



SLOVENIJA

Doma v Evropi.

TOWARDS EMPLOYABILITY

Equal Opportunities -
Employability for Persons
with Disabilities

FIMITIC Congress 2001

**FEDERATION OF DISABLED PERSONS OF SLOVENIA
AND
INTERNATIONAL FEDERATION OF PERSONS WITH PHYSICAL DISABILITY -
FIMITIC**

FIMITIC Congress 2001

**TOWARDS
EMPLOYABILITY:
EQUAL
OPPORTUNITIES –
EMPLOYABILITY
FOR PERSONS
WITH DISABILITIES**

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EDITORS FOREWORD

Federation of Disabled Workers of Slovenia has registered a project called “Equal Opportunities – Employability for Persons with Disabilities” in the in European Union member states and some candidates at the Slovenian Government Office for Informatics. The project is an example of including Federation of Disabled Workers of Slovenia into the European international organization of physically disabled people - FIMITIC. This is an organization that links disability organizations through projects of different contents. It initiates common activities and organizes exchange of experiences in cooperation with institutions. It also does so through international meetings and projects. In this way a vast information base on how different countries deal with disability issue on legislation level as well as in everyday life is being created.

We presented the project on equal opportunities for employing people with disabilities at the international congress in Prague in October 2001. Pre-congress documents and lectures at the congress were about employing people with disability in states in transition and some EU states. To present the situation in this area we prepared a questionnaire. It was used to gather information on employment of people with disability. The conclusion of the congress and a special resolution were presented to the European Disability forum (EDF), to the corresponding EU bodies and to the Council of Europe.

Information on employment in Countries in transition, EU candidate states and some other countries (the FIMITIC membership organisations) was processed by dr.Yvette Galton. The questionnaire for the organizations in EU was adapted by mag. Cveto Uršič (Institute for Rehabilitation, Republic Slovenia) and Marjan Kroflič (Federation of Disabled Workers of Slovenia). We adapted the otherwise uniform questionnaire so we were able to use it for comparing conditions of employing people with disability in the EU states. We also presented the information.

The congress has among other things pointed to the possible positive/negative consequences of employing people with a disability in EU in the process of globalization. Living conditions, especially in the field of employing people with disability, are historically conditioned. They depend on the level to which social values are

developed. The established conditions in the EU countries considered and others are not strictly better/worse in the EU countries. Rather, they turn out to be different, some worth copying, others not.

With this book Federation of Disabled Workers of Slovenia wanted to present the reports and the findings of the congress to the Slovenian public as well as to the disabled people in other states. By doing so we wanted to contribute information and a better understanding on conditions of employing people with disability in some EU candidates as well as in member states.

It is our estimate that Slovenian legislation is of benefit for people with disability. We issue this book in English because we believe that we can present to EU many examples of good practice of employing the people with disability. In this way the process of information flow, knowing and understanding the conditions in the field of employing people with disability will function in both ways.

The published contributions (introductory reports and presentations of conditions in individual states) will be primarily of interest to people with disability because they will get to know different legal solutions and conditions of employing people with disability in the market. The publication will also be of interest and of use to all government institutions that are active in the field of preparing regulations for training and employing people with disability.

*The book in Slovene will be available in book edition and in electronic form (Federation of Disabled Workers of Slovenia: website <http://www.zveza-zdis.si>). The book in English will be available also on EU disability organizations websites such as **FIMITC** <http://www.fimitic.org> and European Disability forum <http://www.edf-feph.org>.*

The project to issue the book is co-funded by the state. It was funded because Slovenian government wishes to contribute to a better information flow, a better understanding and public debate on the process of joining EU. It was also funded to inform all Slovenian citizens of consequences that the membership brings into their lives. The informative program on this topics is performed by Government Office for Informatics.

We thank Slovenian Government Office for Informatics for the financial support.

*Editors:
Marjan Kroflič
Cveto Uršič*

INTRODUCTION

**Marija-Lidija Stiglic,
President FIMITIC**

The enlargement of the EU is offering a unique political and historical opportunity to reunite Europe and to end once and forever the artificial separation of the European continent going back to the times of the Cold War. In the present phase of the preparations towards membership it is of great importance to overcome the numerous interim difficulties on the Western part as well as on the East and to tackle with the existing fears and concerns.

The people with disability and their organizations are contributing as well considerably to a mutual approach through setting up and extending contacts and co-operations in their neighbourhood and beyond their frontiers. In this context, the exchange of information as far as the different structures are concerned, particularly with reference to the work with disabled people and social politics is a very important issue. But also meetings of socio-political, cultural and sportive nature can contribute to find out mutual interests and to eliminate barriers between people of different cultures through setting up living partnerships. Last not least, also from our side there is a possibility to give support to the set-up of new structures in the countries seeking membership, thus being at the same time a contribution to the ambitious European enlargement project.

Being an International Federation of Persons with Physical Disability, FIMITIC intends to combine the East-West contacts of the associations linked with it, in order to emphasize the numerous successful initiatives coming from the disabled people and the importance of supporting further projects with the purpose of improving the East-West understanding.

The final documentation is the FIMITIC contribution to strengthen the European strategy in the employability field for people with disabilities. So far, the Prague Congress 2001 was successful to start a future-oriented international debate on employability issues, to demonstrate how important the role of the participating and

supporting partners is and to establish FIMITIC as a disseminator of good practices and as an engine of positive changes.

The adopted resolutions are followed up by FIMITIC and will be implemented through its members in the different member countries.

DISABLED PERSONS AND WORK

Miran Krajnc,
president of the Federation of Disabled Workers of Slovenia

Hidden behind titles of numerous programs, plans, projections, analyses and who knows what kind of documents this on-going and always a topical subject shows at the same time the power of the state and of society and the lack of it. It shows desire and demand of the civil society, which represents the disabled. It shows the sensitivity of the state apparatus that cannot respond adequately. Still, what's to blame? Is it the transitional period, is it the change of social system, and is it the slowness of accepting modern triggers for overcoming the critical scarcity of working posts for the disabled? Is it the lack of education of social security seekers, or their immobility? Is it the wrong moves of active policy for employing people with special needs or is it even the basic non-understanding of personal human crisis, of when one's world is shattering and his/her dreams begin disappearing? The answer is simple: it is a little bit of everything mentioned. And so, what's the key to the solution? Let us start with the 7th rule of the Standard Rules on the Equalization of Opportunities for Persons with Disability, the lighthouse in the forest of abundant support measures. Let us act according to Council of Europe and European Union recommendations. They are based on the principles of equal opportunities policy. Let us be introduced to supervising mechanisms and to synchronized functioning of social partners. The first results of this teamwork will be visible in five years. This is not soon enough but it is never too late. The index of 7th rule of Standard Rules on employment into practice will begin to rise from the appalling 34.89 and social state will gain more legitimacy.

It would be unfair to fail to notice the work of Slovenian Ministry of Labour, Family and Social Affairs up till now. Especially now, when the Law on Vocational Rehabilitation and Employment of Disabled People is about to see the light of day. The makers of the law have put in the benefits of modern aspects of this subject. These are supported by achievements in the fields of theory and practice of employing citizens who are most difficult to employ.

In Federation of Disabled Workers of Slovenia we are happy to have been offered the opportunity by the state to participate at this time when the constitution is being formed and thus contribute to its quality.

We are aware of the fact that we are a civil society that represents and to a point also realizes the interests of working and other people with disability. However, we do not decide on the final destiny of the processes in the realms of employment of people with disability. We are aware of our position and we do not want to change it. We only wish to represent the linking part between the endangered individual and the state. This is what we consider our mission.

OPENING/WELCOME

*Friedrich-Wilhelm Herkelmann,
Former Acting President*

Ladies and Gentlemen,

I have the pleasure to welcome all participants and guests to the FIMITIC Congress on “Equal Opportunities - Employability for Persons with Disabilities” in Prague. I am convinced that the theme is particularly well-chosen and of great importance for everybody and especially for persons with disabilities. What I would like to underline is that being employed today does in no way guarantee to be employed tomorrow. The consequences have far-reaching impacts, especially on persons with disabilities. And this issue will be discussed during the FIMITIC Congress.

Already in the preparatory stage there was strong support from different member countries and even beyond. I would like in first line to thank the host association, the Union of Disabled People in Czech Republic, and greet its President, Mr. Vlastimil Cisář.

We know how important the understanding and support of the Czech Ministry of Health is, as far as our Congress is concerned. I am greeting the representatives of the Czech Government, Ing. Jan Kasnar, Chief Director of Employment Services Administration, Ministry of Labour and Social Affairs of the Czech Republic, and Mrs. Tatiana Holečková, Deputy Minister without Portfolio dealing with Disability issues, and Executive Chairman of Governmental Committee for Disabled Persons of the Czech Republic.

Yesterday, a well-organized vivid press conference took place with numerous mass media representatives. Again, I would like to thank the host association, its leaders and all staff-members involved for the successful event, and I am looking forward to the outcome in the press, radio and TV.

We are facing today an extensive congress schedule. I am glad to greet the key speakers here holding lectures and presenting statements:

Mr. Markus Ruck, from the Regional Budapest Office of the International Labour Office (ILO), Geneva, Switzerland,

Mr. Roderick Skinner, Principal Administrator of the European Commission, Directorate VE4, Unit for the Integration of People with Disabilities, Brussels, Belgium,

Mr. Henri Lourdelle, Assistant of the European Trade Union's Congress (ETUC), Brussels, Belgium, and

Mr. Boris Šuštaršič, Director of the Integration Company Birografika BORI, Ljubljana, Slovenia.

In the afternoon, two workshops will be held. It is a pleasure to greet the workshop leaders:

Dr. Lajos Hegedüs, President of the Federation of the Associations of Disabled Persons in Hungary, MEOSZ, Budapest, and

Mr. Karel Rychtár, Director of the Department PCI (Producer Cooperatives of Invalids) of the Unions of Czech and Moravian Producer Cooperatives, Prague, Czech Republic.

And I am greeting the workshop reporters, Dr. Yvette Galton, Project Manager, London, and Mag. Cveto Uršič, Director of the Vocational Rehabilitation Center of the Institute for Rehabilitation of Slovenia, Ljubljana.

My special thanks already now go to the FIMITIC Project coordinator in the field of employability in the preparatory stage and during the congress Dr. Yvette Galton. Her submitted documents can already now be evaluated successfully.

I am looking forward to an interesting exchange of views, new experience and good results for the way forward in the employability policy for persons with disabilities.

INTERNATIONAL CONGRESS ON EMPLOYMENT OF DISABLED PEOPLE FOCUSED ON COUNTRIES IN TRANSITION

*Ing. Jan Kasnar
Chief Director of Employment services Administration, Ministry of Labour
and Social Affairs of the Czech Republic*

The fundamental principle of democratic society in relation to persons with disabilities is to ensure their equal rights and opportunities in obtaining and retaining employment based on their choice and abilities. International legislation puts emphasis on the right of persons with disabilities to appropriate education, training, job rehabilitation, job counselling, i.e. to a „comprehensive rehabilitation” system with the objective to find a place for the disabled in open labour market. Legislation in force in the Czech Republic is in compliance with the international commitments and common legal provisions of the EU. In spite of that fact the situation of persons with disabilities in the labour market is an open issue that requires a reaction to changing economic and social circumstances.

The fundamental principle is to reach full social inclusion of people with disabilities in open labour market, at mainstream workplaces. Only those whose loss of faculty is, due to health reasons, substantial to such extent that they would not be able to find a job in open labour market must rely on the system of sheltered employment.

The employment policy should help in providing jobs to all people with disabilities that are able to and want to work; i.e. to use appropriate tools and measures to influence the offer (of special importance is training and personal motivation) and also the demand for workforce regarded the disabled (especially to support creation of appropriate work conditions and workplaces).

THE MAIN TOOLS FOR INCLUSION OF THESE PEOPLE IN THE LABOUR MARKET ARE:

1. Creation of work conditions appropriate to the health state of the disabled, system of their legal protection.

2. Increased care in facilitation of work.
3. System ensuring material motivation of these people to prepare for their jobs, support of self employment, interest in finding work.
4. Set of obligations and motivation system (including material motivation) of employers to support employment of people with disabilities.
5. Support to employers with substantial number of disabled employees.
6. Support of sheltered employment for those who cannot find work in open labour market.

IMPLEMENTED MEASURES

- Legal protection of people with loss of faculty status (ZPS), the notice given to an employee with loss of faculty status must be approved in advance by responsible employment agency.
- Obligation of an employer in some cases to find a new appropriate job to people with loss of faculty status.
- Legal provision according to which it was not possible to employ people with loss of faculty status for a defined period of time and probationary period has been cancelled. The legal provision in fact did not protect disabled employees; on the contrary its implementation was in contrast with the interest of the disabled.
- The Amendment of Decree 115/1992 Coll. increased the state contribution towards the creation of a sheltered job from CZK 80,000 to CZK 100,000, the contribution towards operational costs of a sheltered workshop from CZK 20,000 to CZK 40,000, the contribution towards working equipment for a person with loss of faculty status who becomes self-employed from CZK 80,000 to CZK 100,000 i.e. efforts have been made to support self-employment.

For your information I include below an overview of basic data as of December 31 of the monitored years, with the exception of 2001 where data are as of September 30. For 2001 it is necessary to add the state funds allocated to support the employment of people with loss of faculty status in the amount of CZK 400 million, which were allocated on the grounds of the subsidies system to employers with substantial of employees with loss of faculty status.

Development of basic data on the registered unemployed with loss of faculty status (as of the end of the year, i.e. as of the beginning of the year)

	1997	1998	1999	2000	2001*
Unemployment rate of registered unemployed (%)	5.2	7.5	9.4	8.8	8.5
Total number of registered unemployed	268,902	386,918	487,623	457,369	440,472
Number of registered unemployed with loss of faculty status	40,460	48,951	57,615	59,025	58,756
Number of vacant jobs	62,284	37,641	35,117	52,060	62,899
Number of vacant jobs for registered unemployed with loss of faculty status:	1,291	1,242	1,349	2,811	3,058
Number of people per one vacant job	4.3	10.3	13.9	8.8	7.0
Number of people with loss of faculty status per one vacant job for people with loss of faculty status	31.3	39.4	42.7	21.0	19.2
Draw of funds from Action Plan on Employment Total (in CZK '000)	551,995	903,014	1,718,577	3,406,154	2,747,675
Support for people with loss of faculty status	59,886	127,078	165,836	195,194	145,564
Sheltered workshops: Created jobs	533	920	1,059	1,434	865
Expenses for equipment (in CZK '000)	15,881	50,505	53,000	54,892	32,874
Operational expenses (in CZK '000)	44,005	76,533	109,003	132,995	108,527
Other (in CZK '000)		40	3,833	7,303	6,273

- Employment of people with loss of faculty status is furthermore supported by tax relief. Legal entities have income tax relief of CZK 18,000 per year per one employee with loss of faculty status, CZK 60,000 per every employee with loss of faculty and severe disability status and relief of half of the income tax in case of legal entities with fewer than 20 employees that have a majority of employees with loss of faculty status.

- New obligation for employers with more than 20 employees has been set up, they must employ 5 per cent of employees with loss of faculty status. The obligation can be fulfilled in three different ways (or by their combination), i.e.: employment of the required share of people with loss of faculty status, purchase of products from employers with more than 55 per cent employees with loss of faculty status, contributions to the state budget. This provision was first applied in 2000.
- 19,750 employers employing more than 20 employees reported the fulfilling of the obligation. 18,155 of them exceeded the required share to 5.75 per cent.
- Total amount of contributions was **CZK 386,636,689**.

In 2001 another change in the department of employment took place, in the area of subsidies from the state budget allocated to legal entities employing predominantly people with loss of faculty status. The subsidies should enhance employment of people with loss of faculty status, i.e. retaining of a job and support of creation of new jobs for people with loss of faculty status in open labour market. The subsidies shall to a certain extent compensate higher costs related to the employment of disabled people, i.e. those with higher sickness rate, lower performance, or related to the accommodation of working conditions.

FOUR TYPES OF SUBSIDIES ARE PROVIDED:

- subsidies towards higher personal costs related to the employment of people with loss of faculty status and people with loss of faculty and severe disability status (up to the amount of social security contributions and employment policy support contributions);
- subsidies towards other costs related to the employment of people with loss of faculty status and people with loss of faculty and severe disability status (e.g. towards workplace accommodation, transport of employees, training, etc.);
- subsidies towards modernization, reconstruction, purchase or technical appreciation of assets;
- repayable financial aid.

As of September 30 the total of 192 applications from 183 legal entities was included in the subsidies system:

Type of subsidy	Number of entities	Number of applications	Amount allocated
Non-investment type of subsidies	138	138	CZK 189,954,568
Investment type of subsidies	45	77	CZK 101,994,223

RECOMMENDATIONS FOR FURTHER PROGRESS

The fundamental objective of the employment policy of disabled people is to create equal opportunities for them in the labour market. This requires close co-operation of all stakeholders, especially of state employment bodies, health and social authorities, employers, trade unions, NGOs including disability NGOs.

Factors necessary to tackle the issue:

- Economic development. Without a decrease in unemployment and creation of new jobs it is impossible to forecast higher employment rate of disabled people;
- change of thought, approach of the whole society including employers and disabled people so that employment of people with disabilities in the open labour market is perceived as a matter of course;
- range of further measures contributing to remove barriers of the employment in the labour market regarding the disabled and employers.

Recently, some legal amendments have been proposed in the context of preparation of new Law on Employment the legal concept of which has been approved by the Government

New definition of disabled people has been proposed in order to meet the needs of labour market. The definition of „a person with loss of faculty status” currently in force does not reflect the relation of a handicap and employability. The new definition distinguishes between people with partial disability, people with full disability able to work under certain conditions and disadvantaged disabled people.

The National Action Plan on Employment 2001, the 1st Pillar – Support of Employment – includes some measures to tackle the employment of disabled people including financing methods. It is in the context of preparations of legal concept of the Law on Comprehensive Rehabilitation which the objective to interconnect the basic elements (i.e. health, social and work), which have been provided for separately regarding finances and organisation.

For the preparation of a new legal concept of comprehensive rehabilitation new interdepartmental working group has been set up, the outcome of its activities has been published in the website of the Ministry of Labour and Social Affairs in order to give the opportunity to broad public to comment on the issue. The proposed solution should create a comprehensive system, which would define rights and obligations of entities entering comprehensive rehabilitation process with the objective to enable a disabled person the fastest inclusion in society. The material became a background document for drafting the legal concept of the Law on Comprehensive Rehabilitation. We hope that the implementation of the proposals will contribute to solving the issue, which has an international dimension. In the EU countries there are substantial efforts made to integrate disabled people in „normal” life and open labour market.

There can be seen also progress in social conditions, society as a whole supports such inclusion. The EU urges for strong support of inclusion of people with disabilities in working life, which is also enhanced by the EU directive under the „Strengthening of Equal Access Policies” Pillar in the National Action Plans on Employment.

THE INTRODUCTORY SPEECH

*M. Sc. Tatiana Holečková
Deputy Minister and Executive Chairman of Governmental Committee for
Disabled Persons of the Czech Republic*

Dear Madams, dear Sirs,

First of all I would like to greet you and thank you for inviting me to participate at this congress. I work as a deputy minister and executive chairman of Governmental Committee for Disabled Persons. This advisory governmental institution has celebrated 10 years of its existence this year. My speech today is going to be longer than I am usually used to. I should balance the high foreign participation at the congress in the name of our administration.

Employing of disabled persons is a very serious problem as the problem of employment or we better say unemployment as a whole. Until June 30, 2001 58,000 new job-seekers with modified work ability (MWA) were registered at job offices, when the total number of unemployed people was 447,700 job-seekers, i.e. 13.8%. (In 2000 the participation of job-seekers with MWA was of 1% higher, of the total number of unemployed was lowered. Following this, the number of unemployed with MWA in total was lowered of 3,000 persons.

The percentage of job-seekers with MWA could be considered to be high if we suppose (we do not have the exact statistics), that there is 10% of disabled people in our country, and that's why the similar number of persons with MWA.

The most serious reasons of this unfavourable state are considered to be:

- low vocational qualification of these people as the previous system did not secure the needed level of quality education and training;
- certain level of limitation results from the type and level of disability and the persons with MWA are often limited in opportunities to perform certain work activities (e.g. limited mobility, combination of disabilities...);
- psychical barriers results from the past, when persons with MWA (especially those with heavy disabilities) were employed usually in economic institutions of former Union of disabled, or in similar institutions specially created for them.

Due to fact, that they occurred in the free job market only exceptionally, the healthy employers and other employees were not used to them and their presence in the staff arose - and in many cases still arises - worries and mistrust.

There is also a stereotype among many disabled persons, who sometimes tend to complain to their unemployment but if they shall enter some job and the offered salary is not much higher than social benefits, they rather prefer to stay in the evidence of unemployed.

A system of arrangements targeting to increase the motivation of employers to employ and create new suitable jobs for disabled persons in our legal order.

Act Nr. 167/1999 Coll., amended by the Act on employment, orders employers who employ more than 20 employees the duty to employ certain part of persons with modified work ability. The level of this part was modified by governmental Order Nr. 228/2000 Coll., and now it makes 5% of the total number of all employees.

Except the real employing of disabled people, employers can fulfil their duty by two other ways:

- to buy products from employers who employ more than 55% employees with modified work ability or ordering producing programmes to them;
- deliver of ordered amounts to state budget.

According to the research, done by job offices in 2000, this duty lies on approx. 22,000 of enterprises. The duty to employ persons with MWA in ordered participation was fulfilled by more than 18,000 enterprises, i.e. 82%. The percentage seems to be very positive. The information available on Ministry for Labour and Social Affairs Czech Republic shows that the average percentage in these firms is 5.75% of employed persons with MWA (when compulsory is 5%). The number 5.75% consists of 3.48% - employers who employ people with MWA, 0.26% - employers who buys the products and 2.01 % employers who deliver the money to the state budget.

This statistic is incomplete so it does not show how many people with modified work ability are employed in these days. If we count 3.48% of the minimum of employees (21), so the enterprise does not employ the whole 1 person with MWA. If the firm has 1,000 employees, there is 50 employees with MWA.

As you may know, members of Parliament in Czech Republic are just on the point of III. reading of Amendment to legal condition to employ people with MWA. They would lower the ordered percentage participation of employed people with MWA from 5% to 4% and they would increase the sanction if the condition would not be fulfilled.

Towards positive stimulation of employing disabled people tends also the possibility to contribute on adaptation and modification of the workplace, machines, tools and other equipment for disabled employees given to the employer. A part of financial cover now lies on the state budget instead of employer, which results from employing disabled persons (salary, benefits for social insurance, on income tax).

Job offices can contribute by the benefit up to 100,000 CZK for creating 1 job for a seeker with MWA to employer in sheltered workshops or workplaces, for covering the financial amounts given to its creating. Similar benefits could be given to the job seeker with MWA, who is individually gainfully employed. By the Edict of Ministry for Labour and Social Affairs Nr. 115/1992 Coll., on realizing vocational rehabilitation for persons with MWA, employers can be given the contribution for covering the operational costs in sheltered workshops or workplaces up to the sum of 40,000 CZK per 1 year on 1 person with modified work ability.

Important stimulating arrangements are defined in the Act on income taxes, Nr. 586/1991 Coll. 35, which corrects the discount for employers both for physical and legal subjects. The tax is than lowered of 18,000 CZK for every employed person with MWA and 60,000 CZK, when the person is heavily disabled.

For legal subjects with more than 50% of employees with MWA the tax base is lowered to half (but it has to have more than 20 employees). Job offices created 692 new job opportunities in sheltered workshops and workplaces during 1. Half-year of 2001. But it is of 251 places less then in 2000, but anyhow they were not filled (in 2000 - according to Ministry for Labour and Social Affairs - in 943 places work 955 people).

To sum up in the 1. Half-year there were 21 million CZK (from total given amount on active employment policy) given to support creating new free places for persons with MWA. 70 million CZK was paid on operational costs of sheltered workshops and places with 4,000 places. 2.6 million CZK was given on vocational rehabilitation through 1. Half-year. (From the above-mentioned numbers it seems that percentage of given finance from active employment policy to support employing persons with MWA in 1. half-year 2001 roughly corresponds of percentage participation of unemployed persons with MWA in the total number of unemployed.) I am not responsible to evaluate the efficiency of given costs as I do not have the background documents at my disposal.

