is estimated to benefit only 2000 individuals per year, largely as a result of delays in assessment of eligibility which are unacceptable to employers.

- In Denmark, one scheme allows up to 50% subsidy for permanent employees, whilst another provides initial subsidies of up to 50% for unemployed or newly trained disabled workers – despite this, take-up has been very low, for unexplained reasons.
- France operates a number of subsidy schemes, most of which involve the disabled employee receiving the minimum wage, whilst the employer receives payments – in some of these schemes the goal is also to provide disabled employees with permanent contracts. These schemes seem relatively more successful, with approaching 100,000 beneficiaries. This contrasts with the UK where the Supported Employment scheme, which subsidises disabled employment outside sheltered workshops, and supports some 4000 people each year
- The Greek system provides subsidies for up to three years, and is linked to the provision of training – it is regarded as successful, particularly in a country where attitudes towards disability are felt to be a major impediment to employment development
- In Finland a subsidy is available for up to 2 years for hiring a severely disabled individual. In 1998 14,000 individuals benefited from this measure costing FIM 537.5 million. The highest level of take up was in the public sector.
- In Ireland, only IR£1m was paid to employers for job subsidies in 1995 (latest available figures) despite promotion of the scheme – this contrasts with Luxembourg, which allocated 2.2m euro in 1999 for its subsidy scheme
- Whilst the Netherlands does not operate a straight subsidy scheme, there are a number of employer incentives available which deal with the capacity issue in a similar way, particularly organised around insurance against reduced capacity or illness, and encouragement of redeployment of individuals where necessary

The general conclusion from country experience is that, whilst subsidy schemes can be effective in individual circumstances, their impact is variable. Take-up appears to be relatively low in comparison to the numbers of disabled people who could potentially benefit, and is also restricted to a small number of employers. It would appear to be the case that more than a subsidy is needed for large numbers of employers to be willing to make the changes necessary to be able to take on disabled people with reduced productivity, and that bureaucracy around schemes is a disincentive for participation.

6.3.7 Rehabilitation and return to work

Rehabilitation continues to be an important plank of policy towards disability and employment in most countries. There tends to be a mixture of two broad themes - firstly, rehabilitation specifically related to an individual's disability, related for example to their physical capacities and mobility, and their relationship to possible employment options. This is the more 'traditional' form, and in many countries is a service provided through health and welfare services as opposed to employment services. The second theme is more vocationally focused, and may include assessment of what forms of employment may be possible, and/or vocational training, basic and key skills (classic active labour

market measures). These latter inputs may not be specifically related to the nature of consequences of a disability per se, but to a wider set of employability issues experienced by the individual. Whilst some of these may arise from a person's experience of disability and its interaction with education and employment, others may be as much to do with socio-economic position or the consequences of long term unemployment. In some countries this vocational component is relatively new, and provides opportunities for disabled people to be treated similarly to able bodied clients rather than as a 'special case'.

Where this occurs, for example in the UK through implementation of the active labour market New Deal policy, we can observe some of the pros and cons attempting to deal with disability in a mainstream rather than 'special' way. Philosophically the policy is aimed at mainstream style provision, and this is supported by disability organisations in principle – they would almost always prefer to see an end to segregated provision due to the possibilities of stigma and lack of integrated, rights based provision. In practice however it is proving difficult to offer the full range of support needed by disabled people alongside those needed by other target groups of the policy (who may well have their own particular needs). 'One stop' provision involving personal advice and support from a key contact is felt to be effective where the personal advisor is experienced, well supported, and has the time to deal with individual issues personally, and/or where a comprehensive range of contacts and specialist support is available to provide a tailored 'package'. Similar issues are reported in the Australian examples, and it seems to be the case that the level of resourcing available is a key factor in the success of such policies. The UK evidence suggests that the 'mainstream' combined New Deal approach has yet to demonstrate more positive employment outcomes than the traditional Disability Service Teams, which provided specialist, non-integrated support.

In relation to the delivery of training, there is variability between countries in the use of separate training courses as opposed to training provided within an employment situation (which itself may be in 'conventional' employers or various kinds of intermediate situations). A key issue of effectiveness identified in the study concerns transition and progression arrangements. In the main training provided in some form of work context is rated more highly than that done separately, since it gives more opportunity for wider employment issues to be addressed, gives experience of the work environment, and can help to educate employers. However, it seems clear that the most effective programmes are those where work based training is well organised, and is part of a process leading to permanent employment of some form (whether in that work context or elsewhere). This issue is particularly important when intermediate labour market measures (ILMs) are used. This study shows that this form of arrangement is growing in popularity (it is a priority feature in diverse countries including the UK, Austria, France, Australia and Finland amongst others). ILMs take various forms, but most include elements of training and work preparation in a quasi open employment situation, with an expectation of progression to full open employment later. An issue influencing the effectiveness of

ILMs can be the tension between the commercial operations of the provider and other income streams, as against the levels of support, speed of transition and aspirations of clients.

A further dimension in relation to rehabilitation concerns guidance and counselling. This is in most cases a complementary service added to vocational training or physical rehabilitation, and in recent times has become more common. It is a central component of most generic active labour market policies, not just those related to disabled people, and in the study was shown to be delivered in a variety of ways. The most effective delivery is seen where it is part of an integrated approach, and most recent policy for such measures seeks to ensure combined service delivery, such as in the UK and Australia. As with vocational training, this can be achieved through contact with individual advisors, or through referral to various specialist organisations. Unsurprisingly, disability organisations tended to feel rehabilitation and job search policies are most effective which they involve specialist organisations in delivery, which can be achieved in different ways. It is clear that the quality of advice and guidance, which is available is a key issue in effectiveness, and it is very hard to give an assessment different policy initiatives as a whole since the evidence suggests wide variations in actual delivery. From this study however it is possible to identify some of the factors, which have been reported as most influential in determining whether individual disabled people will benefit from such programmes. In attempting to assess the effectiveness of different policies therefore it would be possible to examine them from these points of view – it would be relatively safe to conclude that programmes with high scores in relation to a majority of these factors could be expected to achieve good outcomes. These factors include:

