

Possibilities and Ways and Exchange of Information inside FIMITIC Family

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Introduction – Basic Facts on the Realization of Questionnaire

- **FIMITIC comprises 28 members that are representatives of 26 countries.**
- **In May 2005 we requested them to fulfil a questionnaire on the organization of people with disabilities and the review of legislation on the disability issue.**
- **Six (6) out of 28 FIMITIC members returned fulfilled questionnaires.**

Comment and remarks to Statistics

- **Statistical data are unreliable and so it is impossible to compare them, because:**
- **they refer to different years;**
- **data are incomplete;**
- **Figures are written inconsistently – thousand sometimes with comma (English way) and sometimes with the full stop.**



Comment and remarks to Legislation

- **The list of legislation acts is unsatisfactory. In case when only the number of the act is quoted but not its title, we do not even know to which area the act refers.**
- **In case when the content of the articles are not quoted, we can not know whether this is an example of good/bad practice.**



Cooperation between the FIMITIC members is weak – WHY?

- Why did only 6 organizations respond?
- Maybe the questions were unclear or not understandable?
- Was the questionnaire too long? Too demanding?
- Was the problem insufficient knowledge of the English language – the translation of the acts was not available in English?




For what reason?

- **Do the members have too many problems of their own to care about other things?**
- **Maybe they already know the answers from other sources?**
- **Maybe there was not enough willingness the part of the members?**



Cooperation between FIMITIC members has to be straightened – HOW?

- ✚ **Maybe the right solution lies in the strategy of small steps. This means: we at all times have to concentrate on ONE particular question!**
- ✚ **Maybe the solution is informing FIMITIC members on the past researches or reports from the EU sources or authors!**



Approach I. regarding rehabilitation and the granting allowances in EU

Principle

»Rehabilitation before allowance«
always (as far as it is practicable!)
precedes the granting allowances
and **is applied** in following countries:

**Austria, Germany, Hungary,
Lithuania, Slovenia, Spain,
Switzerland.**

They have also legal provisions
regarding this principle

Approach II. regarding rehabilitation and the granting allowances in EU

Principle

»Rehabilitaton before allowance« **is not applied** in following countries:
Belgium, Cyprus, Ireland, Italy, Portugal.

They have not legal provisions regarding this principle, but rehabilitation is a right of the individual but not necessarily a precondition for an economic benefit!.



Legislation and **BENEFITS** for Children with disabilities I.

- **Austria** – Family Burden Compensation Act: Increased family allowance
- **Belgium** – Federal legislation: Supplementary family allowance
Increased family allowance
- **Cyprus** – Several legislation: Dowry allowance





Legislation and **BENEFITS** for Children with disabilities II.

- **Germany** – Book 8. of Social Code for Youth Assistance:
medical and dental treatment special benefits;
help to get and adequate participation in working life and for general integration into society
- **Hungary** – 1990 Act on Family Allowance and others: Higher rate family allowance
- **Ireland** – Social Welfare Acts: Home care allowance

Legislation and BENEFITS for Children with disabilities III.

- **Italy** – Several legislation: Monthly allowance <18 years (attending centres); <18 years Communication allowance; Three years extension maternity leave + three days leave a month
- **Latvia** – Law on Social Assistance: State family benefit for children with disabilities <16 years
- **Lithuania** – National legislation: Care allowance for parents with disabled children 0-16 years

Legislation and **BENEFITS** for Children with disabilities IV.

■ **Portugal** – National legislation:

- Supplement benefit (higher rate of family allowance)
- Life monthly allowance >24 years
- Education allowance to attend a special school < 24 years
- Constant attendance allowance
- Attendance allowance in sickness for descendants with disability and for under-aged children 30 days/year
- Attendance allowance in sickness for long-term patients and for people with severe disabilities 6 months to 4 years for aged < 12 years



Legislation and **BENEFITS** for Children with disabilities V.

■ **Slovenia** – Special and general legislation:

- Child care supplementary allowance
- Institutional care
- Mobile assistance – treatment and assistance to families at home
- Medical and dental treatment
- Special/mainstream education

■ **Spain** – Royal Decree 1/1994 on Social Security Law:

Family benefits for each disabled child

Personal assistance

All EU countries have legislation on personal assistance! But only **Cyprus** quoted details:

- Special financial assistance to persons;
- Special financial assistance to organizations;
- Severe motor disability allowance; Mobility allowance;
- Transport allowance;
- Allowance for special needs;
- Special Christmas and Easter.

Schooling and special education

Countries in EU have special education for disabled children. Specification quoted:

- **Austria** – mainstream or special education;
- **Cyprus** – Speech therapy; Physiotherapy; Special physical education, music (in special schools);
- **Slovenia**: mainstream or special education;
- **Switzerland** – Education in special schools or in mainstream education; extra costs and courses.



Work integration – known in all countries I.

- **Austria** – Social/medical /vocational rehabilitation
- **Belgium** – General measures promoting employment; Specific measures: training, subsidy to employers
- **Cyprus** – Self-employment scheme; Supported employment scheme
- **Germany** – Assistance to keep or get employment; Wage/salary subsidy to get employment; Quota system for severely disabled persons; Special protection against unlawful dismissals



Work integration – known in all countries II.

- **Hungary** – Grants for employers; sheltered employment
- **Italy** – Quota system; Three days monthly leave for severely disabled workers
- **Lithuania** – Grant for employers; Quota system; Protection for unlawful dismissals; tax relief
- **Portugal** – Tax reduction; sheltered employment in real situation/home
- **Slovenia** - Social/medical /vocational rehabilitation; sheltered employment; Quota system; Adaptation of workplace; Protection for unlawful dismissals;


Work integration – known in all countries III.

- **Spain** – Promotion of employment in ordinary work environment (grant and tax deduction for employers, adaptation of workplace, quota system); Employment in protected work environment; Occupational centres; Recovery centres for physically disabled persons.



Sources and Recommended Bibliography

1. **Assesing disability in Europe – Similarities and Differences – report Equality and non-discrimination - Annual report 2005.**
2. **Equal Rights in Practice, Issue 4. Autumn 2005**
3. **Equal Rights in Practice, Key Voices 2005, Access to Justice**
4. **Prof.O.De Schutter (2005).The Prohibition of Discrimination under European Human Rights Law –**
5. **Green Paper - Equality and non-discrimination in an enlarged European Union (June 2004)**
6. **European Anti-Discrimination Law Review, Issue No.1, April 2005**



Instead of conclusion –
Exchange of Information via Questionnaires
is possible, but how to choose the right way.

- **There is always a right way; there is always a wrong way. The wrong way always seems more reasonable.**
- **Il y a toujours un bon et un mauvais choix. Le mauvais choix semble toujours être le plus raisonnable.**
- **Es gibt immer einen richtigen Weg und es gibt immer einen falschen Weg. Der falsche Weg sieht immer vernünftiger aus.**
- **C'è sempre un modo giusto e un modo sbagliato, e il modo sbagliato sembra sempre il più ragionevole.**

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