The government repeatedly tries to find new ways how - step by step - to decrease the handicap of persons with modified work ability on labour market, and to equal their positions. The concrete arrangements were passed by its declarations to National plan for equal opportunities for disabled persons from April 1998 and National employment plan from May 1999.

Searching of new system solutions how to improve the "vocational performance" of disabled persons, including motivation, social support and financial solutions will probably be a long-term matter to solve.

One of the basic matters for following discussions and following effort in the field of employment of disabled persons must be new definitions of modified work ability and fields of labour market with increased protection. (Contemporary legal modification which defines status of person with modified work ability is too much general and broad - modified work ability is given also to that disabled persons whose disability does not affect their work performance or position on labour market, on the

other hand it does not count with - at first side- unimportant disability, which significantly limits or restricts the work performance.

Important reasons for re-adaptation of disabled people to work performance is also creating legal and economic conditions for realizing the complex rehabilitation.

In the field of rehabilitation, the basically needed activities are ensured in the frame of its individual parts, but their mutual co-operation and complexity of the process is not in harmony with Standard Rules for equalling opportunities for disabled persons. There is a need to define and legally ensure the rehabilitation - rehabilitation as a complex system of healing rehabilitation - restoration of physical and mental functions, social - restoration of basic habits and vocational restoration of work abilities or changing of them. It should be benefited not only for disabled persons and clearly declare the way of its financing.

In spite of all the exceptions, declared by representatives of disabled people, we have to say, that situation in Czech Republic in the field of employment is similar to the situation in other European countries or even better. Similar is also the system of motivating employers of disabled persons. I would like to attract your attention to these facts connected with the preparation of unifying EU's Directives. It would not be very helpful if we have to make a step behind where we are forward.

As I have mentioned we have to still find new ways. This fact does not apply only for state and employers. Before others the first is motivation of disabled persons to participate on rehabilitation and inclusion to work performance.

I believe this congress will significantly help to find new suitable and effective ways how to solve this situation.

I wish you fruitful and interesting meeting.

THE INTRODUCTORY SPEECH

Ing. Vlastimil Císar

Acting President of the Czech Association of Disabled Persons

Distinguished delegates, guests, ladies and gentlemen,

I am honoured and pleased to welcome you on behalf of the co-organisers of the Congress to our beautiful capital and I would like to wish you a fruitful and smooth meeting. My pleasure is immense, because we had big problems with organising the event, and for a long time it was not clear whether it would take place. Fortunately, the things turned out well thanks to the efforts and energy of our small staff and thanks to the understanding of the Ministry of Health, which provided us with financial help.

The topic of the Congress is not only interesting but also burning for the disabled citizens of our country. This may be illustrated also by the data from JU Dr. Jan Hutař's speech at the PROINVA 2000 seminar held at the Senate of the Czech Republic, which he kindly put at my disposal. To generalise, we may say that although the principles of our legislative measures are in compliance with the EU legislation, the definitions of some parameters (e.g. the limit of sanctions) and the wording of some provisions reduce the effectiveness of the measures to fractions of percents compared to developed countries of Western Europe. The result is that the offer of employment for people with reduced work capacity has remained more or less the same for many years; meanwhile the number of potential employees has been growing rapidly. I will leave concrete arguments to Dr. Hutař and I will deal with some other aspects of the issue, which are typical for our country in the current transformation period and have more human than legal-administrative dimension.

In the totalitarian regime the right to employment was interpreted as the obligation to be employed and an unemployed health person might be (and often was) punished for parasitism. However, the disabled people had their disability pensions and if they wanted to work they were allowed to perform only certain jobs (We, visually impaired worked as telephonists, masseurs, upholsters, brush-makers or music teachers. Other jobs such as legal experts or accountants started to appear exceptionally only since

the 80's). It seems that the staff of the Employment Agencies still preserve this attitude; they claim that disabled people are provided for by their disability pensions, and therefore the preference should be given to the employment of health people. The welfare and feelings of the disabled not being given the opportunity to use their intellectual and physical abilities are not taken into consideration.

The distrust in those abilities could be one of the important but hardly sanctioned reasons for the stagnation of the offer of relevant employment. Drawing upon my experience of a representative of one shareholder at the MET General Assemblies (MET were former companies of the Invalids Union for employment of disabled people transformed pursuant to the Commercial Code into joint-stock companies or limited liability companies) I can say that those companies suffered from big churn (though mainly due to low salaries), and also from problems with work quality and quantity, especially when having more demanding orders, and from high and fluctuating sickness rate. Nevertheless, the psychological tests of great number of visually impaired in working age, carried out by our civic association under the PHARE Programme, revealed above average intelligence together with low self-evaluation of the disabled. This may often lead to the refusal of employment due to the low confidence in one's own abilities.

Another issue, probably not directly connected with employment, nevertheless equally important, is what the person excluded from employment (and everyday life) due to his/her disability must undergo to be allowed to return. The Ministry of Work emphasises in all its documents the need of comprehensive and timely social welfare services. First of all, we must overcome several barriers to achieve the balance between the existing offer and demand (some of the barriers being protectionist attitudes of the society, medical secret, personal data protection, etc.). Till we have an effective system to overcome such barriers, the people with sensory impairment in the first place are in the danger of being isolated, which is on one hand frustrating, but on the other from a long-term perspective also facile. We now make all our efforts to find acceptable solutions bearing in mind that full life of disabled people does not only consist of employment, but the employment is a fundamental part of it.

My introductory remarks show that our Republic and its disability organisations are aware of the importance of equal opportunities for disabled people and do their best to implement them. We will be grateful for new ideas and we are willing to offer our own experience.

UNEMPLOYMENT OF PERSONS WITH DISABILITIES - EUROPEAN COUNTRIES IN COMPARISON AND CONCEPTS OF SOLUTIONS

*Gerd Jung, presented by Mr. Markus Ruck
Regional Central and Eastern European Team Budapest Office of the
International Labour office, Geneva, Switzerland*

Ladies and Gentlemen,

At the beginning of my speech, I would like to emphasize that the International Labour Office (ILO) needs steady and active dialogue with the important NGO's of and for persons with disabilities. Therefore, I am very pleased to have the possibility to speak to this Congress of FIMITIC.

The ILO is an international organization. Its broad mandate in the world of work creates opportunities and constraints on the strategies it can pursue. It is, therefore, important to describe how the ILO views disability and to briefly outline the international background, as well as some of the major social and economic changes in which ILO action to promote the training and employment of persons with disabilities has been conceived.

The ILO Convention 159 (adopted in 1983 and currently ratified by 74 states) is the only international norm and instrument in the ILO on which persons with disability can rely.

This Convention defines a person with disability as "an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment".

The Convention does not define disability, but focuses on the conditions under which people are covered by national policy on vocational rehabilitation and employment. While it is not possible to identify a universal and practically relevant definition, the ILO considers that disability in itself does not lead automatically to a handicap in

employment. The social context is very important. People with disabilities who are considered unemployable in some societies are part of the workforce in others.

The UN World Summit for Social Development (1995) had a similar view and considered disability as a form of social diversity. It pointed to the need for an inclusive response which aims to make society a society for all.

Unemployment among the world's 386 million persons with disabilities of working age is far higher than for other working age individuals, with rates of up to 80 percent reported in some countries. As a result, many of them live in poverty and their potential contribution is lost - to their families, to employers and to the society as a whole.

Reasons for high unemployment among people with disabilities include the following: a lack of access to education or training in employable skills, assumptions by employers that people with disabilities are unable to work or unavailable support services and a lack of supportive legislation and policies.

I can, herewith, underline that the reasons mentioned above are not only a problem for the so called third world. They are a heavy burden for many countries in transition in the Central and Eastern part of Europe, as well.

Additionally, I would like to mention that the ILO is just preparing a "Code of Practice" which could help to enable persons with disabilities to be better integrated into the workplace. This Code is designed to provide guidance in the management of disability issues which may arise in recruitment, employment, advancement, job retention and return to work. It targets private and public sector employers in countries which have already developed policies for the management of disability issues in the workplace and those countries formulating such policies for the first time.

This draft Code has to be discussed in the coming Governing Body of the ILO (November). We will inform the FIMITIC leaders about the final version of this Code after acceptance by the Governing Body, November 2001.

For the ILO, an active disability policy, combined with technical cooperation to prepare especially vocational rehabilitation measures, has certain predominance in this area of Europe. Actually, a large seminar for the 13 EU-accession countries on disability management was organized by the ILO, in May 2001. The title page, table of contents and list of participants was faxed to the FIMITIC secretariat last week. The Report has yet to be edited in final form. Some technical cooperation projects in these countries are "pilot" in character, for instance in Bosnia Herzegovina and in Ukraine.

I am coming back to the area of Central and Eastern Europe which is in transition.

Compared with the situation in the Western part of Europe, in this region the majority of persons with disabilities have been excluded from the labour market plan developed for the world of work. In reality, developed, country-wide systems of vocational rehabilitation did not exist. Furthermore, there are the enormous problems with the societies in the labour market and economy and, not to mention disasters like Chernobyl, military conflicts, or environmental and labour accident problems.

All ILO return to work activities for persons with disabilities in Central- and Eastern Europe are based on the in force national legislation and international labour standards. In the process of the project elaborations, for instance, special attention is paid to disabled women and people born with disabilities. These projects are elaborated, taking into account the ILO Convention 159 and Recommendation 168, as well as practical experience of countries with developed labour market, social policy and economic development.

More effective steps to take in the social and vocational rehabilitation of disabled people include stimulating employers' motivation to create ordinary, specialized workplaces and to reserve productive slots for people with disabilities. Integration of disabled people in the society stipulates that for their employment taking into account their professional interests, health status, skills and professional abilities of disabled and open labour market demands, industrial and vocational adaptation of persons with disabilities directly in the process of labour activity.

Persons with disabilities are a layer of the society deserving an especially attentive and respectful attitude. From the historical aspect of the problem there are reasons to consider the following factors which impact the situation of people with disabilities in Central and Eastern Europe:

- the policy of Soviet-influenced times, aimed at increase of work productivity in the industry, agriculture and other branches of economy, violates standards of occupational health and safety;
- the neglect of ecological standards after World War II led to negative impact on the environment and health of the population;
- the air pollution in many industrial centres, soil and drinking water contamination by industrial and agricultural pollutants on large areas of the country caused an increase in the number of disabled people;
- the high level of radioactive contamination of the soil and food stuffs as a result of Chernobyl Nuclear Power Plant accident in April, 1986, provoked a lengthy negative influence of radiation on health of people, causing an increase of disability among population;
- the long economic crisis of 1989-1999 gave rise to a significant decline in GDP, sharp decrease of the real wage and labour costs, which also sharpened the problem of disability in line with a drastic cut in the financing of medical care and occupational health and safety of the personnel in the industry.

In the current difficult socio-economic conditions, the problem of improving the mechanisms of state regulation of vocational rehabilitation and employment of people with disabilities is very urgent. The importance of this problem is evidenced, first of all, by an increasing number of disabled persons.

But the official figures are often not realistic. Because of varied definitions, classifications and registrations, one supposes that the number of persons with disabilities for the whole area is much higher and may well exceed the world average of 10 per cent of the base population.

Until now there is often no clear management system and institutional framework of vocational rehabilitation and job-placement of people with disabilities at the national and local levels, in particular, in rural areas, NGOs of disabled persons, educational institutions and so on. Centres for medical, vocational and social rehabilitation need to have appropriate scientific, medical, technical, methodological and informational databases on the issues of ergo therapy, physiotherapy, physical therapy, vocational guidance and training, development of individual programmes of rehabilitation and adaptation of disabled persons both in educational institutions and in the labour market. There is often no national database on people with disabilities, describing their vocational qualifications which demonstrate the ability of the people with disabilities to master concrete occupations and professions.

For instance, in the huge countries, Russian Federation and Ukraine, effective sub-systems of vocational guidance of disabled, which would be harmonically linked to all directions of work on vocational rehabilitation, have not been set up so far. Systems of psychological support and vocational guidance of disabled have not been established. Lists of occupations, taking into account medical indications and contraindications for each group and kind of disability according to which training and employment of disabled could be implemented are obsolete. The provision with human resources on vocational rehabilitation of disabled, including psychologists, rehabilitation specialists, and consultants, deaf and dumb interpreters is not satisfactory.

As of today, many centres of vocational, medical and social rehabilitation for people with disabilities have no modern equipment nor highly qualified staffs which are able to use it. At the same time, there is a lack of experience of centres' staff teams in management and the training methodology to use with people with disabilities. Methodologies do not incorporate the economy, labour market and social service information.

All in all, this lack of modern disability management knowledge is a big problem, particularly in these Central and Eastern European Countries not yet accession candidates to the European Union.

I'm coming now to the role of the ILO:

The essence of the approach concerning the elaboration of ILO activities lies in guaranteeing equal constitutional rights of people with disabilities to vocational guidance, education, vocational training and employment. Strategy should focus on increasing access by the disadvantaged category of workers to the open labour market by means of introducing modern vocational training systems for people with disabilities. In this way, focus is made on the protection of people with disabilities against poverty, on the promotion of their full, productive freely chosen employment; on the introduction of training of trainers and management team for undertaking activities relating to vocational rehabilitation and job-placement; on the interaction between measures on vocational rehabilitation of people with disabilities and those on a medical and social rehabilitation; on the validity of financial support of measures on voca-

tional rehabilitation and employment of disabled; and, finally, on the creation of an integrated system of vocational rehabilitation for disabled persons.

There should be also a step approach to the strengthening of partner organisations' ability to use a phased and multilateral strategy which could include the following elements:

- motivation of the ILO constituents and other concerned partners for involvement in dialogue on vocational rehabilitation of people with disabilities and creation of alliances for finding solutions of the problem and taking concrete measures in order to overcome it;
- awareness-raising of society for specific problems of vocational rehabilitation and employment of disabled on which the activity will be focussed;
- support of the partners interested in elaboration of national policy and structure in order to resolve specific problems of vocational rehabilitation and employment of disabled;
- strengthening of wide alliances of active organisations and establishment of mechanisms necessary for integration of persons with disabilities into society to increase the employment rate of people with disabilities. As a result, tripartite institutions will be founded whose composition will include representatives of governmental structures, organisations of people with disabilities, employers' and workers' organisations and other NGOs giving consultations concerning the implementation of policy;
- awareness-raising on problems of vocational rehabilitation and employment of people with disabilities at the national level, in the society and the enterprise level;
- promotion, development and implementation of the national legislation and governmental rules on vocational rehabilitation and employment of people with disabilities; and,
- support of direct actions focussed on people with disabilities, isolated from society, in order to increase access to open labour market and promote valuable integration into society of the working disabled and their families.

The intended beneficiaries of all ILO's activities in the transition countries of Europe should be disabled persons with their families. Direct beneficiaries should be the national staff (policy-makers, programme planners and service providers) of government, parliament, employers' and workers' organizations, NGOs of and for disabled persons, community-based organizations and civil society, all vocational rehabilitation centres. The measures should contribute to awareness raising on the current problems of disabled persons and to capacity building aimed at solving these problems.

Finally, I would like to mention how the ILO now uses the capacities already existing in the transition countries.

In several countries you can find medical rehabilitation structures which are somewhat effective. It can make sense to expand these structures, medical centres, for example, to include vocational programming. By this, you can economize project

activities and use the potential of an already rehabilitation oriented staff. But this has to be primarily done by training staff how to combine medical, vocational and social rehabilitation. Now the usual rehabilitation programme ends simply with medical treatment. There are no activities in assessment, vocational guidance or placement.

The ILO has made good gains recently by not inventing the whole wheel again, but using available programme spokes to stabilize the wheel in development. The good news is that one can find plenty of spokes even in this part of Europe!

Thank you very much.

THE PROFESSIONAL AND VOCATIONAL INTEGRATION OF PEOPLE WITH DISABILITIES - AN ILLUSION?

Roderick Skinner

Principal Administrator of the European Commission, Directorate VE4, Unit for the Integration of People with Disabilities, Brussels, Belgium

Ladies and Gentlemen

I would first like to congratulate FIMITIC for its initiative in organising this Congress which allows us to look at such a vital question as the employability of people with disabilities. I particularly welcome the focus on the candidate countries for EU membership. I hope that we can learn from their experiences in this regard and that they will find our disability-related activities of interest and usefulness.

The right of disabled people to access labour markets in the same way as any other citizen is a challenge that must be addressed by all players in our society. Employment is of such basic importance in guaranteeing not just economic independence but also in facilitating our social integration.

And that is one of the reasons why the question of equality of opportunity for people with disabilities is at the very heart of European Union policies and practices in the field of disability.

THE SITUATION OF PEOPLE WITH DISABILITIES IN THE EU: FACTS AND FIGURES

We estimate that there are some thirty-seven million disabled EU citizens. Their well attested experience is often one of underachievement in education, persistently low levels of employment, inadequate access to transport as well as daily occurrences of small, but cumulatively significant acts of discrimination. The result for many is endemic social and economic exclusion, poverty and heavy dependence on welfare.

The European workforce is changing and growing rapidly more diverse. Over the next decades, the largest percentage of new growth will be made up of women and older workers. The number of people with disabilities will also increase. Allowing for differences in definitions and measurement procedures, it is reasonable to estimate that already today people with disabilities form from 8 to 18 per cent of the working-age population in the European Union.

Employment policies and recruitment patterns must broaden to adapt to these changes. If not, we will - on the basis of Europe's present record - still have employment policies and recruitment practices that tend to discard a growing size of the potential workforce, precisely at the time when the EU must improve its overall employment rate to match that of our main competitors on the world stage.

Based on data gathered by the European Community Household Panel, the employment rate for people with at least some disability was 20% lower than the Union average for those with no disability.

People with disabilities are two to three times more likely to be unemployed, and to be so for longer periods, than the rest of the working population. Moreover, there is a general increase in the number of people in receipt of disability benefits in the Union which in itself suggests a growing exclusion of people with disabilities from the labour market.

THE DISABILITY CHALLENGE

The approach we have taken flows from these facts and figures as well as from the understanding of the types of challenges that confront people with disabilities. There are barriers not only to finding and keeping a job such as accessible transportation, physical access to buildings and facilities or access to training necessary for a job, but also in gaining access to the technologies that assist people with disabilities to participate not only in the workplace but also in our wider society.

Another challenge is the attitudinal barriers that still exist among many people who do not understand that persons with disabilities can and do make a positive and meaningful contribution to our economy and our society. Too many people see the disability, and not the person.

A last type of challenge is what is referred to as 'systemic' challenges in many different areas, including employment, education, transportation and many others. In many ways, these are the difficulties that people with disabilities face because policies and support programmes originally created to respond to specific needs have become complex and even confusing. These can present a real impediment or disincentive to people making, or attempting to make, transitions from home to school to work. This type of inflexibility often discourages or prevents people with disabilities from joining the workforce or taking training because they fear the loss of essential disability supports and services.

It is against these challenges that we have adopted an inclusive approach that first of all endeavours to frame disability related issues within the main policies, programmes and projects developed by the EU, ‘mainstreaming’ as it is termed. As far as social policy is concerned, this means in particular the adoption of a holistic approach to disability, spanning issues related to employment, social protection, the European Social Fund and equal opportunities, while recognising the importance of co-ordination, sharing information and partnership to achieve this end.

EMPLOYMENT

The Treaty of Amsterdam committed the EU to reinforcing the coordination of national employment policies. It foresaw the establishment of common employment guidelines and led to the establishment of the European Employment Strategy based on the premise that employment is a matter of common European concern.

The Employment Strategy is built on:

- the European Employment Guidelines
- the Member States’ National Action Plans and
- the annual Joint Employment Report drawn up by the Member States and the European Commission.

The European Employment Guidelines in their turn are based on a four pillar structure:

- Employability - a theme recognised as the focus of this Congress
- Adaptability
- Entrepreneurship
- and our old friend, Equal Opportunities

Within these Guidelines there is a specific Guideline – number Seven - to combat discrimination and promote social inclusion by access to employment. Each Member State is required to meet the needs of disabled people, ethnic minorities and migrant workers as regards their integration into the labour market and to set national targets for this purpose, in accordance with the national situation.

All of these employment guideline pillars are directly relevant to people with disabilities and our analysis should certainly not be confined simply to the explicit reference made to disability under any one particular guideline.

I am sure that you will agree that the key to a successful integration of people with disabilities requires a dual approach: both specific positive action and a commitment to mainstreaming the disability dimension in all policies and measures.

Let me draw your attention especially to the core of the strategy for the Member States, namely the agreement of Member States to identify as early as possible the individual needs and to act as early as possible to prevent people from becoming long-term unemployed. Member States have agreed that every unemployed young person shall be given a new start before reaching six months of unemployment and

that every adult shall be given a new start before they reach the twelve months of unemployment. They also agreed to more than double the retraining capacity available for unemployed persons. All this means that governments must do considerably more for people with disabilities in the form of counselling and training but also in the form of the adjustment or accommodation of workplaces.

Our experience of the National Action Plans has shown that setting quantitative targets shows positive results.

ANTI-DISCRIMINATION

Article 13 of the Treaty of Amsterdam, which deals with the possibility of the EU's taking action to combat discrimination, saw the first ever mention of the word 'disability' in a European treaty. That Article provided the legal hinge for the Union to adopt an antidiscrimination package in the year 2000.

In November of that year, a landmark political agreement on an Anti-Discrimination-at-Work-Directive was reached. This Directive provides a legislative framework for legally enforceable rights for people with disabilities, including provisions on a number of key issues such as protection against harassment, scope for positive action, appropriate remedies and enforcement procedures. The possibility of legal enforcement and the laying of a duty on employers to accommodate the needs of disabled people in the workplace, will, I believe, prove to be of the utmost importance.

The anti-discrimination package also entails a European Community action programme running from 2001 to 2006. It will, inter alia, enable policy-makers and practitioners to compare experiences and to develop their capacity to address discrimination. This programme allows us to combat discrimination on the grounds of racial or ethnic origin, religion or belief, age sexual orientation and, importantly, disability.

Victims of discrimination now have the right to be supported in their claims by their trade unions and their Non-Governmental Organisations. The Directive also shifts the burden of proof onto the employer so that it will be for the employer to prove that his or her decision to appoint or promote somebody was based on reasons entirely unrelated to disability or to any of the other grounds I just mentioned.

The EQUAL initiative will further contribute to our effort to improve employment opportunities for people with disabilities, again covering the period up to 2006. Like Employment-Horizon, it will test, develop and make known innovative ways of delivering good jobs to disabled workers.

SOCIAL EXCLUSION

In a parallel move to our anti-discrimination programme, the Commission has also adopted a programme to fight social exclusion, a situation in which disabled people

can unfortunately often find themselves. In the same way as they do for employment, Member States now produce National Actions Plans on Social Inclusion. There are four primary objectives:

1. To facilitate participation in employment and in access by all to resources, goods and services.
2. To prevent the risks of exclusion.
3. To help the most vulnerable.
4. To mobilise all relevant bodies.

There are specific objectives for people with disabilities:

- Objective 2a states that the knowledge-based society and Information and Communication Technologies should be fully exploited to ensure that no-one is excluded, taking particular account of the needs of people with disabilities
- Objective 3a calls for the promotion of the social integration of women and men at risk of facing persistent poverty, for example because they have a disability or belong to a group experiencing particular integration problems

The main policy issues for 2001 - 2003 are:

- Education and Training.
- A move from passive to active measures.
- Access to Information and Communication Technologies.
- Design for All.
- Access to transport.
- Housing.

A BARRIER FREE EUROPE

A further important landmark in our efforts to bring about equality of opportunity for disabled people was the adoption last year of a Commission Communication called 'A Barrier Free Europe' for People with Disabilities. This Communication defines our approach and takes a wide look at what needs to be done to link up all EU policies and commitments to make sure that disability is truly a matter of Union-wide concern in the EU.