- ‘connectedness’ – services to clients which are well planned and co-ordinated, and which succeed in dealing with an individual’s full range of issues (physical abilities; location and housing; income; aspirations; relationships and dependent responsibilities; skills and education; mobility etc)
- resourcing – such services need to be adequately resourced to give delivery agents sufficient time and scope to deal satisfactorily with client’s needs
- part of a process – the better programmes have good referral relationships both into the programme and on to a variety of possible destinations
- expertise – mainstream programmes which also deal with disabled client groups will only succeed if specific expertise is available when necessary
- policy coherence – rehabilitation measures will only succeed when the wider policy environment is helpful, for example benefit systems and legislation around the employment of disabled people needs to be co-ordinated
- realistic – employment may not in practice be realistic outcome for some people, for others it will take a long time for employment outcomes to be viable. Policies which seek quick results (particularly when combined with target setting for delivery agents) can be at odds with what is actually required in individual cases

6.3.8 *Sheltered employment*

In a number of countries such as Belgium, sheltered employed still makes up the most significant part of “active” policy provision for disabled individuals both in terms of financial allocation and number of beneficiaries. However, there has in recent years been an increasing emphasis on integrating disabled individuals into open employment. In a number of countries, such as the Netherlands, this development has gone hand in hand with legislative changes defining the groups who are to receive access to sheltered employment. In general, this has had the effect of narrowing down to the more severely disabled, the individuals who are to gain access to sheltered employment. The trend is therefore increasingly in the direction of provision for individuals with the most severe disabilities.

At the same time the originally dual goals of sheltered employment are being watered down. The provision of employment in sheltered workshops was in the majority of countries originally intended to fulfil two purposes: the provision of gainful employment to disabled individuals in an environment where they could build their confidence and development their skills to enable them eventually – as a second goal - to enter the open labour market. In all the countries studied data on transfers from sheltered to open employment is either unavailable or transferral rates are negligible. This has led to sheltered employment increasingly becoming perceived as a “social” rather than a labour market orientated form of provision. Having said that, there are at the same time increasing moves towards encouraging greater profitability and market orientation among sheltered workshops. In Belgium this has led to sheltered workshops increasingly employing individuals with less severe disabilities in order to meet the requirements of the greater market orientation. This is part and parcel of a wider debate on the role of third system, not only in providing employment to disadvantaged groups, but also in providing marketable goods or services. Such approaches are more likely to characterise sheltered employment as an intermediate labour market. The latter is an approach currently particularly under discussion in Finland, where sheltered employment continues to be perceived as a step towards rehabilitation and the open labour market.

Sheltered employment can be provided in dedicated production units staffed by disabled individuals, which are part of a wider enterprise in the open market. Sheltered workshops, on the other hand, tend to be run by charitable organisations and exclusively provide employment and work experience to disabled individuals. In France, a significant distinction is being made between these two forms of sheltered employment insofar as they attract different levels of remuneration. In addition, employees in sheltered workshops are not considered to be employees and can therefore not be dismissed.

Sheltered employment is either directly supported by government subsidy (in some cases derived from the quota levy) or is supported by granting large public contracts for the provision of certain goods to sheltered workshops or work teams. As mentioned above, in

recent years there has been an increasing emphasis on the profitability and greater market orientation of sheltered workshops to ensure an increasing share of resources can be drawn from the sale of goods or services.

One particularly noteworthy example of changes in the view of sheltered employment is the UK's policy towards 'Remploy'. This organisation was established after the 1939-45 war to provide employment for disabled war veterans, and has continued to provide sheltered employment in factories for disabled client groups ever since, though to declining numbers. In 1999 the UK Government announced its decision to close the remaining sites, on the basis that they were both too expensive in comparison to other sheltered provision, and were ineffective in achieving transitions to open employment. This led to much controversy, which has yet to be finally resolved, with the decision attributed to purely economic (ie money saving) motives. The illustrative points from this experience concern the fact that many disabled workers in such facilities are apparently happy with their circumstances, with little ambition to progress to other types of employment; and that Governments tread on dangerous ground when they seek to change long established practices. Media coverage of the issue enabled Remploy's champions to deploy arguments which played heavily on public sympathy for disabled people, and some images and messages put across were close to stereotyping disabled people as victims and incapable of open employment.

6.3.9 Adaptation of work and workplace

This area of policy covers a number of possibilities:

- access to practical aids and adaptations
- modifications to the workplace, mainly to enable access
- modifications to the organisation and structure of employment

Most countries have policies to facilitate access of disabled employees to practical aids and adaptations, which may enable them to secure or retain employment. In most cases this involves either access to supplies themselves, or subsidies for the purchase or leasing of equipment. Some countries put the onus on employers to provide equipment, the costs of which can then be recovered, others have publicly provided programmes. Whilst this form of support is generally available, in practice it often does not seem to be taken up to any great degree. Low use was reported in Belgium, Denmark, Greece, Ireland and the UK, and was in the main attributed to inflexibility, bureaucracy and lack of knowledge of its availability. Grants are likely to be limited in size, and may be available only for certain types or makes of support. A particular issue in the UK has been restrictions on what is available, and a feeling that the best and most effective aids are not covered, combined with a long delay in applications being processed. Evidence from the study seems to indicate that this form of support is not a significant incentive to enable disabled people to access employment. It may in some cases assist in transition, but will not on its

own make the difference between employment being available or not. Once an employer has decided to take on or retain a disabled worker it seems to be more the case that they will deal with the provision of aids and equipment internally rather than avail themselves of schemes perceived to be limited and bureaucratic. The one country, which seems to have created a more successful approach is the Netherlands, where the availability of relatively generous, flexible grants to cover a wide variety of support measures, implemented by employers themselves, is felt to be attractive and successful. In general terms it is likely to be the case that the significance of equipment provision measures will continue to decline, as the costs of new technology continue to decline whilst its capabilities increase.

Workplace adaptation is a similar issue. Most countries provide resources to enable workplaces to be made suitable for disabled employees, particularly in relation to accessibility and appropriate facilities. As with all such programmes, eligibility and responsibilities vary, from schemes available to support individual employees, to those which demand accessibility of newly build or refurbished premises. The UK's recent Disability Discrimination Act outlaws refusal to employ individuals on the grounds that premises are not accessible, although this requirement is compromised by the as yet untested limitation of 'reasonableness'. Belgium makes resources available to employers for workplace modifications, Denmark 'compensates' employers for modifications, and Ireland runs a similar scheme, but in all these countries take-up is low (only 75 beneficiaries in Ireland in 1995 for example). The comprehensive French 'employment obligation law' includes provisions for support for adaptations, and supported 3000 adaptations in 1998 at a cost of 23m Euros. These adaptations are part funded through the levy paid by employers failing to comply with the employment quota – this process is also used in Germany. As with equipment subsidy, in the main these schemes make modest contributions to disabled people's employment, but cannot be said to have played a major role. This finding is to some extent at odds with the image of such programmes, which are often given high profile in publicity concerning policy support for disabled employment. This can be attributed to the tangible nature of support provided, which is easier to publicise than more diffuse and 'invisible' support (such as guidance or job subsidies).

The final area covered here concerns modifications to the nature of work itself. New forms of work is a generic theme in the Employment Guidelines, and its relationship to the needs of disabled people in theory should be considerable. Modifications might include, inter alia, remote access to work; job sharing; flexible time organisation; mentoring and other support measures. There is little evidence in the study of policies which specifically support these types of measures. This may be due to the inherent difficulties of formulating policy which has the potential to achieve impacts, since this is a highly individualised issue, and there is a general lack of experience and best practice in what might be achieved. This issue is most likely to be witnessed as one of a number of ideas promoted to employers as part of publicity or persuasion campaigns.

Our overall conclusion in relation to this subject areas is that, despite the relatively high profile given to it in many countries, it is in the main not very effective (at least not in relation to widespread take-up, there will doubtless be individual examples where it is positively valued). The best rated schemes are those which are flexible and easy to manage, and which delegate responsibility to employers and disabled people themselves to decide what is needed when.

6.3.10 Enterprise strategies

Increasing emphasis has in recently years been placed on the importance of entrepreneurship and small business formation on order to support and enhance competitiveness and job creation. In line with the priorities of the Employment Guidelines Members States are emphasising policies supporting new business formation in relation to:

- Tax advantages
- Financial support
- Decreasing levels of bureaucracy
- Subsidies to new businesses seeking to employ additional staff
- Advice and guidance to entrepreneurs

Our policy review found little evidence of enterprise strategies directly targeted at disabled individuals, which is why few of our experts have described measures in this area. Disabled applicants for support are therefore generally afforded advice and support on the same basis as any other new entrepreneur. Some countries, such as Finland monitor the extent to which such assistance has been taken up by disabled individuals, however, this is not the case in every country. It is unclear from the information provided to what extent other assistance such as help with aids and adaptations can be combine with support for new enterprise formation or whether such assistance is only available to those in employment – this would clearly be an important issue for any disabled entrepreneur.

One area where enterprise creation might be witnessed is around the creation of social forms or other forms of social economy action. There a plenty of examples of policies to encourage development of social firms as intermediate labour markets (many supported by the European Social Fund). Few of these however seem to have been created by disabled people themselves.

6.4 Other issues

6.4.1 Timing, duration and 'deadweight'

When assessing the success and impact of any labour market measure, it is generally important to understand whether success or failure can be attributed to any of the following factors:

- Insufficient timeframe allocated for measure to show effect
- Ineffective targeting
- Evidence of positive or negative interactions with other passive or active policies
- Would outcome have been achieved without the measure (i.e. as a result of changes in the economic framework etc.)
- Cost benefit analysis (for example what is the cost of an active measure compared with passive support and how does the cost benefit ratio differ between different measures)

The evidence provided by experts in the countries studied shows a lack of information on factors, which may have contributed to or hindered the success of certain policies, even where information on outputs is available. Even where attempts have been made to assess issues such as deadweight, the veracity of the analysis provided has generally been called into question, as the US example shows. Deadweight is a problem which labour market analysts traditionally have difficulty in assessing, because of the wide variety of factors which can influence policy outcomes and the practical and ethical difficulties of assessing outcomes for a control group not receiving certain policy inputs. In the case of labour market policies for disabled individuals, the problem is aggravated by the fact that despite the all-embracing label, policy makers are dealing with a very diverse group of individuals with widely varying needs and differences in the distance each individual has to travel in order to achieve effective labour market integration. It is generally observed that active labour market policies are more effective in times of economic upturn – in line with improvements in employment figures for the workforce on the whole.

Since a significant number of disabled individuals require long term assistance, support and training to allow re-integration into the open labour market (if this is indeed the desired objective) it appears clear that a number of the measures described by national experts do currently not allow a sufficient timeframe to achieve this sustained level of support. Policies therefore need to be designed not only with an awareness of the financial resources required to allow the success of a measure (such as the individualised support measures described above), but also to provide support over a sufficiently long time scale to ensure that development work does not have to come to an end prematurely, thus causing further frustration and discouragement.

6.4.2 Availability of evidence

In order to be able to benchmark progress in policies aimed at the integration of disabled individuals into the labour market, it is necessary to gather some key baseline data, for example on the proportion of disabled individuals in the population, economic activity and inactivity, as well as employment and unemployment rates. While such basic statistics are usually readily available, comparability is hampered by differences in definitions, method of collection and a lack of contextual information.