The focus of the Communication is on those policies which can help in our drive towards a barrier-free society. That is why it examines how to achieve greater synergy not only in employment, education and vocational training, but also in transport, the internal market, the information society and new technologies.

It underlines the importance of mobility in ensuring participation in economic and social life. It asserts that positive developments in improving access for people with disabilities, whether in transport or in the built environment have positive implications in many other policy areas such as the quality of working and everyday life.

And, importantly, this Communication notes the great challenges, in terms of those negative attitudes which can colour and warp attitudes and reactions towards disability and disabled people.

EUROPEAN DAY OF DISABLED PEOPLE

A recent 'Euro barometer' - a test of EU public opinion - showed that 97% of EU citizens think more should be done to integrate people with disabilities fully into society. We want to build on that basic groundswell of support by expanding public awareness of disability issues. One means we have of doing that is the annual European Day of Disabled People to be celebrated this year throughout the Union on 3 December. The theme is 'Design for all'.

EUROPEAN YEAR OF PEOPLE WITH DISABILITIES

And the year 2003 has now been proposed as the 'European Year of Disabled People'. That will provide us all with a further launching pad to make a real difference in the delivery of action on all fronts. This European Year is not just going to be some Brussels-based event. We want it to be well noted, observed and celebrated throughout the European Union and beyond.

The objectives are:

- to raise awareness of the rights of people with disabilities
- to encourage reflection and discussion in all Europe
- to promote the exchange of experience of good practice and effective strategies
- to reinforce cooperation amongst all interested parties
- to promote a positive image and
- to make people aware of the individuality of disabled people

It will entail conferences, meetings, events, information campaigns, studies and surveys as well as cooperation with the media. Each Member State will have a national coordination committee to ensure the maximum involvement of people with disabilities from the grassroots on. It will be funded to the amount of 12 million Euros.

THE CANDIDATE COUNTRIES

As I mentioned earlier, this Year 2003 is not just to be confined to the EU itself. We want the candidate countries for EU membership to play their full role as well. In fact, I can tell you that this possibility was discussed with representatives of the applicant countries just last Wednesday. In a significant move, they were invited for the first time to a meeting of our High Level Group on Disability which consists of a senior government official from each one of our Member States. This notable meeting will, I hope, be the first of many.

While on the subject of the candidate countries, please let me conclude by telling you that I have the honour of being the enlargement correspondent for my Unit - this means that I am responsible for the disability aspects of the enlargement process. This has involved many meetings with representatives of the applicants so that we

can inform each other of what is happening with regard to disability issues in our respective areas of competence.

Those negotiations have made good progress. I have no doubt that each partner has something positive to offer the other.

And I very much hope that what I have been able to tell you today of EU involvement in the field of disability and of our absolute commitment to the right of disabled people to contribute fully and equally to our society, in all its contexts, richness and variety, will have persuaded you that we should not pose the question of whether the professional and vocational integration of people with disabilities is an illusion. On the contrary, it is a reality, a goal within our grasp and an end to be vigorously pursued.

Finally, may I draw your attention to our website where developments in EU disability policy can be tracked:

http://europa.eu.int/comm/employment_social/disability/index_en.html

Thank you for your attention.

THE ACTION OF THE ETUC AND ITS TRADE UNIONS TO ELIMINATE THE OBSTACLES TO THE EMPLOYMENT OF PEOPLE WITH DISABILITIES

Henri Lourdelle

Assistant of the European Trade Union's Congress (ETUC), Brussels, Belgium

First of all, on behalf of the European Trade Union Confederation that I represent here and which brings together 60 million members, from 34 different countries, including your country (therefore well beyond the strict limits of the European Union), I would like to thank you for having invited us to participate and address your Congress.

As you know, the question of the integration of people with disabilities in society in general and into the ordinary world of work is not only a constant concern of the ETUC and its member organisations, including that of your country, but also a key ambition. Your invitation today is a perfect illustration of that. Once again I thank you.

In order to address the question of equal opportunities and equal access to employment for people with disabilities, I would like to outline rapidly the actions implemented by the ETUC and its trade unions organisation to eliminate the barriers to the employment of people with disabilities, as it enables us to identify the obstacles still to be overcome and the way to achieve that. Moreover, at the same time, it highlights the challenges facing us and what remains to be done.

The integration of people with disabilities into the ordinary world of work is a constant demand of the ETUC trade unions and requires a long-term commitment.

That statement is intended not only to assert the extent of the commitment of the ETUC but also to emphasise, as you are aware, all the difficulties inherent in that combat and the effort required. Although the ETUC has become a major actor in the combat to integrate and keep people with disabilities in employment, it must not be

forgotten that it required a lot of effort to achieve that breakthrough, which initially was far from obvious,

It was necessary, first of all, to enhance awareness at the level of the trade union movement: awareness of its role, at national and European levels, in favour of the occupational integration of disabled workers.

In this connection, thanks to its position as a collective actor with a cross-border bargaining capacity, the ETUC played a decisive role. Its ambition is not to replace national or local collective bargaining systems, but to supplement them with cross-border and European bargaining in order to defend better the interests of workers, and in this particular instance disabled workers. Its role also consists in stimulating and co-ordinating actions. The initiatives implemented by the ETUC must be seen against that backdrop.

Trade union awareness has developed progressively; the different seminars organised on this subject by the ETUC during the past decade have helped to mobilise its members. Starting with the London seminar, organised in November 1993 which resulted in the publication of a document entitled *Social Action Programme and People with disabilities*, and which included the following conclusion: "work is a factor of economic independence, but also the key to autonomy in life. Problems outside and inside the company must not be separated, in other words the linkage which must exist between the workplace and society means that the trade union movement is the essential link in the integration of people with disabilities. This global approach gives a new dimension to the role of the trade union movement. This assertion translates into the awareness of the role of the trade unions in European and national policy in favour of people with disabilities and points to three levels of future actions - institutional, collective bargaining and cultural".

But at the same time, it was clear from discussions that if discrimination against people with disabilities was still a major problem, any measures taken, whatever their nature, including by way of legislation, would only be effective if accompanied by other measures to combat prejudices.

Based on that logic, the ETUC called for a European directive against discrimination.

In April 1995, at its Manchester Conference, the ETUC and its trade union members defined their demands in favour of people with disabilities, via a solemn Declaration, the "Declaration of support of the European trade unions in favour of people with disabilities" in which the ETUC expressed two strong convictions, which are still valid today:

- people with disabilities have the same worth as people who are not disabled,
- in the same way as equality between men and women means that women must have equal rights to employment and just as equality between races means that people belonging to racial minorities must have the same job opportunities, the quality of people with disabilities means that they must have the same employment opportunities.

In concrete terms this means that a disabled person must not be discriminated against, either at the time of his or her recruitment or in terms of keeping his or her job or from the point of view of career development. That is why, the action of the ETUC and its member organisations, in cooperation with its partners, must focus on the development and implementation of an **equal opportunities** policy as regards on conditions of employment, access to training and the organisation of the workplace.

Once its programme of demands had been adopted, the ETUC committed itself to implementing its plan for the promotion of the rights of people with disabilities, at three levels.

First of all, at European institutional level.

The ETUC played a decisive role in the inclusion in the Treaty of Amsterdam, signed in June 1997, of an employment Chapter, implemented by the Luxembourg undertakings and concretised by the adoption of employment guidelines. These guidelines which fix concrete priorities to be implemented at European level, explicitly include the occupational integration of people with disabilities.

I have, however, one small comment to make on this subject and I would emphasise that this comment is not merely formal or inconsequential, since for us it is very important. Initially, this priority given to people with disabilities was included in “**equal opportunities**”, “*pareel*” (what we call in European jargon the “pillar”). Since then the Commission (and the Council has followed its lead), has switched it, together with the integration of ethnic minorities, to the “employability” pillar. The ETUC has always regretted this “transfer” which, for us, masks in part the problems. In fact, the question of the integration of these people in the ordinary world of work (which is a long-term objective for the ETUC), is not simply a question of “employability” (which moreover for some of them does not at all apply!) but is part of the problem of combating discrimination... !

The second level of action concerns the social partnership, that is to say the social dialogue.

The ETUC is convinced that this partnership is an important means of implementing the policy of promoting the employment of people with disabilities. But the ETUC has had to contend with the resistance of European employers who, to quote one of their positions adopted at the time, “are firmly convinced that it is at national level that the most appropriate and efficient measures can be taken “.

It was therefore not until 1997, in the framework of the European Social Dialogue Committee, and under pressure from the ETUC, that a working group was set up in favour of the integration of people with disabilities and a “Compendium of Good Practices” in this field was drawn up; in fact, several of those of you who are present today participated in compiling that compendium.

At the same time, on 16 and 17 April 1998 a seminar was held in Rome on the initiative of the ETUC, and the debate on preparing a trade union platform on the employment and vocational training of people with disabilities was initiated, with a view to

working jointly with employers within the framework of the European Social Dialogue. I wish to emphasise that you were invited to that seminar and you also participated.

Among the conclusions drawn from that meeting, I would emphasise three in particular:

- the general principles and declarations of intent must be accompanied by “instruments”. A legislative and budgetary framework must be established in order to promote the policies that the trade unions wish to carry out;
- in order to achieve the equal opportunities objectives the trade unions, employers and NGOs must co-operate and complement each other in their own areas of competence;
- it is not simply a problem of rights and means, but also a cultural problem. In fact there are two prejudices that need to be overcome: a disabled worker is still too often judged not on what he or she does, but with regard to his or her disability. The second prejudice to be overcome is the level of representation of people with disabilities, including sometimes at trade union level. The trade unions therefore have a responsibility to combat this cultural problem.

Following that conference and the publication of the Compendium of Good Practices, a conference of the social partners was held in Cologne in June 1999, not only to publicise the said compendium, but which also saw the adoption of a Declaration of the Social Partners, and no longer therefore simply a commitment on the part of the ETUC on its own.

In that joint declaration, the ETUC, UNICE and CEEP, in particular, fully recognised first of all “the challenge of improving employment opportunities for people with disabilities on the open labour market... “. The three organisations went on to declare that “an equal approach is the path to follow in order to improve the employment opportunities of people with disabilities (and intended accordingly) to emphasise ability not disability “.

And in conclusion, the three organisations drew up the following recommendations which the ETUC considers as the basis for trade union action in companies:

- employers envisage developing equal opportunity policies for people with disabilities and make these policies known to all management and employees, with particular emphasis on raising the awareness of recruitment and human resources management;
- Trade Unions endeavour to examine disability issues with their members and develop equal opportunity policies in this area.

Moreover, the Joint Declaration of the Social Partners set out the following objectives: The social partners, at the appropriate level, will seek to promote, among their members equal opportunity policies in favour of people with disabilities ... by ensuring that selection and recruitment procedures are not discriminatory and allow people with disabilities to apply and take part in the recruitment and promotion processes within companies. “

The third level is that of partnership with associations such as yours for example.

The ETUC is convinced that our actions must be complementary if we are to meet successfully the challenge of integrating people with disabilities. That is why, as I mentioned, we had invited you to participate in our Seminar in Rome in 1999. We also have a very close partnership, at European level, with the European Disability Forum. Moreover, we organised a joint seminar with that organisation in March 2000 in Lisbon, on the subject of training, not only vocational training but also initial training, since we are aware that the action in favour of employment cannot be separated from that in favour of equal opportunities in the area of training, from the earliest age. Thus, in the field of education, there cannot be, nor must there be, discrimination in schools against disabled children.

The right to training, integrated in the normal world as far as possible, must be guaranteed, especially since this is essential for the integration in full social life of disabled people, their cultural integration and social acceptance, and for their access to the labour market, to help them keep their jobs and pursue a career. In fact, the lack or inadequacies of training and qualifications are among the causes of people with disabilities being excluded from the labour market. By taking account of the abilities of people with disabilities, the aim of training is to develop or improve their professional aptitudes with a view to integrating them into the labour market.

That means, notably through training, developing the skills and aptitudes of people with disabilities in order to ensure that they have the same opportunities as other people. But it also involves increasing awareness with regard to disabilities in order to combat prejudices against people with disabilities and provide them with equal opportunities.

IN CONCLUSION: WHAT ACTION TOMORROW?

I am sure that I do not need to explain to you, participants in this Congress, that there is still a lot to be done. Thanks to the European Union, we have the opportunity to “move up a gear”, if you will pardon the expression, with the designation of 2003 as the “the European year of people with disabilities”.

As regards the ETUC, in partnership with the competent associations and in particular EDF, we intend to maximise this opportunity to give concrete expression to our “Declaration of the Social Partners” of Cologne, to which I have already referred. Our aim is to make sure that the year 2003 is not an event without any follow-up. To that end we have scheduled for June 2002 a seminar to prepare the year 2003. All the trade union organisations of the ETUC, and not only those of the European Union, will be invited to participate in that seminar. But participation will not be restricted to trade unions, for example the EDF will naturally be a partner. That seminar will provide an opportunity to draw up a full programme and also to construct the necessary campaign material intended for employees and entrepreneurs in companies.

I am convinced that together we shall succeed in eliminating the prejudices and discriminatory practices which still exist in our societies and which are obstacles to the integration of everyone into the life of society and, it must be said, quite simply obstacles to everyone's right to happiness.

Thank you for your attention. I would also like to thank you and the interpreters for making allowances for my poor English.

Thank you.

INCLUSION INSTEAD OF EXCLUSION- EMPLOYMENT OF DISABLED IN COMPANIES FOR DISABLED

Boris Šuštaršič
Director of Birografika BORI

INTRODUCTION

Birografika BORI is a limited liability company, a company for disabled, owned entirely by its founder, the Muscular Dystrophy Association of Slovenia. It was established on February 1, 1980 and has developed out of a photocopy shop into a successful company with help of a systematic material and cadre policy. The company is nowadays one of the best equipped and technologically developed print shops in Slovenia. In business it is not only known as a company for disabled but also as the first photocopy shop in Ljubljana, and during the last couple years also as the first digital print shop in Slovenia.

THE MISSION

The primary mission of Birografika BORI is in qualifying and employing disabled people, especially those with muscular disability who cannot get employed under the same conditions as other people or on the open employment market due to their disability and their health condition and capabilities remaining. The aim of establishing the company 20 years ago was also the intention to show the public that severe disability cannot hinder the existence of a successful economy.

MANAGEMENT OF THE COMPANY

The managing body of Birografika BORI is a board of directors consisting of 7 members, a collective deputy of the founder. The company has been successfully

lead and represented by the director Boris Šuštaršič, also the chairman of the Muscular Dystrophy Association of Slovenia.

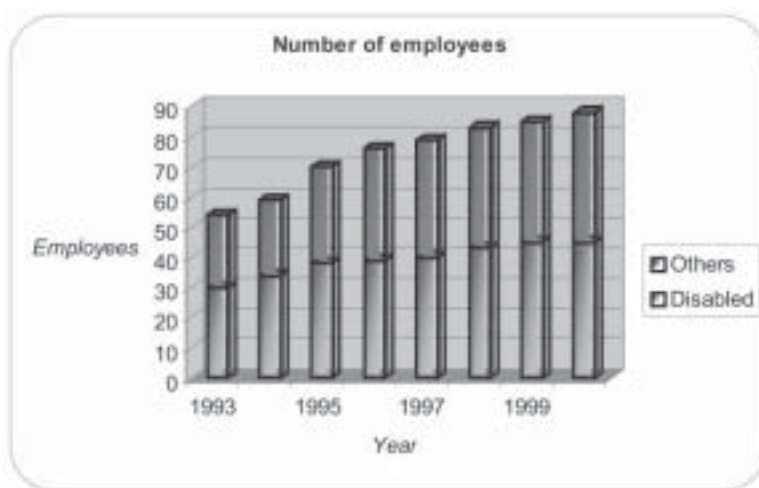
PERSONNEL AND KNOWLEDGE

The primary task of the company is continual education and qualification of the employees. In it we see a quality advance of the company, being able to adjust and respond to different challenges from the environment only with help of knowledge and abilities of its employees. Each of the staff annually takes part in at least one additional educational program of different fields – knowledge of graphic technology, introducing the quality system, graphic preparations and designing, business communication, marketing, financial business, computer and information science, social security and protection at work precautions.

EMPLOYEES' STRUCTURE

A constant increase in the number of personnel is present. When established, the company employed 5 people, today the staff consists of 88 people, 45 of them are disabled – it makes a total of 51% disabled employees in the company. 21 people work shorter work hours and the number of such employee's increases. Special care is devoted to the disabled employees. The developing nature of muscular dystrophy demands a constant modernization of working conditions. A peculiarity of Birografika BORI is the fact that special social activities such as transportation to work, health care and also solving of housing and other social problems of the employees are a part of the company's mission. We regularly perform all necessary precautions with protection at work and maintain the quality of working environment.

Situation (on the day)	all employees	employed disabled with full work hours	employed disabled with shorter work hours	all employed disabled	percentage of employed disabled
31.12.93	54	18	12	30	55%
31.12.94	59	20	14	34	58%
31.12.95	70	24	14	38	54%
31.12.96	76	25	14	39	51%
31.12.97	79	22	18	40	51%
31.12.98	83	23	20	43	52%
31.12.99	85	24	21	45	53%
31.12.00	88	24	21	45	51%



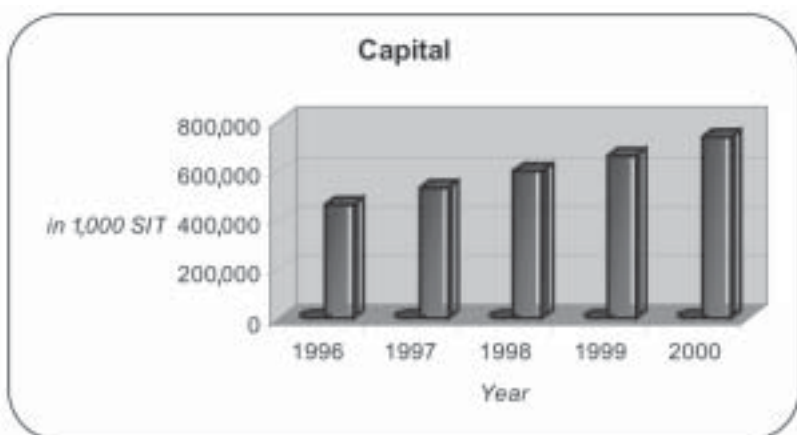
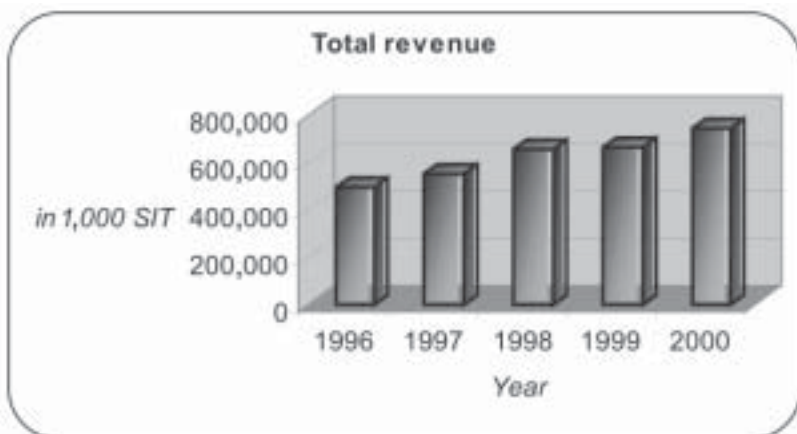
MATERIAL DEVELOPMENT AND ECONOMIC SUCCESS

With careful following of new technologies, situations and possibilities' developing on the market, with investing into knowledge and with careful planning of investments into material development, the 20 years of Birografika BORI created a selection of a business program that assures achievement of satisfactory economic results. Out of the first photocopy shop in Ljubljana the company's program of services offered expanded to the fields of offset duplication, offset printing, graphic treatment and designing, and as first in Slovenia we offered the possibility of digital printing. Some years ago we enabled unimpeded communication inside the company with help of a computer network, and three years ago we also started a successful cooperation with our business partners through the Internet, where our Internet website can be seen.

The business results of the previous years show a constant growth of revenue and the company's capital. The fact that the last five years were profitable proves this fact furthermore. (the table below)

The review of business results in the last 5 years (in 1000 SIT)

Year	1996	1997	1998	1999	2000
Total revenue	493,758	544,861	651,627	655,743	736,553
Costs and outcome	468,938	511,095	610,241	626,862	713,716
Net profit	24,775	33,766	41,386	28,881	22,837
Capital	463,876	531,761	600,010	660,536	737,581



One constituent of the Birografika BORI economy is also the economic facilities that belong to companies for disabled in order to cover their special expenses and compensation of the reduced productiveness of the employees. In Slovenia the system of such facilities still remains on an adequate level, although there have been tendencies towards their reduction throughout the last few years present. Since the introduction of value added tax into Slovene tax policy in 1999 companies for disabled have lost the exemption from taxes, which used to be a rule in the previous tax system.

VISION OF DEVELOPMENT

We shall continue the established development strategy, which proved successful, and we shall strive to strengthen the mission of being one of the most successful companies employing disabled people, as well as the reputation of one of the most developed and successful printing companies in Slovenia.

REPORT ON WORKSHOP 1: ACCESS TO EMPLOYMENT - MOTIVATING DISABLED PEOPLE

*Report by Dr. Yvette Galton,
United Kingdom*

There were 26 participants in this workshop. Topics were set out at the beginning of the workshop. Time was very short to treat all the subjects. Participants mainly reported on what happens in their own countries and there were no real conclusions. My report consisted in detailed rendering of the participants' contributions and I highlighted some key issues.

THE QUESTIONS:

- Question 1: What are the barriers to employment for disabled people?
- Question 2: What “instruments” should be made available? What policies?
- Question 3: Issues of career development?
- Question 4: What kind of services do disabled people need to access and/or retain services?
- Question 5: Should rehabilitation be mandatory? What is the role of the person in the rehabilitation process and the role of organisations of disabled people?

SOME KEY ISSUES:

On the issue of the difference between the motivation of disabled people and that of non-disabled people:

1. Employment of disabled people will not improve unless both sides (employees and employers) improve their motivation and perception.
2. Parents should be educated and informed.

3. NGO should be available to support disabled people reaching adulthood.
4. Disabled people should access vocational training.

On the issue of whether the definition of disability discourages employment:

1. There is not one definition of disability.
2. It is more important to pay attention of people's abilities and to ensure that we live with and accept our differences.
3. A "social" definition rather than a description of impairments should be promoted.
4. Disability is a function of the preparedness of the environment. This approach is more helpful as it leads to positive discrimination.
5. We must positively discriminate in favour of disabled people so that they can compete on an equal basis.

On good practices and special services:

1. It was felt that the quota system affords examples of good practice and that is important to demonstrate to employers how employing disabled people can be done.
2. Supported Employment was considered very successful: This approach which involves personal assistants/job coaches not only allows people to be employed but also builds up self esteem and the motivation of employees as well as the motivation of employers.

ON REHABILITATION: WHO SHOULD BE IN CHARGE?

Rehabilitation should be mandatory, community based and state supported because of its high cost. Although it is necessary to differentiate in which instance rehabilitation should be the responsibility of the employer.

On the role of NGOs in developing better employment policies:

1. NGOs should have a consultative role and should ensure that the policies are properly implemented.
2. The need to employ experts to fulfil this role can constitute a problem to disabled people. Organisations of disabled people can be sometimes sceptical.

REPORT ON WORKSHOP 2: ACCESS TO EMPLOYMENT – THE MOTIVATION OF EMPLOYERS TO EMPLOY DISABLED PEOPLE

*Report by mag. Cveto Uršič,
Slovenia*

In the beginning dr.Karel Rychař and Cveto Uršič, the workshop anchorman and reporter, respectively explained the object of the workshop to the participants.

From the nature of the workshop topic it could be said that the discussion should be primarily on two questions:

- Are responsibilities an encouragement to employers (i.e. the quota system) or are they yet another obstacle to them?
- What other forms of motivating the employers are there? (examples of good practice)

The group discussion was dynamic. Unfortunately, it wasn't on a very professional level due to the shortage of time. It was therefore on the level of presenting practice and some examples of good practice in different countries.

The conclusions of the discussion are as follow:

- Some countries have adopted the “antidiscrimination law” as a part of their basic disability policy legislation. The first reactions are positive but it needs to be pointed out that such a legal document is of benefit more to the already employed people with disability than it is to the employment seekers.
- Rating the success of quota systems is a very tricky matter. The employers disapprove of them because they see them as an additional taxation and/or limits in freedom of choosing employers. Some people with disability disapprove of this kind of positive discrimination as well. They see this regulation as an emphasis of their “incapability” (incapability of people with disability). They would like the employers to employ them for their capability to perform work successfully, for

their contribution to the successful company management. Of course, there are also positive examples, such as Germany, Austria and France. In these countries the quota systems have a positive effect on cutting down unemployment, keeping jobs and last but not least on funding for employing. It can therefore be concluded that the quota system remains one of good regulations but only if there are penalties for not reaching the quota and if penalties are actually awarded. The regulation itself is not enough.

- The group participants have pointed out the importance of numerous other regulations for the employers such as: informing and educating the employers dealing with disability at work (prevention, rehabilitation, etc); making clear that employing people with disability is not an additional cost but a benefit for the employer; possible ways of using financial and professional resources to do with employment; adapting jobs, etc..
- The group participants have pointed out the role disability organizations. These should inform and educate the employers and the advocates of disabled workers.

**INTERNATIONAL FEDERATION OF PERSONS WITH PHYSICAL DISABILITY
FEDERATION INTERNATIONALE DES PERSONNES HANDICAPEES PHYSIQUES
FEDERACION INTERNACIONAL DE PERSONAS CON DISCAPACIDAD FISICA
INTERNATIONALER VERBAND KÖRPERBEHINDERTER MENSCHEN**

**FIMITIC CONGRESS
EQUAL OPPORTUNITIES - EMPLOYABILITY FOR PERSONS WITH DISABILITIES
26 OCTOBER 2001, PRAGUE, CZECH REPUBLIC**

RESOLUTION

This FIMITIC Congress attracted the participation of 70 delegates from 18 Non Governmental Organisations from Eastern and Central European Countries (CEECs) and from European Countries to exchange information and good practices in improving the employability of disabled people, with a special focus on CEECs. At the close of this Congress the following Resolution was approved:

1. MEASURES AIMED AT THE EUROPEAN UNION

- The European Union should make funding available to relevant institutions in CEECs for exchanges of information and the dissemination of expertise in the field of equal opportunities and employability. Speeding up the adoption of good practices is in the interest of individual countries and of Europe as a whole.
- The European Union should ensure that policies included in the National Action Plans should contain meaningful references to disability issues.

2. MEASURES AIMED AT POLICY MAKERS IN CEECs

2.1 General

- CEECs should learn from countries which have adopted anti-discrimination laws.

- Disability Employment policies in CEECs should be guided by the United Nations Standard Rule No 7. The ILO Code of Good Practice to be adopted in December 2001 should also be consulted.
- The definition of disability should be based on the “social model” of disability. It refers to people whose impairments lead to a reduction in their level of participation in education, work and social activities and that this, in turn, is affected by the barriers that arise from the physical environment, attitudes and institutional discrimination.
- The concept of employability, which refers to the capacity of disabled people to become employed as well as to the capacity of employers to employ them, should underpin future employment policies.
- Statistics for disabled men and women should be publicly available and itemised for men and women.
- Policy developments should rest on timely and meaningful consultation of Non Governmental Organisations of disabled people.
- The expertise of disabled people for the purpose of consultation should be developed through capacity building programmes.
- National policies should adopt Quantitative and Qualitative targets.
- The purpose and processes of sheltered employment should be considered to ensure that the optimum number of disabled employees transfer to ordinary “mainstream” employment.
- The employment of disabled people in organisations that offer them better control over their own lives, such as: Tele-working, self-employment, cooperatives, social firms and other non-profit organisations of disabled people should be encouraged.

2.2 Active measures aimed at employers:

- The “Business Case” (arguments demonstrating the economic benefits of employing disabled people) should be developed and promoted in the business community.
- The legal employment targets (“quota systems”) should be extended to the public sector.
- State funding should be made available for employers to cover the costs of accommodating disabled people in mainstream jobs.
- There should be Flexibility in re-designing jobs and duties and work-stations should be adapted when appropriate.
- “Early intervention” measures to prevent the dismissal of people becoming disabled while in employment should be encouraged.
- Quality standards in Human Resources management (good practices in employment policies) should be developed and disseminated.
- Good practices in Corporate Social Responsibility should be disseminated.

2.3 Active measures aimed at employees:

- Disability benefits systems should guarantee disabled people's good quality of life while also encouraging them to take up employment.
- Accessible and person-oriented education and vocational training should be provided.
- The creation of partnerships between institutions to minimise duplication and avoid gaps in service provision should be supported.
- Funding for personal support in the work place, where appropriate (supported employment, mentors, etc.) should be provided.
- Funding for human and technical assistance for specific impairments (readers, sign-language interpreters, and assistive technologies) should be provided.
- The credibility of awareness raising initiatives could be enhanced if carried out by disabled people themselves.

Prague, 26 October 2001

CONCLUSIONS ON EQUAL OPPORTUNITIES AND EMPLOYABILITY FOR PERSONS WITH DISABILITIES

Marija-Lidija Stiglic, Secretary General

Ladies and Gentlemen,
dear guests and friends!

FIMITIC since its existence in 1953 devoted much time and energy to the cause of disabled people in Central and Eastern European countries and especially in the frame of its project launched in 1999 as to the employability.

FIMITIC will take care that the conclusions of this Employability Congress reached with your support today are disseminated appropriately.

The proposed resolution has been well rehearsed during this congress. Any additions and amendments to the existing document will be made in the next few days and the final document will be circulated to all interested parties such as participants, members, international institutions - European Commission, Council of Europe, International Labour Office, European Trade Union Congress, International Federation of Employers, United Nations etc. and of course to the European Disability Forum and to all partner Non-Governmental Organizations.

This will be done by FIMITIC and achieved through its members in different countries.

This event and all the preparatory work have laid the foundations for more specific projects which should bring about tangible improvements in employability. And clearly, much remains to be done!

Tomorrow FIMITIC's members are meeting at their periodical Delegates' Conference and a motion proposing FIMITIC's future developments for this project within its working programme will be discussed.

To do this, we hope that FIMITIC will continue to enjoy your continued support for future ventures that we might create.

Our most heartfelt thanks to all the official representatives and key speakers, workshop leaders, reporters and delegates from 18 member countries and partner organisations for travelling to Prague (in these inauspicious times!) and for making very important contributions to our discussions.

Further on, our special thanks go to the host association, the Union of Disabled People in Czech Republic and the Ministry for Health in Czech Republic who by organizational and financial support made this important event possible.

Our words of thanks go to the project coordinator, Dr. Yvette Galton. Years of common experience on international level are leading to what we call coordinated work in responsibility.

Last not least, I would like to thank to the interpreters and technicians, led and coordinated by David Cziskovsky for the excellent work done to make ourselves understood.

At the end, I wish you all a pleasant stay in Prague and the participants to leave a good journey home.

Thank you for your cooperation now and in future.

SUPPLEMENTS

TOWARDS EMPLOYABILITY
THE EMPLOYMENT OF DISABLED PEOPLE IN THE COUNTRIES IN TRANSITION

**PRE-CONGRESS DOCUMENT IN
PREPARATION OF:
FIMITIC CONGRESS**

**EQUAL OPPORTUNITIES-EMPLOYABILITY FOR PERSONS WITH DISABILITIES
26 OCTOBER 2001, PRAGUE, CZECH REPUBLIC**

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**CONCLUSIONS, SUMMARY, SUGGESTIONS FOR FURTHER STUDIES
AND ACTIONS**

INTRODUCTION

FIMITIC's Membership in Central and Eastern Europe includes representatives from ten out of thirteen candidates countries for accession to the European Union. In order to fulfil their Membership of the EU, applicant countries have to sign up to the EU Treaties which, through Article 13 of the Amsterdam Treaty, make reference to disability. Also, applicant countries will have signed up to the Universal Declaration of Human Rights. This is an opportunity to put disability on the agenda. Disabled people's rights in formally incorporating key issues within definitions and policies and practices in relation to human rights should be strengthened.

FIMITIC recognises the need to improve the employment of disabled people in the Central and Eastern European Countries (CEECs).

In carrying out this project, FIMITIC wishes to fulfil its responsibility towards its CEECs membership: The ultimate aim of this initiative is to improve policies and practices and support these countries' negotiations for accession.

Although each country will need to create its own pathways towards meeting the EU criteria, the most effective approach to progress has to be an approach which can make informed judgements about practices adopted elsewhere. In carrying out this survey and providing a Forum for exchange of information FIMITIC is playing a positive part in this process.

The concept of "Employability" has been the central concept of disability employment policies in European countries for a number of years. It covers a wide range of topics from education and vocational training of disabled people to the promotion of the disability employment business among employers. It is characterised by policies designed to "activate" the variety of agents who make employing disabled people in the mainstream environment possible.

The concept of employability is an ambitious subject for a one-day Congress. The role of this pre-Congress document is to help focus on the key issues emerging from Countries in Transition and to relate them to central issues of employability.

The intended key outcomes of FIMITIC's initiative have been identified as follows:

- To collect information that will help governments to motivate employers to employ disabled people
- To collect information that will help government to adopt policies to enable disabled people to obtain employment in integrated settings
- To establish ways of working with the Trade Unions so that they represent the interests of disabled people
- To contribute to guidelines for good practice at European level

A Note from the Project Manager

I undertook to carry out a pre-Congress survey for FIMITIC and to write this report. This work has given me some very special insights, and I feel that it would be useful to indicate some key points to anyone engaged in similar work in the future.

- 1) Collecting information about the employment situation of disabled people in Central of Eastern and European Countries has proved a difficult and lengthy process. In order to fulfil the aim of the Congress on Employability in the Countries in Transition, and mindful of the diversity of the 14 countries surveyed, we intentionally formulated wide-ranging questions. We found that many respondents found it difficult to respond to the questions, partly perhaps because of the wide-ranging nature of the questions, partly because some respondents did not have the operational means to respond to the survey and partly because it was sometimes difficult to find the relevant material. Nonetheless, after a long period (8 months) we obtained some material from 10 countries out of the 15 contacted. Not all questions were answered but we feel that, in some ways, the lack of response could have some meaning which might constitute a subject for future study.
- 2) There have also been problems arising from linguistic difficulties in responding to the questionnaire. Unfortunately, there was a lack of financial means to cover professional translations of technical material. I feel that the respondents who responded to the questionnaire should be congratulated and thanked warmly for their effort and for the faith they put in our Project. I have used my best judgement to integrate the material received into this report but I feel I should apologise in advance to respondents who may feel that their input has been misinterpreted.
- 3) Use of terminology: There is no consensus across the countries involved in this survey concerning the use of the terms “disabled people” or “people with disabilities”. The term “disabled person” mainly has been used in this report, but should be taken to mean “people with a disability”, if the reader feels this to be more appropriate.

SCOPE OF THE PRE-CONGRESS DOCUMENT

Thirteen (13) countries from Central and Eastern Europe are currently candidates for accession to the European Union. (All, except Turkey, are in the process of negotiation). Ten (10) of these countries are represented among FIMITIC’s membership. They are Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. (They appear in bold letters in the following table). All these members, plus other members from Albania, Belarus, Croatia and Macedonia were invited to contribute to the survey, which was the basis of this document. One organisation from Russia also agreed to participate in the survey.

The scope of this survey is illustrated in the table below:

	Candidate Countries in November 2000	FIMITIC Representation In the Survey	FIMITIC Response
Albania		/	/
Belarus		/	/

	Candidate Countries in November 2000	FIMITIC Representation In the Survey	FIMITIC Response
Bulgaria	/	/	
Croatia		/	/
Cyprus	/		
Czech Republic	/	/	/
Estonia	/	/	/
Hungary	/	/	/
Latvia	/	/	
Lithuania	/	/	
Macedonia		/	
Malta	/		
Poland	/	/	/
Romania	/	/	/
Russia			/
Slovak Republic	/	/	
Slovenia	/	/	/
Turkey	No negotiations		

Human Rights Conventions ratified by the Candidate Countries*

Countries represented by FIMITIC membership which ratified the Revised European Social Charter: Bulgaria, Estonia, Romania, Slovenia.

COUNTRY REPORTS

Definitions and concepts

Albania

Official definition

Disability is defined in a number of ways:

- Social Insurance Law No. 7703 (11/05.1993), § 35:
If a person becomes disabled for reasons other than industrial accidents/ occupational diseases, and has contributed a for a minimum period stipulated by the

* Source: Progress Reports November 8, 2000, Europe Website.

insurance, the person shall receive a disability pension. The disability is defined by a Committee of medical experts.

- The status of disabled people. Law No 7889, date 14.12.1994, § 1:
The status “disabled person” is conferred to people who have become disabled through industrial accidents, occupational diseases, or other diseases and are entitled to a disability pension under the social insurance scheme above mentioned.

Definitions of disability for the purpose of obtaining assistance with Employment

On “incentive for employment, § 2, 15.

A person with limited capacity means an “invalid”, with restricted abilities to obtain and maintain a job, due to a physical or mental impairment.

Belarus

Official Definition

The Law on “Social Protection of Invalids in the Republic of Belarus (Clause 2) states that a person with disabilities is a person who due to physical or mental impairments which cause restrictions on everyday activities needs social protection and support. The loss of ability can be full or partial and lead to incapacities in terms of personal maintenance, mobility, orientation, communication, self-control or in terms of employment.

Definition of disability for the purpose of obtaining assistance with employment

There is no special definition. According to the Law, the State provides employment for disabled people who require employment if they belong to the first, second and third degree of disability.

Croatia

Official Definition

There is no official definition of disability. However, the Croatian Pension Fund declares that a person is disabled when a health condition causes a reduction in work capacity. The fund acknowledges different degrees of reduction in work capacity.

There are also special provisions for the war-wounded (Invalids of war 1991-1995) who suffered permanent incapacity of at least 20%.

Definition of disability for the purpose of obtaining assistance with employment

As above. When a person’s disability is recognised, the remaining capacity to work is assessed as part of a process of professional rehabilitation leading to full-time work in a different employment.

The “war invalids” mentioned above have priority for work in state services or in public and state enterprises, if this is compatible with the pension insurance regulation.

Czech Republic

Official Definition

“An unfavourable health condition which, according to medical knowledge, will last more than one year”.

An overview of the Classification system:

To receive the top level of invalidity pension the following criteria apply:

- 1) The loss of capacity to perform in a permanent post is at least 66%
- 2) The eligibility for working in a non-mainstream sector (attachment 3 of the procedural Proclamation of the Ministry of Labour and Social Welfare provides detailed information). Loss of 33-65% of working capacity.

Eligibility for working in non-mainstream sector relates to different categories and levels of impairments, including partial to total blindness in both eyes, amputations, paralysis, mobility impairments which require the use of a wheel-chair, learning disabilities, mental illnesses, loss of hearing etc.

The meaning of altered capacity to work is defined in Law No 1/1991, p.21.

People considered to have heavy disabilities are divided into 3 groups based on their types of impairment or ill health.

The FIMITIC respondent for the Czech Republic points out that this classification is not conducive to employment; also that, because of this type of classification it is virtually impossible to establish the number of disabled people in the Czech Republic.

Hungary

Official definition

General explanations:

- a. “Disability”: The following people are regarded as disabled: Deaf, blind, mentally disabled and physically disabled.
- b. “People with partial loss of working capabilities”: People who have lost at least 40% of their working capabilities due to medical reasons.
- c. “Definitions of physical disabilities”: No coherent definition. Different definitions apply to different systems.

Examples: Disability support is granted to severely disabled people if they depend on the use of orthopaedic aids. Eligibility for personal transport rests depends on the severity of physical disablement which prevents the person from using public transport, uses stairs with difficulty, is able to walk only a limited distance, or cannot carry normal loads. Support for barrier-free accommodation is granted to severely disabled persons who have lost at least 67% of their working capacity due to mobility impairment and need special adaptations to live in private accommodation.

Definition of disability for the purpose of obtaining assistance with employment

The system in Hungary (as summarised below) was established in 1983 and is antiquated. Significant changes in the field of employment have occurred since that date.

A new regulation is expected to be issued in 2001 and the FIMITIC respondents for Hungary are continuously submitting proposals.

Conditions for receiving employment subsidies:

- Loss of at least 40%: No subsidy for the employee, but if there is an employer, he is entitled to a subsidy amounting to the legally defined minimum salary multiplied by 1.30.
- Loss of 50%: The person is entitled to a subsidy of approximately 70% of the (legally defined) minimum pension. No limit on the number of hours a person can work. Employers are entitled to a subsidy of the minimum salary multiplied by 1.35.
- Loss of 67% - Category III. Person is entitled to a disability pension but is limited as to the number of hours worked or in the level of salary received (must be below 70% of the average pay for the post held before the onset of disability). Employers are entitled to a subsidy based on the minimum salary multiplied by 1.50.
- Category II. The person cannot be employed in the mainstream but can care for him/herself. They are entitled to a disability pension and are also permitted to work for a pay and conditions specified by the Work Health Service. Employers are eligible for a subsidy of a minimum salary multiplied by 2.25.
- Category I. The person is unable to work or to take care of him/herself. Entitled to a disability pension and in addition is permitted to work under special conditions specified by the Work Health Service. Employers are entitled to a subsidy of a minimum salary multiplied by 2.25.
- People with multiple disabilities: These people are entitled to a disability pension and may be employed under the conditions defined for category I. Employers are entitled to a subsidy of a minimum salary multiplied by 3.30.
- **NB:** The employer's entitlement for the subsidies only applies if 60% of employees have partial loss of working capacity.

Poland

There is a definition of disability for the purpose of accessing employment: The law "on vocational and social rehabilitation and employment of disabled persons": "A disabled person is a person whose physical, mental or psychical state permanently or periodically restricts or disallows the fulfilling of social roles, especially in the domain of employment, and who is granted (by special agencies) one of the three recognised degrees of disability, or is totally or partially unable to be employed (according to the law "on old-age and disability pensions from Social Security Fund).

Romania

Official definition

Persons with disability are those persons are at a disadvantage as a result of physical, sensory, psychological or mental impairment, which hinders or limits normal equality of access to social life in relation to their age, gender, social, material and cultural

factors and who need special measures for their social integration. (§1 (1) of the Government Order 102/1999)

Definition for the purpose of employment

Same as above definition.

Russia

“Social inadequacy which necessitates social protection because of the limitations caused by an acknowledged impairment. (The law on social protection of disabled people, 1996).

Slovenia

Official definition of disability

There is single definition of disability. In 1991 the Slovenian Parliament ratified a document entitled “National Disability Policy” which accepted the definition of the UN Declaration of the Rights of Disabled People (res. 3447 (XXX), 1975)

An overview of the classification system

Slovenian legislation makes the following distinctions:

- a) War disabled people.
- b) Persons with disabilities with reference to a specific law on employment and vocational training.
- c) Children with special needs.
- d) Persons with disabilities according to the law on social protection of persons with physical and mental disabilities: Incapacity to live an independent life and work independently.
- e) Disabled persons who are insured: Persons whose rights and obligations are stipulated in the Pension and Disability Insurance Act.

Definition of disability for the purpose of employment

Persons with disabilities are individuals who require special professional assistance in training and employment due to their physical or mental disabilities. They have a right to special care.

Disability is defined as a permanent loss or reduction in work capacity, related only to the workplace and the position that the person occupied prior to the onset of disability.

The key laws are:

- Law on employment and vocational training of persons with disabilities who are unemployed.
- The pension and disability insurance Act for employed persons.

DEFINITIONS/CONCEPTS OF SHELTERED WORKSHOPS

Albania

There is no definition of sheltered workshops in Albania.

Czech Republic

“Sheltered workshops” are run by natural or legal agents and qualify for this status if they employ at least 60% of people with disabilities (proclamation No 115/1992, Coll). “Protected workplaces” are workplaces established within the household of a disabled citizen.

Sheltered workshops and protected places are intended for people with high degrees of disabilities who cannot be accommodated to work in the mainstream sector. This also applies to people with who are mentally impaired.

These units are also available to people with disabilities for the duration of their preparation to work.

Sheltered workshops are commercial organisations and subject to the same company regulations. They are “not-for-profit” organisations when charities and non-governmental organisations run them. Generally, in view of the way productivity is calculated and the high costs of special equipment, productivity tends to be low.

Croatia

Sheltered Workshops are institutions or trading companies which employ at least 40% of disabled people. They do not benefit from any special tax system or from financial support.

In the last 10 years their number has decreased from 39 to 5.

Hungary

Sheltered Workshops in Hungary are called Target Organisations. To become a Target Organisation the following criteria must be fulfilled:

- Continuous employment of at least 30 persons for at least one year.
- At least 60% of the employees must have an impairment and capacity loss.
- Permanent medical control in place (as specified by the rehabilitation funds conditions).
- Rehabilitation provided at the workplace (remedial sport, education).
- The application for qualification made by the National Federation of Supported Organisations. (Qualifying organisations receive a donation).

The operation of Target Organisations is totally dependent on the open market: They have to be competitive to obtain orders and produce competitive products.

Target Organisations are for-profit organisations but any profit increase above 6% of a given level is matched by a reduction in donation by the State. However, this rarely happens since the work that is typically contracted does not produce high profits.

Poland

With regards to the law “On vocational and social rehabilitation and employment of disabled persons”, a sheltered workshop is an organisation which employs more than 40% of disabled persons, which has special facilities for disabled persons in terms of environmental access and where the employer provides medical and rehabilitation care.

Employers in sheltered workshops receive subsidies (FIM99)

Sheltered workshops are for-profit institutions. “Workshops for vocational therapy” (For people with mental disabilities) are not-for-profit institutions.

Romania

Sheltered workshops can be:

- Organisations where at least 50 % of employees are persons with disabilities employed with work contract. They can be legal agents, regardless of their structure and form of property. They may also not be legal agents such as departments, workshops belonging to commercial concerns or non-governmental organisations.
- Associations or foundations set up by at least one person with a disability to develop lucrative activities.

(§.39 (a.b.c.) of the Governmental Order 102/1999)

Russia

In Russia, sheltered workshops are “medical labour workshops”. They are non-profit institutions with a rehabilitation purpose and are intended for people with severe learning disabilities and mental health impairments who live with their families or in institutions.

Slovenia

There are two groups of sheltered workshops:

- Sheltered enterprises in which at least 40% of all employees are people with disabilities.
- Day care and work centres.

Sheltered Workshops are for-profit enterprises.

OTHER EMPLOYMENT STRUCTURES***Bulgaria***

Support for co-operatives of disabled people (FIM99);

Support for self-employment (FIM99)

Poland

Work experience schemes (FIM99). There also exist workshops for vocational therapy (especially for people with mental disabilities).

Slovenia

Support for self-employment (FIM99)

STATISTICS

The following table compares the level of general unemployment with the level of unemployment of people with disabilities in different countries.