In some cases it is the underlying policy philosophy, which does not allow disability issues to be identified, for example. in Denmark, where a mainstream policy approach rejects a definition of disability.

When it comes to assessing the impact and outcomes of policy measures, significant differences remain between countries. While some countries appear to gather very little evidence even on policy throughput, let alone policy outcomes, others gather a wealth of information, which nevertheless often remains meaningless in transnational comparison because of a lack of context. What is generally provided is information on throughputs, i.e the number of individuals who have benefited from certain measures. In some cases, information is also available on final destinations (at least in the short term) such as:

- Entry into open employment
- Entry into sheltered employment
- Entry into further training
- Unemployment, or
- Other outcomes.

This information rarely provides an insight into qualitative outcomes such as the nature of the job obtained, more long-term duration of employment etc. In addition, cost-benefit analysis are rarely carried out – particularly in relation to comparing the cost of active measures with the cost of passive support - and we have found not evidence of cost-benefit assessments weighing up the benefits of different types of policy intervention.

6.4.3 Indicators of success

The table below presents some key indicators, which may be used to assess the success of different policy measures:

Type of measure and potential indicators

Passive/compensation measures	Anti-discrimination measures	Prevention/retention measures	Subsidies	Rehabilitation - initial and further training	Sheltered employment	Adaptation of the workplace	Enterprise strategies
<p>Balance of spending on active and income maintenance measures Impact of balance of spending on participation rates among disabled people (by age, gender, severity of disability, skill level, type of employment contract)</p> <p>Changing levels benefit take-up Shifts in take-up of different benefits (e.g. stock and flows in and out of benefit receipt, including disability benefit, unemployment benefit)</p>	<p>Changes in stakeholder attitudes (particularly employers)</p> <p>Awareness of campaign in general public</p> <p>Number of employers seeking to take part in demonstration projects/national good practice awards</p> <p>Level of dissemination of good practice</p> <p>Statistics of use of legal instruments, proportions decided in favour of disabled people, level of compensation awarded</p>	<p>Number of jobs retained (by severity of disability, age, sex, skill level, nature of retention measure – i.e. re-deployment, adaptation, re-training)</p> <p>Cost of retention measure per job retained – compare with cost of unemployment</p> <p>Expenditure on health and safety measures – number of sick days per year per enterprise</p>	<p>Level and duration of subsidy Number of jobs created Cost of subsidy per job secured/ Created Nature of jobs created (by severity of disability, age, sex, skill level of beneficiary; by quality of job/nature of employment contract, training received)</p> <p>Evidence of dead weight</p> <p>Sustainability of employment post-subsidy</p> <p>Employability outcomes</p>	<p>Number of beneficiaries per measure (beneficiaries by severity of disability, sex, age, skill level) Level of completion of measure (early drop out) Nature of measure</p> <p>Cost per beneficiary by nature of measure and beneficiary</p> <p>Outcomes</p> <ul style="list-style-type: none"> - into sheltered employment - into open employment - into further training - into other measure - sustainability of employment after 6 months/1 year <p>Comparison with cost of unemployment</p> <p>Employability outcomes</p>	<p>Number of placements in sheltered employment by nature of placement (beneficiaries by severity of disability, sex, age, skill level)</p> <p>Financial support required for each placement in sheltered employment</p> <p>Level of transfer from sheltered to open employment</p> <p>Quality of sheltered employment (e.g. nature of contracts, level of employment protection, level of pay)</p>	<p>Number of adaptations carried out</p> <p>Number of jobs secured</p> <p>Total expenditure on adaptations</p> <p>Average level of support per adaptation to secure 1 job</p> <p>Nature of jobs secured (beneficiaries by severity of disability, sex, age, skill level)</p> <p>Quality of jobs secured</p> <p>Sustainability of jobs secured</p>	<p>Number of businesses formed by disabled individuals</p> <p>Survival of businesses after 6 months/1 year/ 3 years</p> <p>Number of businesses established by disabled individuals offering employment</p> <p>Level of grant provided to business set ups by disabled people (calculation of cost for each business established)</p>

6.4.4 *Gender perspective*

The gender perspective generally not well integrated into disability policy and little information is available on the differential impact of employment policies for disabled people on men and women. A number of countries, such as Germany and Ireland note, that disabled women tend to suffer more disadvantage in the labour market than their male counterparts and are more likely to be found among discouraged workers, who are no longer actively seeking employment. There is little evidence of gender specific throughput or outcomes data being gathered.

However, in a number of countries such as Australia, recent participation data show that disabled women have benefited most significantly from a recent improvement in employment figures (more so than their non-disabled female counterparts or disabled men). No attempt has so far been made to explain this phenomenon and to assess whether this is a policy related trend

7.0 CONCLUSIONS AND RECOMMENDATIONS

In this section we draw a number of conclusions and make recommendations based on our assessment of the information gathered during the study. Since the source material and analysis has been dealt with in detail in the rest of the report we will not repeat here the reasons for these conclusions and recommendations, these can be found in the relevant sections. Instead, we seek to summarise the key points we wish to make.

Employment policy for people with disabilities

- Employment policy is undergoing considerable changes in most countries, and all are seeking an increase in active policy. Most are also moving away from passive policies, although these have not been abandoned altogether, nor will they be in the near future
- The move from passive to active measures is not a simple process and there is much evidence to show that conflicts in policy objectives may result.
- Disabled people and disability organisations do not always support reduction in passive measures and encouragement of active employment focused measures.
- There is therefore a need for such policy shifts to be better thought through, better co-ordinated, and better communicated to disabled people and disability organisations
- In all countries policy related to disabled people and employment is highly complex. It includes many different measures, different definitions, different implementing organisations and even different objectives.
- It is not possible therefore to assess the precise impact of any one policy or measure, since all interact with each other. It is however possible to assess the extent to which the policy ‘packages’ used by countries achieve the broad aims of policy. In all cases these seek to encourage and support disabled people to find and retain work. In no cases can they be said to be fully effective – in all 18 countries in the study, the proportion of disabled people in the workforce, the extent of unmet demand for work, the unemployment rate of disabled people, and the quality of the jobs they occupy is significantly worse than that for able bodied people.
- There is indicative evidence to suggest the shift from passive to active labour market policies is beginning to enable more disabled people to obtain or retain employment, however such evidence is patchy.
- The likelihood of disabled people obtaining or retaining employment appears to be as closely correlated with other factors as with explicit policy towards disabled people’s employment. These factors include cultural attitudes, particularly amongst employers and disabled people themselves; the state of the economy and the labour market as a whole; and demographic change in the labour force. The impact of non disability specific policy

is also highly influential, particularly in relation to general employment measures, the benefits and particularly the pensions system, and macro economic policy.

Specific policy areas

- *Passive* measures retain a powerful influence, despite their reduced emphasis in policy. The interactions of benefits and other passive measures on the one hand, and more active measures on the other, is generally poorly co-ordinated and even more poorly understood by clients. Client attitudes and understanding should be given a much higher priority in the design and delivery of policy
- *Anti discrimination measures and legislation* play an important role in ‘setting the tone’ for disability and employment policy. Their impact in isolation however is hard to detect at the macro level. Enforcement is a major issue and is not an effective remedy for most individuals. Legislation is more effective for those already in employment than those seeking to access employment. Non employment specific legislation can have a positive impact, for example on accessibility. Much legislation is compromised in its effectiveness by caveats and limits to its applicability.
- *Quota systems* are seen as not effective in some countries, and as more effective in others. The evidence suggests they are rarely complied with to any great extent, though they may be a means of raising addition revenues through levy systems. It is not possible to conclude that quotas achieve higher levels of employment for disabled people than would otherwise be the case. They may however have a useful role to play in awareness raising. To be effective in their primary goal however they would need to be enforced much more rigorously, and this would only really be effective if combined with other measures to tackle disabled people’s employability and the accessibility of different forms of work.
- *Persuasion measures* are widely used but their impact is very hard to assess. They are important in creating a more positive environment for disability and employment, but on their own cannot be expected to achieve major impacts on employment levels or access. Larger employers are more likely to adopt positive policies and codes of ethics, however in some cultures SMEs play an important quasi caring role in providing opportunities for disabled employees. Persuasion measures should continue, but should focus more on practical solutions and a credible business case
- *Job subsidies* can be very useful for individuals and may be an effective way of ensuring legislation and quotas are complied with. In general however take-up is not high. Subsidies would be more effective if they were less bureaucratic and easier to use.
- *Rehabilitation* is one of the most important measures. It covers a number of different areas, but the most effective at individual level appear to be training, retraining and employability. These directly address the most significant issue from the point of view of employers, that is the abilities of individuals (as opposed to their dis-abilities). Effective rehabilitation measures which are individually tailored, effectively delivered, and combined with other measures to ensure employers are exposed to individual candidates is

probably the most effective policy combination. It does however demand adequate resources, access to specialist services and perspectives, and good links to employers.

- *Sheltered employment* continues to be a major employer of disabled individuals, although is increasingly concentrated on more severely disabled people, due to its inability to achieve significant levels of transition to open employment. As a policy measure it is often very popular with disabled people themselves. The costs of disruption to established situations and unhappiness caused to those in sheltered employment arising from major changes in policy towards sheltered employment should be carefully considered by policy makers. It is likely to remain a part of the policy mix into the future, and for some people will remain the only viable option.
- *Aids and adaptations* are made available in all countries, but in general take up is not as high as might be expected. The most effective policies are those which are flexible, easily administered, and devolve responsibility to employers and disabled people themselves. Most policies do not operate in this way. Work organisation is rarely seen as a major feature of policies, but has the potential to become more important if better understood and treated imaginatively.
- *Enterprise strategies* targeted on disabled people are very rare. Policies for general enterprise development should be reviewed to assess their accessibility, whilst the support measures available for disabled people in employment should be made available to disabled entrepreneurs.

Monitoring and evaluating employment policies

- There are very few examples of policies in action which have been satisfactorily monitored and evaluated – measures and indicators are often weak and unhelpful, and what information is available tends to relate to policy which no longer pertains
- It is even more difficult to make cross national comparisons since no two countries use the same definitions, policies, output measures and indicators of success. Whilst it is possible to make qualitative comments concerning the apparent effectiveness (or otherwise) of policy measures, it has not been possible to make statistic comparisons. It will not be possible to do this in the near future without a serious effort to agree common baselines, definitions and indicators. This should be undertaken without delay if international comparison is a high priority

ANNEX A
RESEARCH TOOLS

BENCHMARKING EMPLOYMENT POLICIES FOR PEOPLE WITH DISABILITIES SPECIFICATION FOR NATIONAL CORRESPONDENTS

• INTRODUCTION

The examination of National Action Plans (NAPs), guiding national employment policies until the year 2002, forms a central part of a strategy for converging employment policy outcomes in Europe. In commissioning research, the European Commission aims to support national Governments' development of the NAPs.

Evidence from studies undertaken in recent years strongly highlights the particular difficulties that people with disabilities face in gaining and retaining employment. In some Member States where participation rates are generally good, disabled people tend to be proportionally better represented (European Community Household Panel (ECHP), 1994). Disabled women, in particular, seem to fare badly, with evidence suggesting that they are more 'hampered' in gaining employment than disabled men.

The broad barriers to disabled people's equal participation in the labour market are generally grouped as follows:

- exclusion from labour market and dependence on disability benefits;
- poor basic education
- employment in low-skilled, low-paid jobs.

In recognition of this, most Member States of the EU have reviewed, or are in the process of reviewing, national policy and practice, and in many cases have responded with pilot initiatives and policy changes in an attempt to address this. A strong emphasis on prevention, early intervention and active labour market policies in general is believed to offer an effective means of supporting people who are at risk of, or who have been, long-term unemployed. ('What works among active labour market policies: Evidence from OECD Countries' experiences, OECD, 1998).