Countries In Survey (14)	Total Population (Millions)	% of Disabled People	% of General Unemployment.	N° Disab. People at Employable age	% of Unempl. Disabled People
Albania	3.4	1.3-1.4% 44,361	N/A	N/A	N/A
Belarus (1)	10	4.1%	2%	3,591	48.4%
Bulgaria	8				
Croatia	4.5	10% according to WHO	47% (?)		12,500 registered unempl.
Czech Rep.*	10.3	12%	8.8%	59,025	12.8 %
Estonia (2)	1.4	10% ± 150,000 55,000 receive a disability pension			
Hungary *	10	600,000 i.e. 6%	10.7 %	240,000 (100,000 in work)	41.6 %
Latvia	2.4				
Lithuania	3.7				
Macedonia	2.2				
Poland	38.6	14%	15.6%	3.7 millions	24% 880,000

Romania *	22.8	500,000 i.e. 2.1 %	10 %	N/A	N/A
Russia	147	11 m. 7.5%	10%	25% d.p. are on the labour market	10%
Slovak Rep.	5.4				
Slovenia	2	8 %	11.9 % %	25 %	15.6%
Total Population: 271,7 m. Could be representing a minimum of 27 m. disabled people					

N.B.: A. Explanations of signs and figures:

* means that Members have given estimated figures

- (1) The figures only include people who qualify for disability benefits in Belarus. The number of people of working age gives only the number of people on the employment waiting list.
- (2) The policy Review on Social Protection of Persons with Disability. PHARE Consensus Programme. Oulou Deaconess Institute. Nov. 1997 states that: "At the end of the Soviet period there were 36,807 recipients of a disability pension, of whom 11,221 were employed, i.e.: 30.4%. In 1995, there were 52,339 recipients of a disability pension but only 5,718 were employed: i.e. 10.9%. During the last two years the number of disability pensioners has increased even further, but their employment rate has also increased to 11.7% (in 1997)". The report concludes that "In many ways the current labour policy has turned part of the potential workforce into an inactive population which depends on statutory pensions and benefits". The report points to some key shortcomings: Inadequate legislation to protect employees from being dismissed at the onset of disability. The benefits to employers who employ disabled people which only last 12 months. No tax relief available as an incentive to disabled people to work in "regular" enterprises. The negative medical approach to assessments which measures the level of impairment as opposed to the skills that the persons has maintained.

- A. Caution in interpreting figure** each country collects statistics in different ways and for different purposes. (For examples, different countries have different views of what kind of financial support qualifies for people to receive unemployment benefits). This makes interpretation hazardous and comparison misleading. For this reason we cannot be certain of the figures included in the table below are comparable.

Percentage of people with disabilities who are working in sheltered workshops

Countries	% in Sheltered Workshops
Albania	N/A
Belarus	N/A
Bulgaria	-
Croatia	450
Czech Republic	3,500
Estonia	N/A
Hungary	50 % (50.000 physically disabled)
Latvia	-
Lithuania	-
Macedonia	-
Poland	102,000
Romania	N/A
Russia	0.5%
Slovak Republic	-
Slovenia	20 %

LEGISLATION

Legislative basis

The questionnaire requested information about the legislative basis in different countries, for example: Is there anti-discrimination legislation? Are there Employment Acts? Rehabilitation Acts? Sheltered Workshops legislation?

Not all respondents have been able to provide answers to these questions, but the following data gives an appreciation of the kind of legislation that exists.

Albania

Act No. 7889 (14.12.1994) on “Status of disabled people”:

- Protects disabled people and supports them into suitable jobs (§ 2)
- Protects disabled people from discrimination, abuse etc. (§ 3)
- Disabled people will be employed and re-employed in state-owned and private enterprises and do jobs which have been recommended by the Medical Commission which defines work capacity (§ 14).

Act No. 7995 (20.9.1995) on “Incentives for employment”

- Employment promotion and job-creation programmes for disabled people (§ 6, 7,8)
- Vocational training and rehabilitation of disabled people (§ 11,14)

Act No 7703 (11.5.1993) on “Social insurance in the Republic of Albania)

- Disabled people shall receive additional compensation or any training/retraining necessary to recover lost abilities, as defined by S11 regulation (§ 45).
- The employer is responsible for the employment and the vocational rehabilitation of disabled people who are able to work in special conditions, according to the recommendations of Committees of medical experts and fixed by labour offices. (§ 80).

Belarus

Employment legislation

The following Legislation:

- “Social Protection of disabled People in the Republic of Belarus”,
- “Disability Prevention and Rehabilitation of Disabled People”,
- “The Labour Code of the Republic of Belarus”,
- “Occupations in the Republic of Belarus”, The Council of Ministers’ Act # 1983 (22.12.2000) “Regulation concerning the provision of cars and financial compensation with regards to transport for disabled people”,
- Other regulations regarding social life, employment, education and the professional training of disabled people affects the equality and full participation in social life of disabled people and sets out to provide education, training and employment for disabled people.

Rehabilitation legislation

Chapter 4 of the “Disability Prevention and Rehabilitation of Disabled People” covers: the assessment of disabled people’s potential, the professional training of disabled children and of older disabled people by the State employment service. Based on a defined programme, this may include retraining and skills improvement. The Law also rules that disabled people must have the same working conditions as non disabled people but that in addition they can benefit from reduced working days, additional paid holidays, and an agreed reduction in the rate of output.

Unfortunately, many aspects of the built environment work against the philosophy of the legislation and the integration of disabled people: Pavements, staircases, equipment in public transport etc., do not meet the needs of disabled people. Norms exist to improve accessibility of the built environment but they are too often ignored. The high cost of rebuilding or the unwillingness to involve norms at planning stages contribute to create an inaccessible environment in spite of the growing recognition that they would be less expensive to implement than the financial cost of overcoming mobility problems.

Bulgaria

According to the report in reference below, whilst the integration of disabled people is guaranteed by law, little progress has been made in recent months, largely due to the lack of sufficient resources.

Anti-discrimination law: Yes. (FIM99; Negotiations with the European Commission - Progress Report November 8, 2000 – Europe Website)

Croatia

Anti discrimination legislation

No information

Employment Legislation

There is no legislation that stimulates the employment of disabled people.

A quota regulation is expected to be introduced following the Regulation “Invalids of war 1991-95”. The quota would be 2% - 6% with taxes and financial subsidies to employers. There would also be stimulation for self-employment and employment in family businesses. This law would affect professional rehabilitation, sheltered workshops and social workshops. It would also establish a fund to support initiatives for the employment of disabled people and would encourage the definition of disability both generally and for the purpose of employment.

A new law on taxes on profit for employers is insufficient to act as a stimulant to employ disabled people.

Pension insurance and social care regulations accept transport and accommodation expenses for people in professional or vocational rehabilitation but this does not extend to employed disabled persons. Subsidies for work place adaptation can be obtained under special agreement

Rehabilitation legislation

There is a law to protect employees who acquire a disability at work. Such people are eligible for professional rehabilitation and financial help until the person is re-employed. The employer is under obligation to place the employee in a suitable job. The scheme has a two-year limit.

Czech Republic

According to the report in reference below, the Act creating the Office of the Ombudsman came into force in February 2000. He/she will be empowered to deal with complaints concerning a number of institutions including public health insurance offices and medical facilities.

The government has increased its budget to implement its active employment policy, and approved measures to increase employment benefits and active measures for disabled people.

An amendment of the Employment Act which entered into force in October 2000 bans all forms of discrimination and gives the district labour offices the power of sanction.

In 1999, the Ministry of Labour and Social Affairs took the first steps to create a co-ordinated system of occupational health and safety inspection. The responsibility for

occupational health is transferred from the Ministry of Health to the Ministry of labour and Social Affairs with the aim of improving co-ordination in the area of occupational health and safety.

(Negotiations with the European Commission - Progress report November 8, 2000 – Europe Website)

Anti-discrimination legislation

In preparation

Employment legislation of 1.1.2000 abolishes discrimination against disabled people.

There exists a quota system by which employers who have more than 20 employees must employ 5% of disabled people. The armed forces and the fire brigades have a dispensation from the law on quotas.

Rehabilitation legislation

Medical rehabilitation as of right but educational/vocational rehabilitation is not systematic.

Estonia

Anti discrimination legislation

No information

Employment legislation

According to the Progress Report on the negotiations with the European Commission, November 8, 2000 (Europe Web-site):

“As regard equal opportunities, no major change has taken place, despite the legislative framework that guarantees equal rights and opportunities”. (This paragraph refers to women and it is not clear if this was also addressed to disabled people as well).

The following information is from a report by Oulou Deaconess Institute, November 1997 (PHARE Consensus Programme on policy review on social protection on persons with disabilities):

The disability Benefit Act partly entered into force in January 2000. Several regulations concerning procedures for the granting of social benefits have been put in place. A committee in charge of resolving disputes on social benefits for disabled people has been established with the National Social Insurance Board. The National Pension Insurance Register became operational in January 2000.

Article 12 of the Constitutions of the Republic of Estonia says that everyone is equal by law and no-one may be discriminated against. Under Article 28 of the Constitution, persons with disabilities are under the special care of the government and local government. On May 16, 1995, the Government of Estonia approved the General Concept of the Disability Policy of the Republic of Estonia. The concept is based on

the United National Standards rules on the Equalisation of Opportunities for Persons with Disabilities.

Issues related to employment are governed by:

- The Employment Contract Act
- The Public Service Act
- Work and Leave Act
- Protection At Work Act
- Social Protection of the Unemployed Act

Employment is also influenced by tax regulations covered by:

- The Income Tax Act
- The Social Tax Act

More specifically, the employment of disabled people is covered by:

- The Social Welfare Act.

The Employment Contract (1992, § sect; 10) does not prohibit discrimination on the basis of disability or invalidity. It only prohibits the granting of advantages and the restriction of rights due to gender, nationality, colour of skin, race, mother tongue, social origin, earlier activities and religious, political and other convictions.

Under this contract, employees who become disabled have the right to request temporarily relief from work (covered by health insurance funds) or transfer to another job. This is based on medical examinations. However, if the disability becomes permanent, an employer is entitled to terminate an employment contract when the employee has been away from work for more than four consecutive months or five months in a calendar year. In the case of industrial injury, an employer is required to keep the job open or make an appropriate post available in the future.

The Leave Act (1993) allows for disabled people to extend their basic leave to 35 calendar days instead of the regular 28 calendar days. (The difference is paid by funds from Social tax). The Work and Leave Time Act (1993) legislates for the right to part-time work for women but not for disabled people. The Protection at Work Act (1992) stipulates that people with mental and physical disabilities are covered by the Employment Contract Act. The Social Protection of the Unemployed Act (1994) stipulates that a person who receives a statutory pension cannot be considered unemployed. (A disabled person who receives a disability pension cannot be considered unemployed). People who are not registered disabled have a right to services. These can be: Job search, information on training, information on legal acts and protection. The Social Welfare Act (1995) places the responsibility on local governments for creating vocational training opportunities for persons with disabilities, adapting workplaces and setting up adaptation centres. The Income Tax Act (1993) stipulates that enterprises led by associations of disabled people are exempt of income tax. The enterprises have to be approved by the Minister of Social Affairs (They are predominantly led by associations of deaf and blind people). The Social Act tax (1990) stipulates a tax reduced from the regular 33% to 23% for enterprises where at least 50% of the staff are disabled people.

Rehabilitation regulations

No information

Hungary

The progress report, November 8, 2000 on Negotiations with the European Commission – (Europe Website), states:

Reforms are in hand to obtain a balance between social protection and economic possibilities, including invalidity and disability benefits, family support, social assistance, care services and the review of pensions. A national programme for disabled people was adopted in December 1999 with an action plan adopted at the beginning of 2000, focusing on working conditions and access to public buildings. Implementation of the programme is co-ordinated by a Council of Disability Matters. It also advises on legal framework, co-ordinates activities with target groups and informs the government of the living conditions of disabled people.

Anti-discrimination legislation

There exists a comprehensive anti-discrimination act. It affects all other regulations for the elimination of discrimination. It prescribes time limits for solving the problems that people with disabilities encounter. The Hungarian Government has adopted a National Programme for Disability Affairs which oversees an Action Programme involving all ministries. The latter are set time limits and are required to submit annual progress reports.

Employment Law

A quota system operates in Hungary: Enterprises employing more than 20 persons are required to employ at least 20 % persons with disabilities. If this target is not reached, the State levies the equivalent of one-month minimum salary which goes into a “rehabilitation fund”.

Rehabilitation regulation

No specific act exists concerning rehabilitation. However, since 1999, the Employment Act includes a new regulation that stipulates that Employment Centres must provide “Rehabilitation Groups”. These groups are to support persons with disabilities in finding employment. In the last two years, this new initiative has proved very successful.

Latvia

The Progress Report November 8, 2000, (Europe Website) on the negotiations with the European Commission states:

Concerning the treatment of disabled persons, legislation to protect the rights of the mentally ill has yet to be adopted... The substandard conditions in some of the facilities for the mentally ill have continued to give rise to some concerns. A strategy on Psychiatric Assistance 2000-2003 was adopted in July 2000.

In February 2000, a National Employment Plan for 2000 was adopted, and programme for special groups, such as disabled people, were carried out. Latvia confronts the problem that a significant part of the population - both employed and unemployed - live below subsistence level. The Commission underlines that social policy towards this group must relate to that of all groups of Latvian society.”

Lithuania

The Progress Report November 8, 2000, (Europe Website) on the negotiations with the European Commission states:

“As regards the treatment of disabled people, the preparation of a National Programme for Social Insertion of Persons with Disability has been launched in 2000. The decentralisation of care facilities is under way, so as to increase the number of disabled people who can receive services at home. A programme adapting accommodation to the needs of disabled people is being gradually implemented.”

Macedonia

No information

Poland

The progress report November 8, 2000 – (Europe Website) on the negotiations with the European Commission indicates that in January 2001, Poland and the European Commission signed a joint assessment paper. It commits Poland to a set of agreed employment and labour market objectives to advance reforms and ultimately take on fully the Community’s employment policy (European Employment Strategy) which implicitly includes disabled people. It commits both parties to a regular assessment of progress until enlargement.

Legislative basis

The Act “On vocational and social rehabilitation and employment of disabled persons”, August 26, 1997 (DZ.U. nr 123/1997 poz. 776) obliges employers who employ more than 25 persons to pay a levy to the State Fund for the Rehabilitation of disabled persons if they do not employ at least 6% of disabled persons. This law also makes provisions for state subsidies for owners of sheltered workshops and other employers of disabled people.

Anti-discrimination law

Yes (FIM99)

Romania

The progress report on the Negotiations with the European Commission – November 8, 2000 – (Europe Website) states:

“The capacity of the system to deliver social assistance is hampered by lack of institutional co-ordination, inadequately trained staff and insufficient budgets at local levels. Concerning discrimination, the government in August 2000 issued a ruling prohibiting all forms of discrimination based on race, religion, gender and sexual orientation, but not on disability.”

Anti-discrimination legislation

No legislation

Employment Law

Currently, there exists one single piece of disability legislation: The Government Order 102/1999, which relates to special protection and employment of persons with disabilities.

This piece of legislation is confused. It is not implemented.

Rehabilitation legislation

No legislation

Sheltered Workshop legislation

No legislation

Russia

Anti discrimination law

No information

Employment Law

- Law on social protection of disabled people (1996): Basic definitions (disability, medical, social and vocational rehabilitation), law on assistance for work accommodation.
- The law “On employment of the population of Russia” (1992).

Rehabilitation law

The decree by the President “On measures for vocational rehabilitation and support for the employment of disabled people” (1993). This contains a “legal field” regarding the organisational guidelines for the support of the employment of disabled people.

Sheltered workshop regulation

No legislation

Slovak Republic

The progress report on the Negotiations with the European Commission, November 8, 2000– (Europe Website) states:

“The Government has launched social protection reforms, including the reform of social insurance, particularly pensions, and of health service financing. Slovakia signed the reviewed European Charter. The amendment to the Act on Employment has introduced an obligation for companies employing over 20 persons to reserve 3% of their posts for disabled people”.

Slovenia

Statement from the progress report on the negotiations with the European Commission, November 8, 2000 – (Europe Website) states:

A National Employment Plan was adopted in 1999 for 2000 and 2001, including disabled people. A law on pension and disability insurance entered into force in January 2000. A law on calculating financial obligations of the state towards the Pension and Invalidity Insurance Fund was adopted in August 2000.

Anti-discrimination legislation

No legislation

Employment Law and rehabilitation law

- a) The Constitution of the Republic of Slovenia (Official Gazette RS, No 33/91)
Persons with disabilities shall be guaranteed security and the right to work and training as determined by statute. Mentally and physically disabled children and other severely disabled persons shall have the right to education and work/training in order that they may lead an active life in society. The education and work training referred to in the last preceding paragraph shall be financed out of public revenue.
- b) Law on Labour Relations (OG, 14/1990, 5/1991, 71/1993, 2/1994)
Priority of employment for persons with disabilities; Protection from dismissal.
- c) Law on Employment and Insurance in case of unemployment (OG 5/1991, 12/1991, 12/1993, 48/1994, 69/1998): Rights to financial and other support in case of unemployment.
- d) Pension and Disability Insurance Act (OG 106/1999): Provision and financial and other support for insured persons with disabilities.

Sheltered Workshop Regulation

Business Law (OG 30/1993, 29/1994, 82/1994, 20/1998, 37/1998, 84/1998, 6/1999): Provisions for sheltered workshops.

LABOUR LEGISLATION

Obligations of employers – Incentives to employers

Albania

Law No 7995 (20.9.1955) on “Incentives for employment”

Obligations of employers

Albania has a quota system: 1 out of 25 employees must be a disabled person (4%). Penalties are payable in the case of non-fulfilment: One month minimum salary of the disabled people the employer should have employed.

Incentives to employers

- Employers need subsidies to meet the needs of disabled employees (Art.6)
- Tax exemptions regarding the disabled employees' salary
- Exemption from social insurance contribution for one year

Belarus

Obligations of Employers

Belarus has a quota system whereby employers who have more than 20 employees must employ 5% of disabled people.

Incentives to Employers

Under the Quota system, employers whose disabled employees represent between 30-50% of their staff receive 14-16% of their income in tax privileges; above 50% provides 18-20% of their income.

Bulgaria

Obligations of employers

Quota system applicable to employers employing more than 50 employees. If employers do not comply, sanctions are intended but it is reported that the policy is not implemented (FIM99)

Incentives to employers

Employers who employ disabled people qualify for tax reductions (FIM99)

Croatia

Obligations of employers

A quota system is expected to be introduced.

When an employee becomes disabled at work, the employer is under an obligation to place this person in a suitable job after the person has received suitable rehabilitation. (This has to happen within 2 years).

Czech Republic

Obligations of employers

A quota system provides the employer with the following options:

- 1) Creation of sheltered places or of a sheltered workshop in the company.
The employer is eligible for financial support: Up to 2,857 EUR to create a sheltered workshop or a contribution of up to 1,140 EUR to meet added costs of

running a sheltered workshop. The employer is also eligible for a tax rebate of between 260 to 910 EUR per year and per disabled employee (depending on the Level of impairment).

- 2) Obligation to buy products from firms which employ more than 55% of disabled People. Here, a special formula applies to calculating how many workers with reduced efficiency make up one worker with full capacity.
- 3) A levy is paid to the state budget to the level of 50% of an average monthly salary for each disabled person that an employer has not employed.

Non-fulfilment is sanctioned by a penalty of 7,140 EUR in the first year and up to 28,500 EUR in the following years. Nonetheless, this option does not require any commitment to disabled people on the part of employers. During the year 2000, this has not lead to an improvement in the employment of disabled people.

Incentives to employers

A company where more than 55% of staff is disabled should enjoy an advantage in public tenders. This advantage should operate until the total is 20% higher than the most advantageous bid. Unfortunately, this system is not often brought into play.

Estonia

Obligations of employers

Upon medical assessment of a person who has become disabled at work, his employer is to make alternative work available, (unless a labour inspector acknowledges that this is not possible). If this is not possible, the employer has the right to terminate the employment contract.

Incentives to employers

Tax reductions if more than 50% of their staff is composed of disabled people.

Hungary

Obligations of employers

A quota system is in place requiring that employers who employ more than 20 employees should employ disabled people to the level of 5% of total number of employees. If this figure is not reached, sanctions are applied in the form of levies. The levies are calculated on the basis of the minimum salary.

The levies are collected into a “Rehabilitation Fund” which is accessible via the County Employment Centres to create work or special jobs for persons with disabilities.

Incentives to employers:

Employers who employ persons with disabilities are entitled to a donation. The donation is based the minimum salary multiplied by a figure ranging from 1.35 and 3.30, depending on the percentage of working capacity loss of the disabled employees.

Unfortunately, this financial incentive and the level of sanctions do not satisfactorily stimulate employers into action. Instead of employing their quota, about 65% of

employers prefer to make a contribution to the Rehabilitation Funds. (In other words, only 35% of employers fulfil their obligations).

Latvia, Lithuania, Macedonia - No information

Poland

Obligations of employers

A quota system requires employers to employ 6% of disabled people if they have more than 25 employees.

Romania

Obligations of employers

A quota system operates:

“Trading companies, independent administrations, national associations and companies and other economic agencies that have at least 100 employees, are obliged to hire persons with disabilities with individual working contracts to the minimum level of 4% of the total number of employees. (§ 42 (1) of the Government Order 102/1999)

“Trading companies, independent administrations, national associations and companies and other economic agencies that do not hire persons with disabilities as stipulated in Art.42 are obliged to pay every month, to the Fund of Social Solidarity for Disabled People, an amount equal to the minimal wage multiplied by the number of posts that should be filled by disabled people”. (§ 43 of the Government Order 102/1999)

Russia

Obligations of employers

The law on social protection for disabled people (1996), and the temporary rule “On the order of quoting of workplaces for people requiring social protection” (1992) contains a reference to a Quota system. There are some problems with its implementation since it is the prerogative of some Russian regions not to implement it, although it is active in Moscow.

Penalties and the use of the money recovered from the penalties are determined by the local authorities. The law requires that the money is used to create new workplaces for disabled people.

Incentives to employers

Based on “the law on social protection for disabled people” (1996)

- Fiscal advantages are available to employers where disabled staff constitutes more than 50% of the total.
- Stimulation of the creation of new specialised work-places with funds from the federal budget and the federal fund for employment.

Slovak Republic*Obligations of employers*

Quota system: The Act on Employment has introduced the obligation for companies employing over 20 persons to reserve 3% of their posts for disabled people (Progress Report November 8, 2000 – Europe Website)

Slovenia*Obligations and incentives to employers*

There are no legally set employment targets for persons with disabilities. There is no quota system.

However, there are measures to promote employment in relation to employers and persons with disabilities, both passive measures (financial) and active (rehabilitation) measures. Labour relation laws stipulate that an unemployed disabled person has priority over a non-disabled person as long as the disabled person fulfils the conditions required for the post.

LEGISLATION THAT PROVIDES INCENTIVES TO DISABLED PEOPLE***Albania***

- Tax-free equipment such as wheelchairs, orthopaedic equipment, special subsidies for hearing and visual equipment and for people with heart diseases, etc.
- The state provides for accommodation (on sea-side and mountain regions) for recreational activities for disabled people
- Free motor fuel
- Free travel on urban state-run transport and private transport. 50% subsidies on
- Inter-urban transport
- 50% subsidies for cultural and sport performances and entrances to museums.

Belarus

There is no probation period for disabled people.

The working week for disabled people in 1st and 2nd category is no more than 35 hours. Overtime, days-off, work during holidays and night work, only if there is no medical prohibition and by agreement with disabled staff.

Disabled people can be granted 20-100% of the cost of transport to work.

Bulgaria

No information.

Croatia

None identified

Czech Republic

Disabled people are protected from dismissal. The employer needs the preliminary acceptance of the labour office for special cases.

Estonia

Protection from dismissal

Extended annual leave

Hungary

There are few incentives on offer for disabled people themselves, apart from a small tax relief. Unfortunately, this has remained at the same level for many years and is therefore not sufficient to stimulate people with disabilities to take up employment. There exists financial support for transport to enable people with disabilities in regular employment to get to the place of work. Unfortunately the sum is very inadequate (50% of one-month minimum salary per year).

There is a plan to create special support service during 2001.

Latvia, Macedonia – No information

Poland

Support for disabled employees (FIM99). The Act “On vocational and social rehabilitation and employment of disabled persons” provides for benefits such as: Shorter working time, loans and state subsidies.

Romania

None identified

Russia

- Training for new jobs. There exist 43 specialised vocational schools for disabled people which enables them to be competitive in the labour market.
- The acquisition of free motor-carriage as long as the person fulfils special criteria.
- There exists a good policy regarding “access “ to employment (transport, benefits, environmental access, technical aids, education/training/rehabilitation, retention policies) but implementation is not effective due to lack of financial resources.
- An unemployed disabled person receives unemployment benefit as well as a disability pension. If the person obtains a job, he/she receives a salary as well as a disability pension. This allows the disabled person to find a job with a lower salary.