Recent developments increasingly emphasise the 'employability' of individuals whilst providing support at the same time, rather than safety-net provision based on an assumption of incapacity for work. Policies which reinforce dependency are no longer deemed acceptable, both because of individuals' resulting exclusion, and because of the high costs associated with supporting economic inactivity. Consequently, policies and provision which improve work-related skills and provide appropriate support to individuals on the supply-side, and *at the same time*, address demand-side barriers. The second aspect could be achieved through supporting flexibility and adaptations in the work place, and raising awareness and highlighting the benefits of employing people with disabilities.

There is a lot of variability in the policies in different countries, with different objectives, target groups, types of measures and conceptions of the labour market and disabled people's roles within it. Nevertheless, it is possible to identify thematic elements particularly to the overall approaches, for example: persuasion policies; active measures; financial incentives, and so on.

Equally, there are already some broad ideas as to what good practice and the future focus of European policies in this field might look like. A recent Commission Working Paper sets out some guidelines for a new EU policy which focuses particularly on prevention, early identification of needs and tailor-made responses. Key aspects will include:

- tackling the skills gap by modernising education and training systems, and equipping workers to take advantage of new job opportunities;
- developing incentives to work;
- building a spirit of entrepreneurship and job creation;
- building a market environment characterised by flexibility, but balanced with security;
- equal opportunities and equal responsibilities; and
- 'employability' - the fourth pillar of European Employment Strategy.

Review of the effectiveness of approaches taken by the different Member States and other nations promoting active policies, offers an opportunity to identify good practice and evidence of potential transferability. Whilst mainstreaming good practice approaches is often seen by EU actors to be desirable, there is a need firstly to reflect on the current position, good practice, and the wider operational circumstances in which it can be found, in order to set guidelines and targets for the future direction of policy.

A Commission Staff Working Paper sought to set out the way forward, as follows:

1. to provide a framework of reference for further action by Member States;
2. to highlight issues relating to the employment of people with disabilities to which the Commission would pay attention in future work around the Employment Guidelines.

(Raising Employment Levels of People with Disabilities: The Common Challenge, Commission Staff Working Paper, SEC (1998) 1550)

There is clearly an agenda for action, but which needs to be related to the different situations at Member State level. Of particular pertinence are the identification of leading edge policy and practice, and the establishment of benchmarking criteria against which to compare policies and measures, and encourage wider adoption of these policies. This study will be a major contribution to this objective, and it is particularly important to include other industrialised country experience in addition to that of EU Member States given the variability of experience and good practice throughout the world.

A. OVERVIEW

Aims of the Study

The underlying aim of this work is to see what contribution policies might make as part of a strategy to combat high and persistent unemployment amongst disabled populations in Europe.

The overall objective of this research, as identified in the Commission's invitation to tender, is:

- To produce an analytical report with clear results that show what is good practice in getting people with disabilities into jobs

Identifying good practice for getting and keeping people with disabilities in jobs

This is the core objective, and the study will need to highlight outcomes in terms of employment and economic well-being resulting from improved labour market environment. The main programmes and their objectives, methods and outcomes should be specified, as well as their operating environment, (definition of the disabled population, disability benefits, legal and fiscal frameworks). Whilst the emphasis is on highlighting good practice, the study should also reference practice that does not appear to be effective.

The following aspects are key components of the study:

- Analysing and evaluating the success of Member States' policies to activate disabled people wanting to work but not currently looking for it (incentives and activating benefits in favour of employment);
- Identifying the timing and duration of interventions and potential dead-weight effects (where employment would have resulted without the intervention taking place);
- Identifying policy areas where valuable evidence is being collected, and including the areas where information does not exist because monitoring and evaluation plans are not yet in place
- Identifying the extent to which gender equal opportunities are addressed and mainstreamed. Identifying the proportion of women benefiting from each measure, and exploring gender imbalances.

B. THE NATIONAL STUDIES IN CONTEXT

National studies will inform the benchmarking, exploring good practice and collecting evidence on indicators that could be considered to be a measure of good practice. The national information will focus on collecting new monitoring and review information, and information on effectiveness and ‘model’ approaches, according to robust domestic data sources, where these are present.

The individual operating and policy contexts are equally important, as in order to profile what indicators demonstrate good practice at the European level, it is necessary to acknowledge and illustrate the different implementation frameworks of policies in different member states. Divergent policy responses reflect differences in current economic situations, national labour market structures and specificity of labour markets. As such, the contextual operating factors include finance and funding sources, legislation, social security, labour market participation rates, definitions of disability, key actors and agencies involved.

National studies will be undertaken by a named correspondent for each member states. The main work for the correspondents is to:

- Draw on relevant literature and recent national studies of employment policy for people with disabilities to provide background to the national situation;
- Identify the main policies, relevant policy changes and potential impact in relation to the study focus;
- Provide contextual detail on the relevant legislative and fiscal structure and policy interactions;
- Provide definitions of disability (in relation to eligibility for the policy measure);
- Undertake interviews with a small number of relevant policy actors;
- Access national data, check availability, and comment on the accessibility of data, any anomalies, and recent changes;
- Produce a report to ECOTEC to the format provided below.

The role of the correspondents will be to gather and synthesise national-level information on the labour market policies operating and monitoring and evaluation information available in each case. A consistent approach to analysis is needed, and we have devised a data collection template to ensure comparability across the countries to be studied.

Analysis of National-level Data and Thematic Synthesis

ECOTEC will be responsible for comparative analysis to draw out good practice from the national studies, both across the countries, and on a thematic basis. Initial analysis will overview the most important policies of each of the EU Member States plus the three OECD countries at a summary level. This analysis will explore different aspects of the *policy and operating context*, as well as drawing out the key foci of policies at the national level, and key features of the measures adopted.

Secondly, the analysis will be thematically focused, aiming to identify good practice in each 'theme', and the component parts or key features, which constitute good practice. Policies will be grouped thematically according to their overall focus, passive or active, and within their more specific focus (anti-discrimination/equal opportunities; persuasion measures; rehabilitation, return to Work; Supported Employment; adaptation of work and workplace; 'enterprising' strategies).

This level of analysis will also look specifically at *effectiveness* – at the monitoring and evaluation of policies in place, reflecting on both comparable statistical data and evidence from qualitative evaluations.

Finally, a report will be prepared presenting a thematic analysis and good practice in employment policies for people with disabilities, including national-level summaries and proposals for a framework for shaping and benchmarking future policies in this field.

C. TASKS OF THE NATIONAL CORRESPONDENTS

1. IDENTIFYING THE KEY POLICIES AT NATIONAL LEVEL

Correspondents should make use of existing studies and material to assess the national approach to employment policies for people with disabilities and to identify recent trends. Specifically, this task involves the following:

1. Review the National Employment Action Plan for their country, (available from DGV Website) and *provide a brief overview* of the plan in respect of actions related to the employment of people with disabilities.
2. Review recent studies undertaken (such as those by ILO) of employment policies, job retention and return to work strategies for people with disabilities, to assist in the identification of the key policies operating in each case.
3. Review of other up-to-date documentation and research reports on active and passive labour market measures affecting people with disabilities. This is likely to include a search of Internet Web-Sites, and might include review of documents and reports on social inclusion policy, welfare benefit reform, employment creation policy, equal opportunities legislation, and so on.

Output of task 1 - The main approach(es) followed in the country relating to employment policies for people with disabilities should be identified, including any interaction with other policy fields (e.g. social security, health and welfare, housing, fiscal, education).

2. Interviews with key players at the national level

The interviews serve three purposes: Firstly, to identify (or verify) the policies of importance at the national level; secondly; to add depth to, and complement the review of secondary sources; and thirdly, to gain access to monitoring and evaluation data on key policies.

Using a topic guide prepared by ECOTEC (Annex B), national correspondents should undertake interviews with key players at the national level. Approximately 3-5 interviews should be conducted, either face-to-face, or by telephone, as deemed appropriate. As a minimum, consultees should include: a representative from the national ministry responsible for employment and/or disability policies; a representative from the ministry responsible for social security/welfare benefits; and, a representative from a key national Disability Organisation. Other relevant consultees might include Social Partner representatives. Correspondents are expected to identify the most appropriate consultees for this exercise, and present the proposed profile to ECOTEC for approval.

Output of task 2 – Summary paper of discussions held with key players structured according to the headings provided in the topic guide. List of accessible data sources.

3. DATA COLLECTION

Following Tasks 1 and 2, National Correspondents should be in a position to establish what monitoring and evaluation systems are in place for the identified policies and measures. Task 3 then involves obtaining this monitoring and evaluation data, where it is available, for each policy measure being studied. The aim of the research is to be able to monitor policies at the European level, and the identification of best practices for benchmarking, it is vital that the country analysis provides information on the existence of national monitoring systems, and of available indicators, and sources of information on employment policies for people with disabilities. As such, it should specify the:

- Current systems in place for monitoring and evaluating policies
- Usual monitoring indicators, what they are, and how are they used;
- Gaps and weaknesses in the existing monitoring and evaluation data;
- Statistical sources available at the national level which are/could be used for a monitoring system;
- Any new indicators that could be considered.

Output of Task 3 – Completed Evaluation template for each policy measure studied. All policy-specific data collection should be structured and presented in accordance with this template provided as Annex A.

Background Material

In addition to this briefing paper, ECOTEC will supply the National Correspondents with the following:

- Copy of the ILO review of employment policies for people with disabilities for their country of study;
- A template for structuring information on employment policies for people with disabilities (Annex A);
- A Topic Guide for discussions with key players at the national level (Annex B).

Further background information on the study is available from the DG5 Web Site.

Communication with ECOTEC

The principal means of communication between ECOTEC's study team and the national correspondents will be by E-mail or fax, backed by telephone discussion where any clarification is needed.

John Bell is the Project Director. On a day-to-day basis you should liaise with **Caroline Lee**, the Project Manager, preferably by E-mail, otherwise by fax or telephone.

Address: E-mail: Caroline.Lee@ecotec.co.uk

Fax: 0121 616 3699

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Timescale and Key Outputs

Following receipt of this guidance note, ECOTEC will be in touch with you to check that you have received a full set of papers, and that you are happy with the template and reporting outline.

After your initial period of desk research, and when you have identified key national consultees, we ask you to submit a very short progress report (no more than one page), listing 1/ the policies you propose to cover, and 2/ the profile of consultees to be approached for interview. ***The deadline for this report is 1 November 1999.***

The deadline for the ***draft final report*** is March 2000. This means that the National Correspondents' inputs must be received and accepted by ECOTEC by ***Friday 3 December***, to be approved by ECOTEC by Friday 17 December 1999, in order for the thematic synthesis and benchmarking analysis to get underway.

The final report should include:

1. Introductory paragraphs summarising the key policy measures at the national level, recent developments, and highlighting key issues, such as interaction between policy areas, monitoring indicators and available statistical sources. The approach must be interpretative and refer to existing literature and documents. Only current national policies can be considered.
2. A summary of discussions held with key actors at the national level, structured according to the topic guide provided as Annex B.
3. A completed evaluation template (Annex A) for each policy measure, including a short description of the policy/policy measure, up-to-date data for each heading in the template (where available), commentary on the monitoring and evaluation systems in place, definitions of disability in relation to the policy measure, and brief indications of relevant interactions with other policy actions, fiscal or legislative measures.

N.B. There are no resources for the translation of documents, templates, or interview schedules. National Correspondents may choose, however, to produce their final report to ECOTEC in either English or French.