Slovak Republic

No information

Slovenia

As mentioned, Labour relations laws stipulate that an unemployed disabled person has priority over a non-disabled person as long as the disabled person fulfils the conditions required for the post.

JOB RETENTION POLICIES***Albania***

No information

Belarus

When an employee becomes disabled an employer must redeploy the disabled person. Disabled staff cannot be transferred to other jobs without their consent unless it can be proved beneficial for the health of the person or the safety of others.

If downsizing, an employer must give disabled staff preferential rights, irrespective of their productivity and qualifications.

Bulgaria

No information

Croatia

If a person has been impaired during work, the disabled person is eligible for professional rehabilitation and financial support for a maximum of 2 years. The employer is under an obligation to place the employee in a suitable job.

Czech Republic

No information

Estonia

On the basis of a medical examination, and provided that the deterioration of the employee's health is not caused by the employee, employers are required to temporarily relieve the person from work. The health insurance fund provides compensation. If an employer is responsible for the deterioration of health, the employee is entitled to a transfer to more appropriate work and is to be offered training at the employer's expense. If the transfer proves impossible, the employer can terminate the employment contract, after consultation with the organisation representing the employee.

Hungary

In Hungary, a Labour Code prohibits an employer from laying off an employee who has become disabled. An employer is required to make other arrangements (adaptations, redeployment) in order to retain the employee in work within the firm. Unfortunately, employers easily bypass this Code by dismissing the employee for reasons other than disability.

Latvia, Lithuania, Macedonia - No information

Poland

This is also included in the Act “On vocational and social rehabilitation and employment of disabled persons”

Romania

No policy

Russia

If an employee acquires a disability as a result of his tasks, the employer must adapt the work-place with special equipment and provide financial compensation.

Slovak Republic

No information

Slovenia

According to the pension and disability Insurance Act, employees with disabilities have the right to retain their job. Labour Law forbids employers to dismiss people who become disabled.

THE SHELTERED ENVIRONMENT

COUNTRIES	Who is placed in Sheltered Workshops?	Progression Towards mainstream	Involvement of disabled employees in management of workshops
Albania			
Belarus			
Bulgaria			
Croatia	Mainly physically disabled people and people with mental health disabilities		

Czech Republic	Very disabled people, mentally ill, people with learning disabilities, blind people.	Not known	Not known
Estonia			
Hungary	No particular requirement but the employer receives a donation only for disabled employees	Typically, employees have low level qualifications, training and skills. Such jobs are their only chance of employment. Those who happen to possess better qualifications are often given middle management positions in the workshops. This presents a disincentive to leave for mainstream Employment.	Disabled employees who have the skills are often given leading positions in workshops
Latvia			
Lithuania			
Macedonia			
Poland	All disabilities	Difficult to establish because most disabled people employed in sheltered workshops could just as well be employed in the “normal” environment	Sometimes, They are involved
Romania	No information available	No information available	No information available
Russia	People with severe Learning difficulties and with mental health disabilities	5%	
Slovak Republic			
Slovenia	People with disabilities who cannot be trained and employed under “usual” conditions	No information available	Disabled and Non-disabled people work together and have the same rights and duties.

SOCIAL PROTECTION AND VOCATIONAL/OCCUPATIONAL DISEASES

The content of this section 3.3 has been compiled from questionnaires fielded by FNATH in January 1999.

COVER	HUNGARY	ROUMANIA	SLOVENIA
Cover exists	yes	yes	yes
Risks Covered			
Industrial accidents	yes	yes	yes
Travel to and from work	yes	yes	yes
Occupational disease	yes	yes	yes
Systems of cover			
Social insurance contributions	yes, compulsory	yes	yes, compulsory
Source of funding	Both employer and employee	Employer or the person who signed the insurance agreement	Both employer and Employee
Categories of workers covered	all	all	all

PREVENTION OF OCCUPATIONAL RISKS	HUNGARY	ROUMANIA	SLOVENIA
State policy exists	yes	yes	yes
Incitements to adopt preventative measures	Workers' protection Act Sectoral Orders, regulations	Must carry out a risk audit Training/education Periodical controls Adaptations of posts and technical adaptations Protection equipment Replacement of dangerous equipment	Technical, medical and educational prevention. Prevention regulated by law
Who leads the evaluation of risks	Independent experts	Public experts/ organisations	Independent experts Public experts
Existence of a public health supervision system Is it efficient?	yes yes	yes yes	no no
Existence of private initiatives in the field of prevention	yes	no	

PREVENTION OF OCCUPATIONAL RISKS	HUNGARY	ROUMANIA	SLOVENIA
Full compensation	yes	Can be, or partial, based on a percentage of salary plus a bonus set legally	yes
Declaring industrial accidents Employer's duty	yes	yes	yes
Declaring occupational disease Employer's duty Employee's duty	yes + doctor who detected the disease	yes	yes
Level of disablement required to qualify for compensation	Temporary disablement 16-25% Partial permanent 25-66% Total permanent 67-100% Death	Temporary disablement (considered temporarily unable to work) 100% in case of work accidents or vocational disease Partial permanent (considered 2 nd degree disabled) Invalidity pension of 2 nd degree (85% of 1 st degree disabled)	Temporary disablement 30% Partial permanent, 30% Total permanent 30% Death
Level of disablement required to qualify for compensation		Invalidity pension of 3 rd degree (60% of 1 st degree invalidity pension) Total disablement (considered 3 rd degree disabled) Invalidity pension (54-85% of salary) Death : Fixed on the basis of cost of living	
Any other schedule of indemnification	yes, since 1975	yes, since 1996	yes, since 1983
Beneficiaries in case of death Surviving spouse Descendants Ancestry None	yes yes yes	yes yes	none

PREVENTION OF OCCUPATIONAL RISKS	HUNGARY	ROUMANIA	SLOVENIA
Does the legislation foresee any other form of compensation?	yes Medical costs, equipment, functional rehabilitation, rehabilitation in the work place, occupational reclassification	yes Medical services, equipment	yes Medical costs, equipment, functional rehabilitation, psychological support, rehabilitation in the workplace, occupational reclassification

OPINIONS AND COMMENTS

a. Regarding the current situation of prevention and compensation for industrial accidents and occupational diseases

Hungary

The system of declaration and the list were updated in 1996-97 following the recommendations of the European Union.

Not all the occupational diseases are to be compensated at the same time because it would be in contradiction with the recommendations of the EU.

Romania

Compensation does not take into account medical costs, equipment, psychological support, rehabilitation in the work place and the obligatory occupational reclassification.

Slovenia

Prevention is not coherent and needs to work in harmony with the national legislation (health, pension and disability insurance and technical prevention)

Compensation for industrial accidents and occupational disease is failing.

b. What are your proposals to improve the system?

Hungary

Compensation should be widened

Romania

Coherent legislation is needed for prevention and compensation of accidents which should include:

- a) Make it possible for private initiatives to deal with accident prevention
- b) Make it mandatory to include the types of compensations mentioned in point 1 above.

Slovenia

- a) To modernise national legislation
- b) To modernise the national register of occupational diseases
- c) To gather statistical data about industrial accidents and occupational diseases

OCCUPATIONAL RISKS IN HUNGARY, ROMANIA AND SLOVENIA

	1994	1995	1996	1997
Declared and acknowledged Industrial accidents				
- Romania	8,444	7,820	8,482	8,247
- Slovenia	26,351	25,699	27,996	26,578
Lethal industrial accidents				
- Romania		514	552	626
- Slovenia	28	37	36	42
Ascertained and acknowledged occupational diseases				
- Hungary	531	829	719	709
Lethal occupational diseases				
- Hungary	9	4	3	1

What could FIMITIC do in the field of occupation risks that would meet your needs?

Hungary

To publish the praxis of different countries.

Romania

To propose a unique legislation in European countries to deal with prevention and compensation of occupational accidents.

Slovenia

To facilitate the exchange of good practice in this field among FIMITIC members. To inform FIMITIC members of solutions in the fields of vocational risks in different countries.

OTHER KEY LEGISLATION

Albania, Belarus, Bulgaria - No information

Croatia

Education for disabled people is well catered for in Croatia: Disabled school children have a right to attend mainstream schools with programmes adapted to their needs. If their disability precludes this, special schools are available. Cost of accommodation (either in other homes or in special centres) and education and training is financed by the State. Financial help is available during unemployment leading to first job.

Czech Republic

Vocational guidance services

The Labour Offices provide professional guidance and assists in finding suitable and appropriate employment. They must:

- inform the clients about their rights and duties during rehabilitation
- provide information about opportunities relevant to the nature and their degree of disability to the client and their parents when appropriate
- assist in the preparation for work in co-operation with health specialists taking account of the labour market.
- help in choosing a suitable occupation.
- assist in solving social and emotional problems.
- Orient the client towards further studies when appropriate given the capacities of the client and the opportunities in the labour market.
- Organise a re-assessment of the state of health of the client with the social welfare department when appropriate.

Czech National Council law No 9/1991 Coll.

Preparation for work

This stage is provided mainly

1. in the workplace which has been specially adapted
2. in sheltered workshops
3. in educational institutions set up by employers, churches, charities, public institutions and specialist guidance centres
4. The Labour Office provides contracts:
 - with employers regarding level of pay, access to education, etc.
 - with the employees describing the nature of the activities involved, place and time, duties and expectations etc.
 - with the institution where preparation for work is taking place regarding work activities, purpose of qualifications, start and end dates, financial details.

Law on Education Law No 171/1990 Coll., and Law No 522/1990 Coll., the proclamation of the Ministry of Education, Youth and Czech Republic No 399/1991 Coll.

Transport subsidies operate as follows

- Transport to work is financed by the employer who gets a state contribution of around 1,140 EUR/year.
- Disabled employees (category II or III) can get free transport (local subway or buses), 75% subsidies for longer journeys on trains (and 65% of the costs of a couchette). Accompanying persons are also allowed transport.

Proclamation No. 182/1991 Coll. Law No. 119/1992 Coll, Law No. 44/1994 Coll.

Estonia

Local government must carry out a number specific tasks to improve equal opportunities:

- Provide treatment, rehabilitation, training and interpreter services.
- In co-operation with the competent authorities, create opportunities for disabled people to receive vocational training aimed at increasing competitiveness.
- In co-operation with the competent authorities, adapt workplaces.
- Organise transport for disabled people.
- Ensure that disabled people have access to public premises.

Hungary

Other than the regulations outlined above, there are no other acts or laws that would support people with disabilities in accessing employment.

In an indirect way, access to employment is enhanced by enabling people with disabilities to negotiate their physical environment: Act No XXVI 1998 on the provision of rights and equal opportunities for people with disabilities stipulates that the man-made environment and transport must be made accessible. Likewise the building Act prescribes that new and existing buildings must be made accessible.

Latvia, Lithuania, Macedonia - No information

Poland

Polish “Architectural Law” ensures accessibility for disabled people to all buildings where public services are provided. However in practice, this is not very effective.

Romania

Disability legislation in Romania is incoherent

Slovak Republic, Slovenia - No information

IMPACT OF NATIONAL ACTION PLANS

The following table outlines the responses of FIMITIC members to the following questions:

If your country is a candidate for accession, is your organisation aware of the National Action Plans (NAPs) produced by your Government institutions?

If yes, how much consultation with the disability community has there been to create the NAPs? Have representatives of organisations of disabled people been consulted?

Has the publication of NAPs led to improvements to national policies?

Candidate Countries in survey (10)*	NAP Aware	Consulted about NAPs	NAPs led to improvements
Czech Republic	yes	no	Limited involvement and improvements
Estonia			
Hungary	no	no	Not aware of contents of NAPs
Latvia			
Lithuania			
Poland	yes	very little	Hard to say
Romania	no	no	Not aware of contents of NAPs
Slovak Republic			
Slovenia	yes	yes	yes

N.B.: 1. Bulgaria could not respond to the survey

1. Albania is not a candidate for accession but the Albanian respondents declare:

“Our organisation is aware of the strategy produced by our Government institutions. Consultation with our Association has been established during the preparation of Growth and Poverty Reduction Strategy. Such a link also exists with the Social Insurance Institute of Albania, aiming to improve the efficiency and effectiveness of Government programmes in raising living standards, to ensure access to key social services, and to improve the targeting of assistance to the most vulnerable”.

EXAMPLES OF GOOD PRACTICE

Croatia

There has been one good development in the sector of sheltered workshops for blind and visually impaired people making hand-made carpets.

However, it must be noted that Croatia does not have a proper policy for professional rehabilitation, employment and work for disabled people (and interest for this field of policy has been declining in the last 10 years).

Czech Republic

Raising awareness of employers

There is currently little awareness among employers of the benefits of employing disabled people. Within the context of the new Law Regulations of 1. 01. 2000, the

Association of Disabled Citizens of the Czech Republic has organised 12 seminars on this topic.

Cooperation between employers for the employment of disabled people

The following examples of co-operation should improve the level of employment of disabled people in sheltered workshops:

Co-operation between sheltered workshops Arkadie Teplice and Glaverbel Czech (part of a supranational company based in Belgium) which buys promotion material produced by Arkadie. Arkadie also co-operates with a small Czech company Czech-o-Dok Krupka.

Hungary

Mentoring/Supported employment

Several member associations of the National Federation of Associations of Disabled Persons in Hungary run mentor services but this is not yet sufficiently widespread. The Association plans to establish and extend a network of mentors in order to facilitate the employment of persons with disabilities.

A “mentor” is a person who helps people with disabilities to find jobs by personally assisting each job seeker. When necessary mentors provide advice and assistance with rehabilitation, retraining, and self-confidence. They also provide employers with advice, assist in obtaining financial support and in solving problems arising in the course of employing persons with disabilities.

Mentors constitute a link between the Employment Centres and the unemployed persons with disabilities but they are not “official” as such. The mentor network is run by civil organisations with support from and in co-operation with Employment Centres.

Russia

Vocational Guidance

Vocational guidance services exist in schools directed to the pupils and their parents. Employment services and groups of experts devise individual programmes of vocational rehabilitation and design career paths.

Vocational guidance includes:

- Vocational education in schools and rehabilitation centres
- Information and dissemination to special schools, employment centres, rehabilitation centres and vocational education schools
- Consultation service in employment centres, rehabilitation centres and vocational education schools
- Establishing a match between personal preferences and opportunities, available at socio-medical bureaux, rehabilitation centres and employment Centres
- Occupational tests in vocational education schools, in special workshops and in enterprises.

Vocational Training

The vocational training offered takes various criteria into consideration, such as:

- Age, experience, educational and vocational training of disabled people
- Needs of the regional labour market
- Degree of accessibility with regards to different disabilities
- Choices offered to people with a particular disability.

Vocational training offers different levels: From the “quick training course” to introductory and intermediate, (provided by vocational education schools, special vocational education schools and rehabilitation centres) and far higher level (at high schools, some of them specialised). There are 4 special universities for disabled people in Russia.

Russia has 12 technical schools and 31 vocational education schools. There are 14 specialities, 27 trades and about 7,000 disabled people.

There exist standards for vocational training. There are specially adapted curricula for people with learning difficulties.

Technical adaptation of the workplace is carried out during the final stage of vocational training during a period of work experience. This also includes psychological support.

Slovenia

Supported Employment “New Ways” (Nova Pot)

In November 1998, the Institute for Rehabilitation, Republic of Slovenia, started a programme (“Nova Pot”) financed by the Employment Service of Slovenia.

In Slovenia, the percentage of persons with disabilities among the unemployed is growing and disabled people remain unemployed for longer periods than non-disabled people do. They also have a lower level of education. Disabled job seekers vary greatly in terms of age, degree of disability as well as legal status and the rights they enjoy.

A new programme has been developed to take the above situation into account together with the local market conditions. The programme includes vocational assessment, pre-vocational training and psychosocial rehabilitation. It also provides supported employment which consists in a service which matches the skills, interest and choices of job seekers with the requirements of posts on offer. It also offers support to both employee and employer in the process of employment.

The aims of the programme are as follows:

- Development of a programme of rehabilitation and supported employment as described above.
- Testing the hypothesis that appropriate and comprehensive training programmes increase the employability of hard-to-employ persons with disabilities.
- Testing of the components of supported employment and their impact on opportunities to access and retain work.

The project also monitors the effect on decreasing stereotypes and the reluctance of employers to employ people with disabilities.

The programme targets hard-to-employ persons (mainly young first-time job seekers, long-term unemployed persons with disabilities, including persons with mental illnesses). To date, twenty-six (26) job seekers have participated in the programme.

Outcome: 75% of the participants have either acquired employment, or have been included into educational programmes. A few have been assessed as unemployable in open or sheltered employment and this had led to their acquisition of social security rights.

Development of Conditions for Vocational Rehabilitation of people with Disabilities in a local community: Pomurje

Pomurje is one of the nine (statistical) regions of Slovenia. It covers 6.6% of the Country's total area and represents 6.3% of the Slovenian population. Pomurje is predominantly a rural area (12% of the total Slovenian farming area). It falls into the category of less developed regions, has a level of unemployment well above the Slovenian average and a gross income per capita of 75.2 of the Slovenian average. There is a high percentage of young people with disabilities among the unemployed that have few opportunities of accessing vocational rehabilitation.

In 1997, the Institute of Rehabilitation, Republic of Slovenia, initiated a research project financed by the Employment Service. It was carried out by a team of experts from the Institute. A team of experts from the local Employment Service also participated. The project was completed at the end of 2000. The aims were the following:

- Familiarisation with the disabled constituency (the skills, abilities etc. on offer), with the local community conditions and with potential employers in the region.
- Development of appropriate vocational rehabilitation programmes
- Testing the hypothesis that such a programme increases the employment opportunities for this social group.

The following activities took place:

- 69 participants in a programme of pre-evaluation and to improve motivation.
- 58 participants in a programme of assessment of potential and the development of vocational goals.
- 35 participants in psychosocial programme of 3 months duration.
- 43 participants in a programme of pre-vocational training.

Outcomes:

- 35 participants acquired a job.
- Co-operation with 39 companies.
- Development of new vocational rehabilitation programmes in the local Community.
- Integration of programmes with resources from the local environment.
- Provision of training in work environment, led by professionals.
- Lowering of prejudices against disabled people in the work environment.

- Transition from the use of passive rights to active participation.
- Growth of interest among the authorities of local communities (mayors of municipalities) for co-operation in the field of vocational rehabilitation.

SUGGESTIONS FOR IMPROVEMENTS

Albania, Belarus, Bulgaria – No suggestions

Croatia

With the intervention by the Association of Organisations of Disabled Persons in Croatia (the NGO for Croatia) a law is expected to come on stream in 2001 which will legislate for professional rehabilitation and employment for disabled people. The NGO expects that, with a monitoring and reviewing system in place, it will take 15 to 20 years to achieve.

The NGO considers that, for this law to operate successfully a high level of cooperation will be necessary between the government authorities, employers, disabled people and their representative institutions.

According to the NGO, one key obstacle is the high level of unemployment in Croatia, the changing economy and the social relations. They expect that the entry of Croatia to the EU would constitute an important engine of change in the social and economic perception of disabled people. Good suggestions obtained through FIMITIC and other European Associations should be sent out to government institutions and NGOs in Croatia.

Czech Republic

In the field of education

Too many children are educated in special institutions. Modern means allow a significantly higher proportion of disabled children to obtain qualifications in an increasing number of fields and opportunities for employment are widening. Disability in childhood is no longer a bar against gainful employment. The main challenge is to abandon the concept of the “uneducable child”. Furthermore, cooperation between organisations should have a positive impact on the employment of disabled people in sheltered employment.

Personal development

Disabled people lose out on personal development through segregation during their rehabilitation process. The current assessment and rehabilitation phases do not include appropriate activities or courses to make up for this loss. On the contrary they are designed to highlight the negative effects of disability rather than encourage to build up a positive attitude. It is imperative that disabled people are supported in developing their own motivation.

Job retention

Better protection against dismissal is needed for employees who become disabled. We suggest that no notice of dismissal be served before it is submitted to the Labour Office.

Estonia

The following section is taken from the recommendations regarding employment of disabled people published in an EC PHARE Consensus programme report “Policy review on social protection of persons with disabilities”, Oulou Deaconess Institute, November 1997:

1. The Employment Contract Act should provide that restricting the rights of employees on the basis of disability is prohibited. The termination of employment contract on the initiative of employers for any reason related to disability (including the deterioration of health or incapacity to work) could be permitted only as a measure of last resort that is related to an independent opinion of a third party. This third party could be the institution engaged in establishing a rehabilitation plan for the person.
2. It is very important that active employment measures such as labour exchange agencies and training institutions are made available for a larger group of disabled people. Each agency should have at least one employee who is competent to provide services to disabled people and to collect and provide information on the workplaces suitable for disabled people.
3. An employer who employs disabled people or who re-employs a newly disabled person should be entitled to obtain free information and advice concerning workplace adaptations and legal advice, and a right to apply for compensation for the costs of accommodation made to the workplace.
4. The Bill on Work Accident and Occupational Disease Insurance should provide a mechanism for the re-employment of a person who has suffered industrial accident or occupational disease.
5. Employers should be entitled to tax relief for employing disabled people and this tax relief should follow the person. This means that the only suitable instrument would be social tax that in future will be the only personalised tax affecting the labour cost. Reduction in the social tax would reduce the employer's labour cost. In order to ensure that the person's right to social insurance benefits (subject to social tax) are safeguarded the amount which are not collected by social insurance should be compensated by the State budget.
6. The tasks and responsibilities of local governments and state authorities for the establishment of sheltered workshops and application centres should be laid out in details in the Social Welfare Act.
7. The legal definition of the term “incapacity to work” should be provided in legal acts and the definition should be based on a positive approach and on economic criteria.

8. The establishment of mandatory requirements (quotas) for employers from the private sector could affect outcomes negatively. However, The State could promote the employment of disabled people in the public sector.
9. The rights of disabled people to personal assistants and interpretation services should be guaranteed by law.
10. The rules underpinning the social benefits with regards to rehabilitation should be simplified.

Hungary

In Hungary, there exists neither a rehabilitation system nor an institutionalised network for rehabilitation.

Currently, people with disabilities opt for the safety of small disability pensions. This places an increasingly intolerable burden on insurance and State budgets. This state of affairs calls for a political decision to improve this situation.

Recommendations are as follows:

1. A new set of procedures which would aim at:
 - Developing the flexibility of rehabilitation professionals
 - The training and re-training of people with disabilities
 - The improvement of the motivation of people with disabilities to seek employment.
2. The modification of regulations to ensure:
 - Enhancement of the subsidy system to extend to all sectors. Currently subsidies are reserved for commercial enterprises which employ people with disabilities. This excludes civil organisations, local government and their institutions even though they would be in a position to offer a significant number of posts.
 - Review of the function of target organisations (sheltered workshops) so that they aim at training and preparing their employees for the mainstream sector. This would require State support to bring in the appropriate technological and training capacity.
 - A system of personal services (to include personal assistance, special transport). Currently, these services are run on an experimental basis and do not form part of an overall system.

To summarise:

The favourable legislation that has already been put into place must be praised. However, its impact is very slow. To obtain the best out of this legislation, activating measures as those mentioned above are needed.

Clearly such measures depend upon financial support from the State. It is also clear that this political shift will take place only if decision-makers recognise the fact that money spent on the rehabilitation of people with disabilities constitutes a remunerative investment, not a further burden on the State.

Latvia, Lithuania, Macedonia, Poland - No suggestion

Romania

AHNR has elaborated draft legislation on “Equalisation of opportunities for persons with disabilities in Romania”. This was submitted to the Senate of the Romanian Parliament and registered under No 452/26.04.2000. for urgent consideration.

Slovak Republic, Slovenia - No suggestion

CONCLUSIONS, SUMMARY, SUGGESTIONS FOR FURTHER STUDIES AND ACTIONS

Notes on this section

1. As explained in this report, there have been gaps in the responses that we received. Furthermore, the breadth of this survey required that our questions stayed fairly general but, by the same token, we cannot be certain that our respondents were in position to provide responses to our wide-ranging questions. We have therefore taken a tentative approach to drawing the following conclusions.
2. The suggestions for further studies or projects have emerged from the spirit of the responses rather than the details provided and we therefore make no claim for having created an exhaustive list.