Annex A: Template for the analysis of national employment policies for people with disabilities

ANALYSIS FOCUS	<ul style="list-style-type: none"> EXAMPLES AND INDICATORS OF DATA TO BE COLLECTED
Country	
Policy Classification	<p>Passive measures</p> <ul style="list-style-type: none"> <input type="checkbox"/> Income maintenance, benefits and compensation measures <input type="checkbox"/> Other, please specify _____ <p>Active measures</p> <ul style="list-style-type: none"> <input type="checkbox"/> Anti-discrimination/Equal opportunities measures (legislative measures; quota systems; protection against dismissal) <input type="checkbox"/> Persuasion measures (disability awareness raising; incentives; promotion of good practice) <input type="checkbox"/> Rehabilitation, Return to Work (Upgrading of skills; retraining; re-orientation to the labour market) <input type="checkbox"/> Supported Employment (Ongoing support to open, paid employment, retention strategies: e.g. enclaves; employment support workers; job coaching) <input type="checkbox"/> Adaptation of work and workplace (Provision and access to aids and adaptations to improve flexibility in the workplace or of work practices) <input type="checkbox"/> Enterprise Strategies (Social Firms; social enterprises) <p>Other, please specify _____</p>
Name of policy/policy measure	
Activity and Spending resources dedicated:	<p>Degree of effort or interest, and resources devoted to within each national system. E.g.</p> <ul style="list-style-type: none"> • Share of public spending on these measures as % of GDP • Spending on measures per person unemployed • Number of participants on these programmes as % of labour force. • Other measure of spending effort (Please specify)
Target Group Characteristics	<p>E.g.</p> <ul style="list-style-type: none"> • Type of disability targeted • Severity of disability targeted • Recipients of particular disability benefits • Eligibility criteria for participation

Aim of policy/policy measure	E.g. Enhancing Employability Upgrading skills Adjusting work organisation Building a safer workplace Harnessing new technologies Creating suitable jobs Non-discrimination/Equal Opportunities Introducing incentives to work	
Description of measure and methods involved	E.g. Personal guidance and counselling Vocational guidance and counselling Action planning Personal Development training Vocational training (leading to a qualification) Vocational training (not leading to a qualification) Work placement/experience On-the-job training Sheltered employment Supported employment Job coaching/Buddying Club-house approach	Other forms of ‘holistic’ support to individuals Wage subsidies Grants for aids and adaptations Access to new technology training Access to new technologies as support to the workplace Social security measures Reform of tax provisions (e.g. Employer tax breaks)/Implementation of tax-benefit incentives Creation of flexi-jobs Social firms/social enterprise Anti-discrimination legislation Quota systems Employer obligations Job protection legislation Adaption of training regulations Awareness-raising Codes of good practice
Eligibility Criteria	E.g. Timing of intervention Duration of Intervention Interaction with benefits/financial compensation arrangements	
Evidence and Data Sources	Monitoring and evaluation systems What data is available re: Gains to employment and economic well-being? Achievement of intervention goals and targets?	

	Gender breakdown on participation and outcomes?	
Results/Outcomes Indicators	<p>E.g.</p> <ul style="list-style-type: none"> • Job outcomes • Qualification outcomes • Measures of ‘Employability’ • Gender balance • Cost-benefits • New job creation • Jobs retained/’transformed’/made more flexible • Evidence of awareness-raised/Creation of more supportive workplace cultures • Impact on participation rates • Impact on numbers claiming benefits • Impact on accountability (e.g. through involvement of disability organisations, the social partners, individuals) 	<p>Effectiveness (quantitative and qualitative effects), according to different definitions/perceptions</p> <p>Efficiency (interaction between elements, both within and across policy measures)</p> <p>Equity (coverage of sub-populations; distribution of opportunities geographically, among target populations)</p> <p>Dead-weight (assessment of potential dead-weight effects of policy)</p> <p>Any evidence of policy coherence/incoherence (Interaction and impact of/on related policies)</p>

**ANNEX B – TOPIC GUIDE FOR DISCUSSIONS
WITH KEY ACTORS AT THE NATIONAL
LEVEL**

ANNEX B – TOPIC GUIDE FOR DISCUSSIONS WITH KEY ACTORS AT THE NATIONAL LEVEL

- General Introduction, and purpose and importance of the national study. Reassurance that purpose is not to criticise individual member states, rather to compare indicators, identify good practice in order to improve future potential for comparability and promotion of what works in getting people with disabilities into, and to remain in employment. Provide names and contact details of ECOTEC and Commission personnel responsible for the study.
- Operating system(s) for active and passive labour market policies affecting people with disabilities at the national level.
- Policy Profile and Relative importance of the different policy measures operating in terms of impact on the employment of people with disabilities; Examples of good practice, new developments in policy, programmes and pilots.

Types of measures, classification, most important policies and focus, features of measures

Definitions of disabled population

Monitoring and evaluation data, systems in place

- Request for Monitoring and Evaluation data on key policy measures.
- Overview of the policy context, legislative and fiscal operating context and interaction between different policies. Coherence (Interaction and impact of/on related policies).
- Benefit Regime/Combining work and benefit
 - Definitions of disability or capacity for work
 - Interactions between in-work benefits and other in-work income support programmes
 - Relative generosity of income support or compensation
 - Transition between benefits and work
 - Effect of entitlement to benefits in kind on return to work
 - Co-ordination between agencies

Annex C: Workplan for the overall study, indicating timescale for National Studies

	September	October	November	December	January	February	March
Stage 1 Conception Meeting	•						
Stage 2 Development of data collection proforma and draft benchmarking indicators	—————						
Stage 3 National Studies • Reporting to ECOTEC)			• —————	• —————			
Stage 4 Analysis of country-level data and thematic synthesis					—————	—————	
Stage 5 Reporting						—————	—————

Benchmarking Employment Policies for People with Disabilities

Stage 6 Presentation and Dissemination							•
Steering Group Meetings					•		•

European Commission

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