<i>Conclusions Summary</i>	<i>Pointers and Topic Suggestions for Further Studies</i>
<p>1. Definitions As a rule, the definitions of disability reported by our respondents are based on a medical model which describes degrees of personal loss rather than refer to a society’s incapacity to integrate people with disabilities. These definitions appear to have emerged from the operational needs of insurance schemes. Few countries have reported the existence of a separate definition for the purpose of obtaining assistance with employment Readers are invited to refer to Annexe 1 which list definitions of “disabled person” around the world: Very few of the current definitions appear to reflect a “social model” (perhaps see: Canada, France, Italy and Sweden)</p>	<p>General Many respondents were unable to answer some parts of our questionnaire. Finding out the reasons for non-response might be the object of further study and research and point to some areas where policies need strengthening.</p>

<p>2. Sheltered Workshops Respondents have described an array of different formulae: They are variously for-profit or non-profit but generally, it is reported that profit are low because of low productivity and/or because the products created intrinsically have very low profit potential. On the whole, the criteria to obtain the “sheltered” status are based on the percentage of the disabled workforce. Some employers receive subsidies.</p>	<p>Sheltered Workshops 1. Are sheltered workshops the most effective way to integrate the disabled workforce into society? 2. On low productivity: Is this due to the low profit margin specific to the products created? Is this because of the lack of appropriate equipment? Is this due to the low expectations of disabled workers? 3. What make the sheltered environment attractive to employers?</p>
<p>3. Statistics It has been almost impossible to draw any statistical comparison and venturing any remarks would be hazardous. Some respondents report a very high level of unemployment and some very low. They are often based on the number of people who receive benefits or are registered for work.</p>	<p>Statistics An in-depth study of how statistics are collected and on what basis for each country would help make sense of the differences and facilitate comparison.</p>
<p>4. Obligations of employers All respondents except those from Croatia, Slovenia and Estonia described a quota system of employment, a form of legislation based on the principle of moral obligation and duty of employers over a certain size with fines or levies for those who did not meet it All respondents declared that this system leads to poor results.</p>	<p>Obligations and incentives to employers 1. Quota system: Encouragement or punishment? (For example in the USA the quota is viewed as an obligation to give preference to disabled people on the ground of pity alone; it gives the negative signal that disabled people are unable to compete and win jobs on merit) 2. Encourage employers to join the international business communities and get acquainted with academic research: It demonstrates that there is a good business case argument for employing disabled people and that managing a diverse workforce is increasingly recognised as a key factor in improving efficiency, productivity and overall business success.</p>

	3. Promote/celebrate/reward such good practices when they exist
<p>5. Incentives to employers</p> <ul style="list-style-type: none"> - The responses generally refer to the tax breaks offered by the State in return for employing disabled people. In spite of this, employers generally prefer to pay a levy to rehabilitation funds. Does the idea of subsidising employers reinforce the negative image of disability? - It is not always clear from the responses how the costs of “accommodation” (special equipment, environmental adaptations etc.) are covered. 	
<p>6. Incentives to disabled people</p> <p>Generally, the responses outline a situation whereby disabled people are either:</p> <ul style="list-style-type: none"> - Pensioned off and marginalised - Occupied in sheltered workshops with little or no potential for personal fulfilment and no expectations of eventual transfer to the mainstream environment. - Placed in special jobs in the mainstream sector and given preferential rights giving employers little flexibility. 	<p>Incentives to disabled people</p> <ul style="list-style-type: none"> - Study the “benefit trap” and find local solutions that will help disabled people to try out employment without the fear of losing benefit on a permanent basis. - Investigate the cost of providing free or subsidised transport to work and of employing personal assistants and job coaches (supported employment approach) to assist the disabled person in work. Compare that cost with that of keeping disabled people inactive. - Facilitate exchanges of information and transfer of expertise between countries which provide incentives for disabled people to work and countries which are prepared to learn from good examples. <p>Some examples of good practices of this kind have been reported by respondents from Hungary and Slovenia (see examples of good practice section)</p> <ul style="list-style-type: none"> - Promote “success stories” of disabled people who have benefited from good integrationist policies, involving mainstream media.

	<ul style="list-style-type: none"> - Facilitate the training of disabled people to become Disability Equality Advisers to employers and other Institutions - Facilitate the training of disabled People to become counsellors to provide peer counselling and motivation to other disabled people - Deaf people are often overlooked. What policies exist for them in the CEECs? Do they need improvement? - People with mental health disabilities often get low priority. Is there a need for a special study?
<p>7. Job Retention Policies</p> <p>The reports generally refer to the restrictions and obligations placed on employers against dismissal of an employee who becomes disabled. Depending on the circumstances of the acquisition of a disability employers are often required to provide preferential treatment</p>	<p>Job Retention</p> <ul style="list-style-type: none"> - Work with legislators to encourage the development of a service adapted to the needs of the employer as well as the employee to facilitate the retention of the newly disabled person in work (Information/advice for employers, access to appropriate retraining and budget for cost of appropriate “accommodation”) - Exchange information/transfer of good practices where “early intervention” schemes operate successfully.
<p>8. Impact of National Action Plans</p> <p>Apart from the respondent from Slovenia, those who responded were not aware of great improvements as a result of the NAPs</p>	
<p>9. Involvement of NGOs in creation of NAPs</p> <p>Only Slovenia reported involvement</p>	

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TOWARDS EMPLOYABILITY
THE EMPLOYMENT OF DISABLED PEOPLE IN THE EU

FIMITIC CONFERENCE
(Pre-Conference Document)

EQUAL OPPORTUNITIES-EMPLOYABILITY FOR PERSONS WITH DISABILITIES
24-28 OCTOBER 2001, PRAGUE, CZECH REPUBLIC

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INTRODUCTION

Along with Central and Eastern European countries FIMITIC's Membership also includes representatives from EU member countries. Applicant countries have to sign up the EU Treaties, which through Article 13 of the Amsterdam Treaty engages them to respect human rights of Disabled People. They are extremely interested, however, in how disabled people's rights in formally incorporating key issues within definitions and policies as well as practice in relation to human rights are implemented in EU countries.

The FIMITIC Board recognises the need to improve the employment of disabled people in the Central and Eastern European Countries (CEECs). The Board also accepted the idea of including data, gathered from EU countries given by Federation of Disabled Workers of Slovenia.

Knowing also EU criteria in the looking for optimal own national pathways in the field of employment of disabled people, FIMITIC wishes to improve policies and practices in Europe and to support applicant countries' negotiations for accession.

It is well known that concept of "Employability" has been and it nowadays still is the central concept of employment policies in European countries. It has changed from "passive" forms to a policy, known as "activating". It includes a variety of agents who make employing disabled people in the mainstream environment possible. However, because of persons with severe or multi-disabilities there must also exist for them an option of sheltered environment.

This FIMITIC project "Towards Employability - The Employment of Disabled People in the EU and in the Countries in Transition" will be held under paradigm "Equal Opportunities - Employability for Persons with Disabilities".

To maximise the success of this FIMITIC Conference this pre-congress document will help focus discussions during the event. The document will contain the contributions of members from 14 Countries from Central and Eastern Europe based on their response to the questionnaire which has been sent out recently.

Subsequently, it was decided (in response to the proposal of Federation of Disabled Workers of Slovenia) to take into account also all European countries and to initiate a comparative study between the above countries and all other countries where FIMITIC has member/partner organisations. The Federation of Disabled Workers of Slovenia has adapted this questionnaire for this purpose. This was necessary because the initial questionnaire had to remain fairly broad in character at this stage, so some of the questions constitute only a vague fit to EU countries particular situation.

This initial comparative exercise is worthwhile in spite of the fact that only three have been answered the questionnaire. We would like to thank warmly to respondents who enabled us to organize and represent the situation on the field of disability in these EU countries.

The pre-congress document is composed of the words used in the fulfilled questionnaires by

Annemarie Siegel, Österreichischer Zivil-Invalidenverband (ÖZIV)

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Special thanks to them!

KEY QUESTION

Join to European Union – what expectation is realistic to have?

Are there better working and living conditions for Disabled People in the member countries? Will the working and living conditions for Disabled People improve in Countries in Transition by joining to EU?

Austria

Because of the complexity of the implementation of political decision it is not to ascertain that the working and living conditions of Disabled People in Austria have improved since the country is a member of EU.

The EU membership will definitely bring better working and living conditions for Disabled People in Countries in Transition, because the EU Disability Policy will be a requisite for your membership.

Italy

They believe that Italy as an EU – member state is coming in touch with a more advanced legislation on the handicap and has allowed to update national legislation and to increase the funds for the social sector. Some reasons for Countries in Transition to join into EU: Unification of the legislation; Economic contributes; Unification of the official nomenclature; Advice for the structural improvements on behalf of the disabled; Support for future requests.

Finland

The Finns are more aware of matters concerning the disabled. Employment has been an important issue in disability policy in Finland during the EU period.

One of the main objectives of the programmes and community initiatives of the ESR is to promote employment. A number of ESR projects, aimed at enhancing employment among the disabled, have been organised in Finland.

COUNTRY REPORTS – PROVIDED BY FIMITIC MEMBERS

Definitions and Concepts, Definitions of disability

Austria

There is none official definition of Disability.

The definition of disability which is agreed for the purpose of obtaining assistance with employment is stated in “Behinderteneinstellungsgesetz” (Legislation for the employment of disabled people):

Disability is the effect of a functional restriction, that is not only temporary, and which depends on an irregular physical, mental or psychic condition. Not only temporary means a period of probably more than six months.

Italy

In Italy isn't a real definition of “disability” but rather of “invalidity”, a concept that is divided into different categories, such as war, work, service, blind people, and deaf-and-dumb people. The Civil Invalid, whom we represent, is a person who is affected from congenital diseases not due to a war, neither to an accident on working place nor to his service; these diseases are evaluated according to official nomenclatures.

In Italy there are some charts in which the invalidity is calculated in percentage. In order to obtain assistance on the working place, this percentage has to amount to 46%.

Finland

The official definition of “disability“ we can find in following documents:

Law on services and support measures to be provided for the disabled, enacted on 3th April, 1987, Article 2: *A disabled person:*

The present law shall consider disabled any person who has special long-term difficulties in coping with his everyday routines, due to a disability or illness.

Decree on support to the disabled, of 18th November, 1988, Clause 1, Article 2:

A blind, physically disabled person and one who has been deaf from his early childhood shall always be considered severely disabled.

The definition of disability which is agreed for the purpose of obtaining assistance with employment we can find in

- Labour Services Act 125/93, Article 10: A disabled job-seeker shall denote a person whose opportunities of finding a suitable job or proceeding in career have greatly diminished due to a properly diagnosed disability, illness or deficiency.
- Law on rehabilitation provided by the Social Insurance Institution, of 27th March, 1991/610, Article 2 *Vocational rehabilitation for the disabled.*

The Social Insurance Institution shall provide the insured person, whose working and earning capacity have greatly diminished due to illness, defect or disability, with the necessary vocational training or guidance so as to preserve or improve his working capacity.

CONCEPTS OF SHELTERED WORKSHOPS

Austria

Definition for “Sheltered workshop” we can find also in “Behinderteneinstellungsgesetz” (Legislation for the employment of disabled people):

“Sheltered workers” need to have a disability of at least 50 %. This percentage needs to be ascertained by an expert and the disabled person gets a prescript. Normally it is not possible to get rid of this statement.

Italy

In Italy there aren't any “sheltered workshops” because Italy has chosen the solution of the “Social Cooperatives”.

Finland

The Finnish sheltered work system is based on the regulations of the Care of Invalids Act from 1978 that in other respects was abolished when the Disability Services Act entered into force at the beginning of 1988.

It is laid down in the said law that sheltered work can be provided for an invalid or, if necessary, for some other person who because of his diminished working capacity has been unable to find such employment from elsewhere that would suit his physical resources and capabilities, in sheltered workshops set aside for that particular purpose, at home or in some other suitable place (Article 22). An invalid shall here denote a person whose working capacity or physical ability is permanently so deficient, due to a functional deficiency or the lack of an organ, that it substantially hampers his everyday life or the gaining of an income (Article 2).

The Finnish legislation does not provide a definition for the content of sheltered work or work-related activities. The purpose of sheltered work and work-related activities can be perceived in two ways on the basis of preparatory legislation work and the development of these forms of operation. Firstly, they are considered to guarantee a sufficient income for disabled job-seekers and to offer them a chance to work and secondly, work-related activities are arranged on account of the very content of this work so as to promote social and health care objectives. Such activities are generally considered in part to prevent the marginalisation of disabled persons from the labour market and to reduce the need for social and health care services (Promoting employment among the disabled, working group report)

The Finnish sheltered work legislation is obsolete so it is no longer in line with the projects in progress in Finland, such as those regarding supported employment, social enterprises, and work units for persons undergoing mental rehabilitation. A proposal was introduced to the Ministry of Social Affairs and Health in November 2000 on promoting employment among the disabled that suggests a reform in sheltered work legislation, for example. No information is available on its possible implementation, however.

STATISTICS

Austria

In Austria there are approximate 970,000 disabled persons that mean approx. 10 - 15 %.

The number of disabled people that are on the labour market including the job seekers is unknown.

The general unemployment rate, which is defined as the share of registered unemployed workers in relation to the total population of working age, is in Austria approx. 4 %. Note: EU figure is approx. 2 %.

The unemployment rate for disabled people that means the share of unemployed disabled job seekers in relation to the total registered job seekers of working age in Austria is approx. 40 %.

The number of disabled people employed in the “sheltered workshop” sector (as opposed to mainstream employment) is unknown.

Italy

There are in Italy 2,500,000 disable people, so that 10% of population of Italy is considered to be disabled.

In Italy there about 600,000 disabled people on the labour market (employed plus job seekers).

The general unemployment rate, which is defined as the share of registered unemployed workers in relation to the total population of working age, is in Italy 9.5 %.

The unemployment rate for disabled people, that means the share of unemployed disabled job seekers in relation to the total registered job seekers of working age in Italy, is 55 %.

There aren't any “sheltered workshops”; as an alternative, there are “social cooperatives” that provide working places to about 15,000 disabled people.

Finland

No exact figures are available of the occurrence of disability in Finland. The following estimate was given in the early 1980's of the occurrence of certain types of disability and of the number of new cases per year (KM 1982, Appendix 2)

Severe physical disability (people of working age)	Number of cases, Total 4700	New cases per year
Spinal disability	600	50
Deafness (all age groups)	8,000	150
Blindness	8,000	400
Deafness and blindness	450	..
Severe retardation	7,000	150

(Report of the disability working group '96)

The occurrence of disability has also been estimated on the basis of the number of persons receiving disability benefits:

	year 1999
Persons receiving disability benefits	11,690
Persons receiving a children's nursing allowance	46,030
Persons receiving a pensioner's nursing allowance	155,573

A total of 267,717 persons (aged under 65 years) were receiving a disability pension in 1999.

According to a regulation in Clause 2, Article 22, of the Social Insurance Act, a permanently blind or physically disabled person shall always be considered unable to work. The same shall also apply to a person who by virtue of an illness, defect or disability is in such an incapable state that he cannot cope with his everyday life without other people's help. It is laid down in Clause 2, Article 22, that those receiving a pension can attend working life without a reduction in or abolishment of their pensions. In 1996, a total of 1,119 persons were receiving such pension by virtue of the said Clause 2. 434 of them had received taxable earned incomes in 1995. (Report of the disability working group '96). The number was 1,345 persons in December 2000.

No information is available on the exact number of employed disabled persons.

According to the employment exchange statistics maintained by the Ministry of Labour, there were a total of 80,071 disabled job-seekers in Finland in 1999, 66,575 of them unemployed. Terminated unemployment periods numbered 73,194 of which 49,681 had ended in employment or entering a training scheme. It should be noted, however, that the number of disabled job-seekers and their unemployment figures have increased each year, as indicated by the fact that in 1995, for example, they numbered 60,733 persons, 50,898 of them unemployed. In addition, the statistics do not include the most severely disabled persons. If they receive a pension but still seek a job, they are considered to fall outside the labour force. According to the estimates drawn up by the Ministry of Labour in 1996, 5-10% of all disabled job-seekers can be regarded as severely disabled. Thus they are young pensioners.

There were 323,661 unemployed persons in Finland in January 2001 of whom 42,700 were not included in the labour force. (Employment review of the Ministry of Labour)

The general unemployment rate, which is defined as the share of registered unemployed workers in relation to the total population of working age, was in Finland 12.9% in January 2001.

The unemployment rate for disabled people, that means the share of unemployed disabled job seekers in relation to the total registered job seekers of working age, according to the estimates obtained from European surveys, is in Finland unemployment among young people is 3-4 times greater than that among the rest of the population. No exact figures are available on this, however.

There were slightly over 3,000 sheltered jobs scheme at the end of 1986. After that, the number has varied from 2,800 to 3,500 so at the end of 1998, for example, it was 3,072. The most recent data suggest that the number of such jobs has decreased substantially in the last two years, as indicated by the fact that at the end of 1999, for example, there were a total of 2,500-2,600 disabled persons in sheltered workshops. The number of persons attending work-related activities for retarded people seems to have been increasing constantly. Where the number was approx. 5,000 in 1986 and some 9,200 at the end of 1994, it was as much as approx. 10,300 at the end of 1998. The figures do not include the work-related activities arranged for intoxicant abusers and persons undergoing mental rehabilitation.

In 1992, some four fifths of the total of 126 sheltered workshops were maintained by local councils or the unions of these, and only one fifth by other communities or foundations. It seems that some of the municipal workshops have moved under the ownership of other communities or foundations in the last few years. (Promoting employment among the disabled, working group report)

It should be noted here, however, that not all of the persons employed in sheltered workshops are disabled but some of them are undergoing a long unemployment period or for some other reason cannot find a job easily.

LEGISLATION

Legislative basis

Austria

Austria has an Anti-discrimination-Article regulated in the Austrian Constitution-Act, (Article 7) and in the "Gewerbeordnung" (Industrial code) and "Einführungsgesetze zu den Verwaltungsverfahrensgesetzen".

Employment-Acts = Behinderteneinstellungsgesetz, Bundesbehindertengesetz

Rehabilitation Act = Allgemeines Sozialversicherungsgesetz (ASVG)

Sheltered workshop legislation is regulated in "Behinderteneinstellungsgesetz" and "Behindertenwerkstättenvorfinanzierungsgesetz".

Italy

Italy has a legislative basis for systems that support the employment of disabled people, and there is also a specific Ministry, the “Ministero Pari Opportunita” – Ministry for the Equal Opportunities.

The Italian labour law is the Law N.868 dated 1999. The Law on the Rehabilitation is the Law N. 104 dated 1992.

There are no laws on the sheltered workshops.

Finland

Discrimination is prohibited under the Finnish Constitution, the Article 6 of which reads:

It shall be prohibited to discriminate, without an acceptable reason, a person by virtue of sex, age, origin, language, religion, conviction, opinion, state of health, disability or any other personal reason.

Finland has also ratified all international agreements regarding human rights.

Regulations regarding labour services and the related benefits are contained in the Labour Services Act (1105/93) and the Decrees given under it.

A special support can be allocated to employers so as to help them provide for working conditions that enhance the employment of disabled persons and their ability to remain at work. The support is intended for making the necessary changes in the place of work and for purchasing the necessary equipment and appliances. The maximum sum is FIM 10,000 and FIM 15,000 for a severely disabled person. Compensation can also be paid out of this support to another employee for the help he has given to the disabled person at work. The maximum sum of this compensation is FIM 1,000/month, payable for no more than one year. For a severely disabled person, however, the sum is FIM 1,500/month, payable for two years

Employment funds will be used to support employment only if no work has been found for the job-seeker through labour services, employment training or intensified measures. Such support is payable for no more than 10 months, and combined support for 12 months (employment act). Unemployed disabled job-seekers are not treated as a special group in the allocation and use of employment support except that the employment support can be allocated for no more than 24 months at a time.

In addition to the support paid for arranging proper working conditions, other support measures provided by way of labour services are general practitioner's and specialist's examinations, work and training experiments, work training and visits to educational establishments.

Law on rehabilitation arranged by the Social Insurance Institution (610/91), Article 2:

The Social Insurance Institution shall arrange vocational rehabilitation for the disabled, that is, examinations, work and training experiments, training to maintain and improve their working capacity, basic, supplementary and retraining, support to

purchasing tools and machines, and to setting up and changing a private business. In addition, the Social Insurance Institution shall provide a disabled person with the aids that he needs in training and at work.

Employment pension institutions can also provide for discretionary vocational rehabilitation

Laws on types of rehabilitation to be compensated for under the Accident Insurance Act and Motor Insurance Act (625/91 and 1015/91), Article 6:

The forms of rehabilitation to be arranged under the Accident Insurance Act and Motor Insurance Act in order to enhance a person's working and earning capacity: examinations, work and training experiments, work training, training, costs entailed by studying and study accessories, rehabilitation travel costs, allowance or interest-free loan for practising a profession or for setting up or changing a private business, aids and equipment for performing the necessary working duties, assistance or interest-free loan to a severely disabled person for purchasing a means of transport, travels costs arising from work and studying for a severely disabled person if his disability prevents him from using public transport, and other comparable rehabilitation costs.

LABOUR LEGISLATION

Austria

About legislation that provides incentives or impose obligations to employers. - Austria has a quota system that obliges employees with more than 25 workers to employ at least one sheltered worker for each 25 non-disabled. If they do not fulfil this quota they have to pay a small levy (approx. 150 Euro) into the "Ausgleichstaxfonds". Out of this funds other employers get financial support; they get premiums for the sheltered workers and other benefits like personal assistance and financing for workplace adaptation. The money from the penalties is also used for special companies that work with almost sheltered workers only.

The percentage of employers meet the target is not known.

In Austria there is no legislation that helps employees to retain their job when they become disabled.

The sheltered environment

Disabled workers of all kinds of disability are placed in sheltered workshops.

At the moment are only few disabled workers who obtain training in sheltered workshops find employment in the mainstream sector, but there are special assistance projects the aim of which is the assistance in integration into the regular labour market.

Sheltered workshops are organised for disabled people, and the disabled people are also involved in managing the workshops.

The sheltered workshops are non-profit institutions.

Italy

About legislation that provides incentives or impose obligations to employers. - The last recent Law N.68 dated 1999 foresees the mandatory hiring of workers belonging to this category, according to the following criteria:

- 7% if there are more than 50 employees
- 2 workers if the firm has between 36 and 50 employees
- 1 worker if the firm has between 15 and 35 employees

There isn't any quota system, but quota of working places to reserve to public services. In case that the above criteria are not fulfilled the penalties is amount to 550 Euro plus 25 Euro for each day of delayed hiring of the workers, that become 50 Euro after the 60th day.

Small enterprises with less than 15 employees are exempted just like some sectors that exclude the access of disabled people.

The money made from the penalties is given to the INAIL for the carrying out and promotion of training projects and of professional prequalification or for the overcome of the architectural barriers.

In Italy there is a legislation, that provides incentives or facilitates access to employment disabled people. In order to promote the integration of the disabled, the employer can agree upon the carrying out of a programme aimed at the employment of the disabled people. Our National Association, social cooperatives, voluntary organisations and other public and private institutions can contribute to the achievement of the objectives of this law. Through these programmes, the competent offices can provide the private employers:

- total fiscalization for 8 years of the fiscal and assistential contributions pertinent to every disabled worker who has a reduction of his working skill inferior to 79%;
- the same fiscalization is provided to the psychic disabled without considering his invalidity percentage, for a max. of 10% of the quota that has to be reserved;
- fiscalization of the 50% for 5 years for disabled people whose invalidity percentage amounts 67%-79%;
- partial reimbursement of the necessary expenses to transform the working place and adequate it to operative capacities of the disabled with reduction of the working skill superior to the 50%, for the installation of tele-working technologies or for the overcoming of the architectural barriers.

In addition to all this, these incentives are extended to the employers who employ disabled people even if they aren't obliged to do it and to those people who, through specific agreements, grant the possibility to develop training activities aimed at the access at work of the disabled for twelve months, plus eventually twelve further months. These aims are achieved through a special fund of the Ministry of Labour. The regions have created a regional fund for the employment of the disabled people that finances programmes aimed at their access to work. The penalties foreseen by law, the contributions of foundations, associations and interested institutions are destined to this fund.

The same law that, helps employees to retain job, at the 4th art., foresees that the workers who become disabled after an accident or illness cannot be included in the reserve quota if their reduction of the working skill is inferior to 60% or if they become disabled for lack of safety or hygiene on the working place, a cause that can be imputed to the employer. For these workers, the accident or the illness cannot be considered a justified reason for their dismissal if they can be assigned to similar, or, if nothing can be found, to inferior tasks. If this happens, they have the right to receive and maintain the best economic treatment. If it is impossible to assign them to similar or inferior tasks, according to the 6th art., they can be sent to other firms and assigned to other activities according to their residual working skills.

The sheltered environment

The concept of sheltered workshop doesn't exist in Italy.

Finland

There is no quota system in Finland. As for support systems available to employers and employees, see previous answers on the chapter about legislative basis.

The sheltered environment

Unfortunately persons having attended the sheltered work system in Finland have quite seldom entered from sheltered workshops to the general labour market. Changes are taking place in this, however, including a system of supported employment, social enterprises and EU projects through which disabled person have a chance to find a job on the general labour market.

Sheltered jobs are available for disabled persons in the Finnish system (see previous answers on legislation and the number of sheltered jobs). There are also few cooperatives in Finland, set up by the disabled themselves.

OTHER KEY LEGISLATION

Austria

There were no examples stated.

Italy

Law N.104 dated February 1992. This law allows the disabled people who work to use three days a month or two hours a day for their rehabilitation treatments. Moreover, it allows the overcoming of the architectural barriers on the working places and it eases the transfer to working places nearer to the address of disabled people.

Finland

Law on leaving pension in abeyance and law on vocational rehabilitation for persons aged 16-17 years, valid as of 1st August, 1999.

The leaving of pension in abeyance only concerns such disabled persons who only receive the national pension. A disability pension can be left in abeyance for a minimum of 6 months but no more than 24 months, during which time the person entitled to such pension can go to work. During the period of employment, he will earn the usual personal pension security. To ensure that employment will be more beneficial to a disabled person than enjoying a pension, his employment is also supported through a special disability support payable for the period for which the pension is in abeyance. The sum is the same as that paid by way of special disability support. In the year 2000, for example, it was FIM 1,839/month.

Measures have been introduced to guide disabled young people of age 16-17 years to seek active vocational training instead of enjoying a disability pension. They receive a rehabilitation allowance for the period of active vocational rehabilitation, which in the year 2000 was FIM 2,139/month. The precondition for granting the allowance is that a personal study and rehabilitation plan has been drawn up for the disabled person

Disability Support Act (124/88) and Disability Support Decree (989/88)

The purpose of disability support is to support financially the ability of disabled persons of working age, other than those enjoying a pension, to cope with their everyday routines, working life and studies. It is intended for compensating for disability-related defects, need of help and special costs. Depending on the scope of these, the support is paid on a three-step system so the basic disability support is FIM 424, increased disability support FIM 990 and special disability support FIM 1,839/month (in the year 2000).

Types of support provided under the Disability Services Act:

If a disabled employee needs a lot of help from another person at work, and no sufficient assistance can be provided in the place of work through labour administration support, the local social authorities can cover under the Disability Services Act the salary costs arising from hiring a personal assistant. It should be noted, however, that there is no definite obligation for the local council to provide such an assistant, for the personal assistant system is a form of the discretionary allocation-based services provided under the Disability Services Act.

A person suffering from a hearing, vision or speech defect is entitled to receiving interpreter services under the Disability Services Act in order to cope with his work. This also applies to studies in the scope necessary for completing these.

If it is excessively difficult for a severely disabled person to use public means of transport, he will be entitled to a compensation for the taxi journeys necessary for his attending upper secondary school and vocational studies, as a transport service available under the Disability Services Act. The compensation also covers travel between home and place of work, though it is limited to the sum by which the costs exceed the deductible.

It is also possible under the Disability Services Act to receive an allowance for purchasing a car. The allowance is granted by the local government authorities on a discretionary basis. It is usually no more than half of the price of a moderately priced car. (Forms of vocational rehabilitation and employment support, publication of the National Association of the Disabled in Finland).

An amendment will enter into force on 1st September, 2001, that will increase the minimum rehabilitation grant paid for vocational rehabilitation to FIM 2,227/month. At present, the support can be much smaller in some cases. From the same date, a person attending a rehabilitation scheme will also be entitled to a tax-free maintenance support of FIM 30/day.

The number of persons the pensions of whom were left in abeyance is much smaller than expected, as indicated by the fact that there were only 18 pensions of this kind at the end of June, 2000. 315 young persons were receiving a rehabilitation grant on 31st March, 2000, most of them people with learning difficulties.

If the Government's proposal to the Finnish Parliament concerning measures for promoting employment among disabled persons is accepted, it will include a reform of the sheltered work legislation and major improvements to both the aforementioned systems and the employment of the disabled in general.

IMPACT OF NATIONAL ACTION PLANS

Austria

The National Action Plan on employment and the Disability Concept do exist and OEZIV is aware of both documents.

In Austria there has not been any consultation with the disabled community to create these NAPs or this Policy.

The publication of NAPs has not been evaluated yet to improve to national policies concerning the employment of disabled people.

Italy

In Italy, there isn't a real National Action Plan. The policy of the Government on the social problems can be taken from the text of the Finanziaria Law: the provisional document of the official budget of the State, in which the expenses for the sector are foreseen.

The ANMIC is not only aware of the this document but was directly consulted and plays an important role in the analysis and creation stage of these measures.

ANMIC is the "official speaker" of the whole category of the civil invalids, and with the Government there has always been an effective cooperation. So many things have been achieved but much has to be done.

Finland

Kohti yhteiskuntaa kaikille (Towards a society for all: in Finnish). A disability policy programme. Ministry of Social Affairs and Health, National Council for the Disabled, 1995; Publications of the Ministry of Social Affairs and Health 1995: 10

Vajaasta varteenotettavaksi (From disabled to equal: in Finnish). National policy programme regarding the vocational rehabilitation and employment of disabled persons, Ministry of Social Affairs and Health, Rehabilitation Advisory Board, 1995 Publications of the Ministry Social Affairs and Health 1995: 4

The National Association of the Disabled in Finland is aware of the National Plan and Policy produced by Government. Since 1998 a national annually employment policy plan is published that conforms with EU's employment guidelines.

There has been some consultation, though there could be even more. The NAP contains a model for supported employment and the development of social enterprises.

The publication of NAPs has let to improvements to national policies concerning the employment of disabled people so far, that two law amendments have been implemented: leaving pension in abeyance and organising vocational rehabilitation for young people aged 16-17 years (instead of direct retirement).

EXAMPLES OF GOOD PRACTICE – PROVIDED BY FIMITIC MEMBERS

Austria

As an example of good practice the Österreichischer Zivil-invalidenverband (ÖZIV) do suggest as to refer to <http://www.joballianz.at> for example, which is really excellent.

Italy

In Italy the Law N. 68, that has substituted the old Law N.482 on the protected categories, is too recent. Therefore, it is very difficult for us to give examples of good practice. In our opinion, "Good Practice" means the correct application of the very good legislation we dispose of, in order to promote the "real" process of working and social integration of the disabled, without any discrimination. Our Association has put into practice some Community experiences (the HORIZON and INTEGRA projects) aimed at the promotion of the access to work of the disabled trough telework and sport activity. Some of them could find a job in a Cooperative of their creation.

Our future activity is oriented towards the professional training, trough our Institute IS.FOR. D.D. - Formative Institute for Disabled and Social Disadvantaged People - and trough our European partnership networks that allow us a bigger exchange of ideas and experiences.

At the end of this questionnaire, we want to underline the real necessity to put concretely into practice the legislation on behalf of the disabled people on the working

places, in every day life, in sport, respecting the elementary principles that allow a better quality of life, in order to increase the diffusion of the culture on the Handicap and to raise people's awareness of it.

In addition to this, we are going to fight for the achievement of transparency, equality and rationalization of the economic and financial supports on behalf of Disabled People.

Finland

Suggested topics par example good practises contributed by different organizations and systems:

1. Mannila, Ala-Kauhaluoma, Valjakka: Crossing the Job Treshhold. Good Practices in Finnish ESF - Financed Projects, summary
2. Juutinen: Mainstreaming in employment projects, Tiny tricles form a flow, Description of an operating model, summary
3. Leena Sariola, FPED - foundation: The mainstreaming process of supported employment in Finlandf

SUGGESTIONS FOR IMPROVEMENT

Austria

There are current discussions on the special protection sheltered people have in case of a notice by the employee. This hinders many employees to employ disabled people at all. We think there needs to be an adaptation of this clause.

Italy

Trough targeted training courses, structured as agreements between employers and organizations, that can grant the allocation to work of the disabled. In our opinion, the actual legislation can solve the problems. There should be more funds and more social attention should be paid to the allocation to work of the disabled who represent a big part of non contributors.

In addition to this, the amount of the economic, pensions and social allowances should be increased on behalf of the category with more benefits as permits and justifications of absences, allowances to the parents and families of the disabled, de-taxation for the employers who allocate to work the disabled.

Finland

The National Association of the Disabled in Finland has focused on the following measures to improve the employment of disabled persons:

- More flexible combining of pay and social security
- Distributing the employer's pension responsibilities in such a way that the pension
- The making available of a sufficient number of personal assistants, aids and transport services for promoting employment.

CONCLUSIONS SUMMARY AND PROPOSALS

Introduction

In the introduction¹ to the summary of the analysis of the regulation in the field of training and employment of disabled people in the European Union Member States (regretfully, we received answers only from three countries, therefore the conclusion is also based on the findings from other studies²) we would like to point out the thought expressed by Mrs. Anne Diamantopoulou, the European Commissioner for Employment and Social Affairs– »I would like to say something about the principles which present the basis of our policy: *One is the right of people with disabilities to contribute fully and equally to active society, in all its forms, in all its context, in all its richness and variety. The second is the right of people with disabilities to play a full part in developing the strategy and action which flows from that commitment. If policy is to be effective, and fully inclusive, people with disabilities need to be creators, as well as consumers, at European, national and local level*«³. This sentence or thought is actually the essence of the new strategy of the European Union in the field of employment of disabled people as well as in the field of the complete disability policy. The traditional comprehension of disability was based on belief that disability is a deviation from the normal. However, today we witness how the relation between the notions of “disability” and “normal” is changing – the conviction that the differences between people should be regarded as a completely natural phenomenon beneficial to the human society is gaining more and more ground. If we agree to this attitude it means that the limitations which disabled people are faced with are no longer related to their disability as such but occur due to the failure of the society to treat all the citizens equally and ensure equal opportunities for all. The new comprehension of disability is based on the concept of right and not on the concept of charity, on the concept of the right to participate and not the demand to accommodate. This attitude has, as confirmed by the thought of Mrs. Diamantopoulou, in the past few years become the starting point for the programs or co-operation between the European Union Member States.

Before presenting the findings from the analysis of answers to the questionnaires, let us explain with some data why the European Union increasingly dedicates attention to this issue.

According to the average estimates of the European Statistical Office, the share of disabled people is very similar in all the EU states and ranges between 12% and 15%

¹ Findings in the introduction and conclusion of the Summary are based on the lecture Cveto Uršič gave on the annual conference European League Against Rheumatism, 13th – 16th June 2001 in Prague

² Let us point out two studies here: Thornton, Patricia, Lunt, Neil (1997) *Employment Policies for Disabled People in Eighteen Countries: A review*. Heslington: University of York in European Commission (2000) *Benchmarking employment policies for people with disabilities*.

³ The thought is taken from her speech at the forum on employment of the deaf in the 21st century, 19th June 2000 in Brussels, http://europa.eu.int/comm/dgs/employment_social/speeches/000619ad2.pdf

- for most of them disability represents a barrier for active participation in social life. Another fact we are familiar with is that more than half of disabled people are excluded from the labour market. We know that among those who are included in the labour market there is a large share of unemployed and that they mostly remain unemployed for a long time, much longer than those seeking employment who are not disabled. Many of those who do find employment or who are employed have difficulties in making a professional career mostly due to the low degree of education or poorer opportunities for education and training. Finally, we are also aware that the majority of disabled people who are during their active period of life excluded from the world of labour depend on the social assistance – various social benefits for disability. The analyses carried out in the framework of the Commission of the European Union have showed that, in the past 20 years, a significant increase can be observed in the number of people who are beneficiaries of disability benefit and that for those benefits the states allocated 8% of all funds intended for social care, with the Netherlands and United Kingdom at the top. In 1995, the EU Member States allocated the same amount of funds for disability benefits as they did for unemployment benefits.

SUMMARY OF THE ANALYSIS

Definition of disability

Austria and Italy represent the countries where the “medical model” is recognised. Finland is one of the countries where the definitions in individual regulations differ so we can speak about three models – social, employment and medical.

Legislation

Austria and Finland belong to the countries which ensure the right to equal opportunities and equal treatment and prohibit discrimination on the basis of disability in the fundamental national act, i.e. the constitution. This fundamental right is in more detail regulated in separate acts. Italy is, of course, one of the states which have adopted a number of measures in order to stimulate the opportunities for the employment of disabled people; however, this field is regulated in the general act on employment and special act on rehabilitation.

National action plans in the field of employment

Austria and Finland have adopted national action plans – Finnish government included in the preparation of this program also the representatives of disabled people, which is not the case in Austria. Italy has not adopted such a plan yet. Special stress should be laid on the Finnish report which pointed out that the government has adopted specific programs for disabled people.

Encouraging employment on the open market (“quota system”)

Austria and (indirectly) also Italy have adopted the so called quota system as a measure for encouraging employment on the open market. However, there is a significant difference between the two countries. Austria represents a classical example where the share of disabled people as well as the penalty for unfulfilled quotas is prescribed. Italy, however, introduced in 1999 a system which is a combination of the quotas of work places and other (financial) incentives for including disabled people in the open labour market. In Finland they are not familiar with the quota system but they have a series of measures in the framework of general measures for stimulating employment as well as some specific measures intended for disabled people (job subsidies, adaptation of workplaces, training, etc.)

Sheltered employment

Although Italy is not familiar with “sheltered employment” any more, this is still one of the most important measure in Austria and Finland. In the latter two countries, however, there is a considerable difference in which this measure is intended for. The Austrian definition stems from the degree (%) of disability while in Finland this form of employment is to include those disabled people who can not find employment on the open labour market due to their disability.

How would the candidate countries benefit from membership in the EU?

All the countries which answered the questionnaire have stressed that disabled people in the candidate countries may expect positive results from joining the EU.

Conclusion and proposals for further actions

Representatives of disability organisations who answered the questionnaire as well as the experts who carried out similar studies in the European Union Member States share the opinion that the measures adopted in individual countries did not bring satisfactory results. It is therefore necessary to analyse thoroughly the situation or the adopted measures in one country and compare them with the measures or results in other countries. To this end we must first answer the question which should be the most effective right in the employment of disabled people. There is probably only one answer – having also in mind the principles presented in the introduction – the most important right is the right to equal treatment and thereto related the right to equal opportunities. The right to equal treatment for disabled people related to employment and work means that on one hand the disability of an individual and all limitations deriving from that disability should be considered while on the other hand any direct or indirect discrimination based on disability should be prohibited. At the same time it means that employers must ensure reasonable adaptations (which, of course, should not cause problems as regards competitiveness). As the next step the states should prepare a complex and harmonised program which would (will) allow for the facts that the issues related to work and employment of disabled people

must be integrated in the framework of national employment policies; that the transfer of passive measures to an active policy is a demanding process; that employment policy is a complex issue which includes a number of various measures and definitions, requires co-operation of different organisations and follows different goals; that disabled people are a heterogeneous group; and finally, that it is not possible to evaluate effectiveness of single measures without evaluating them as a whole since they are interrelated and influence one another. Finally, it should also be pointed out that comparative analyses of efficiency of employment policies have shown that the position of disabled people on the labour market is strongly affected also by factors outside the sphere of disability policy – such as the attitude of the society towards disabled people, wider macroeconomic framework of economic development and the labour market, etc.

To conclude, it would be worthwhile – for the European Union Member States as well as for the candidate countries – to carry out a comparison of measures and policies adopted in both groups of countries. This would not only improve the knowledge they have of each other and therefore facilitate communication but also enable more harmonised actions in the future.

ANNEXES OF PRE-CONGRESS DOCUMENT IN PREPARATION FOR

TOWARDS EMPLOYABILITY

**THE EMPLOYMENT OF DISABLED PEOPLE IN THE EU AND IN
COUNTRIES IN TRANSITION**

**ANNEXES OF PRE-CONGRESS DOCUMENT IN PREPARATION FOR
FIMITIC CONGRESS**

**EQUAL OPPORTUNITIES EMPLOYABILITY FOR PERSONS WITH
DISABILITIES**

ANNEXE 1 - SUGGESTIONS FOR FURTHER READING

ANNEXE 2 - DEFINITIONS OF DISABILITIES IN 14 COUNTRIES

ANNEXE 3 - UN STANDARD RULES 7 AND 8

ANNEXE 4 - DRAFT RESOLUTION

ANNEXE 1**SUGGESTIONS FOR FURTHER READING**

1. Employment Quotas, Levies and National Rehabilitation Funds for Persons with Disabilities: Pointers for policy and practice. 1998
ILO Publication obtainable from :
ILO, Customer Service
CH - 1211 Geneva 22, Switzerland

A synthesis of information on existing quota-levy systems, national funds and guides to the principles and issues which should be taken into consideration when designing such measures. The publication draws responses from France, Germany, Poland, Japan, Austria and Hungary. It contains: The legislative basis of quota system, The levy, Fulfilment of the legal obligation, qualifying persons under the quota scheme, collection of dues, Fund disbursement policies, Fund management and administration and Monitoring and evaluation of funded measures

2. Employment Policies for Disabled People in 18 Countries: A Review Patricia Thornton and Neil Lunt SPRU. York University. Report produced with the support of the European Commission, the ILO and SPRU. 1997
Obtainable from: SPRU, University of York, Heslington, York (UK) Tel: ++44 1904 433 608 Fax ++44 1904 433618, e-mail: spruinfo@york.ac.uk

Topics covered for each country: Policy and institutional context, Definitions of disability, Statistics, Employment support services, Open employment (legal obligations and financial measures), sheltered employment.

3. Linking Welfare and Work, European Foundation for the Improvement of Living and Working Conditions. 1999
Obtainable from: e-mail: postmaster@eurofound.ie (No cost)
website: <http://www.eurofound.ie>

Fairly academic but good to understand the pro-and cons of "Activation" policies from the perspective of different European Countries. There is also a short description of the UK's "New Deal" Policy.

4. The Role of Adult Guidance and Employment Counselling in a changing labour Market.
Obtainable from the European Foundation as above.

This book examines the need for counselling and guidance services for adults to become more responsive to the changing nature of the labour market. (Improving linkages between services and with other actors in the labour market)

6. Compendium on Member States' Policies on Equality of Opportunity for People with Disabilities. 1998
Obtainable from DGV/E.4. Social Security and Social integration. And the Europe server.

On organisational arrangements on disability policies.

7. “Harmony” report of the CEEH. Strasbourg, January 1997. Obtainable from the Confédération Européenne pour l’Emploi des Handicapés. (Consult EDF for details)

Contains recommendations arising from 4 seminars on specific topics.

8. “Creating Partnerships for the Employment of Disabled People. Meeting of Minds, Maximum Impact.

Report from a DGV funded Project containing 12 experiences from employers, training providers and disabled people from 8 European countries.

Obtainable from Shaw Trust, Shaw house, Epsom Square, White Horse Business Park, Trowbridge, Wiltshire, BA14 OXJ

9. Partnership Alchemy. New Social Partnerships in Europe.

Jane Nelson and Simon Zadek. The Copenhagen Centre

E-mail: [http://tcc@copenhagencentre.org](mailto:tcc@copenhagencentre.org)

Website: <http://www.copenhagencentre.org>

10. HELIOS II European Guide of Good Practice. 1996

Obtainable from Office for Official Publications of the European Communities, L - 2985 Luxembourg ISBN 92-827-7652-2

Contains a section on employment: Principles and good practice in action

11. HELIOS II Final reports 1996, from Working Groups of the Economic Integration section, in particular: Group 2: Transition towards Work (Empowering Disabled People into Economic and Independent Life); Group 9: Developing Links with Employers; Group 12: New Technology and Opportunities on the open Labour Market; Group 13: The Development of Social Firms; Group 17: Transition and Flexible Employment; Group 19: Strategies for the Transition from Sheltered to Open Employment.

Obtainable from European Commission, DGV - Employment and Social Affairs

12. Compendium of Good Practice in Employment of People with Disabilities 1999. DGV - Employment and Social Affairs.

Obtainable from Office of Official Publication, Luxembourg as above. ISBN 92-828-6062-0

Includes 36 cases of good practice and legislation in the Member States

13. Towards equalisation of opportunities for disabled people: Into the mainstream? (within the framework of the United Nations Standard Rules). Report published in the framework of the European Day of Disabled Persons (EDDP) -1996

14. Publications by the Council of Europe:

Employment Strategies to promote Equal Opportunities for Persons with Disabilities on the labour market. (No date)

Integration of People with Disabilities. Activities. Strasbourg, October 1999.

List of publications “Integration of People with Disabilities July 1999.

15. Unlocking potential - The New Disability Business Case
Simon Zadek and Susan Scott-Parker. Employers’ Forum on Disability (UK).
Tel: ++44 207 403 3020 e-mail: efd@employersforum.co.uk
16. United nations Standard Rules. Published by the United Nations in particular rule 7 (employment) and rule 8 (Income maintenance and social security)
17. Proposal for a Council Directive on Employment. 1999
Website: <http://www.europa.eu.int/search/s97.vts>
18. EDF’s position paper 99/13 Oct. 1999 How Article 13 non-discrimination directives can: Combat disability Discrimination (*Among other issues, explains “the burden of proof”* p.12)
19. Web-site references:
 1. On enlargement: <http://europa.eu.int/comm/elargement/index/>
http://europa.eu.int/comm/enlargement/pas/opening_index.htm
 2. <http://europa.eu.int/comm/enlargement/pas/phare/pt/index/htm>
 3. http://europa.eu.int/comm/employment_social/empl&esf/news/slovenia_en.htm
 4. http://europa.eu.int/commltfan/index_en.html (on the Task Force on Enlargement)
 5. <http://www.euronarl.eu.int/enlargement>
 6. EDF’s web-site often contains reference to their own documents:
<http://www.edf-feph-org>

ANNEXE 2

DEFINITIONS OF “DISABLED PERSON” AROUND OF THE WORLD

<i>Country</i>	<i>Legislation</i>	<i>Definition</i>
<i>Australia</i>	Disability Discrimination Act 1992 – Section 4	“Disability”, in relation to a person, means: <ol style="list-style-type: none"> (a) total or partial loss of the person’s bodily or mental functions, or (b) total or partial loss of a part of the body, or (c) the presence in the body of organisms causing disease or illness, or (d) the presence in the body of organisms capable of causing disease or illness, or (e) the malfunction, malformation or disfigurement of a part of the person’s body, or (f) disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or

		<p>(g) a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour, and includes a disability that:</p> <p>(h) presently exists; or previously existed but no longer exists; or may exist in the future, or</p> <p>(i) is imputed to a person</p>
<i>Belgium</i>	Social Rehabilitation Act 1963	“people whose chances for employment are effectively reduced by insufficiency or diminution of at least 30 per cent of their physical capacities or at least 20 per cent of their mental capacities (article 2)
<i>Canada</i>	Employment Equity Act 1986	“A person will be considered disabled for the purpose of the Act if their prospects of employment are substantially reduced as a result of an ongoing or recurring physical, mental, sensory, psychiatric or learning impairment and if they consider themselves, or who believe a potential employer would consider them disadvantaged in employment because of their impairment”.
<i>Finland</i>	Act on Rehabilitation to be provided by the Social Insurance institution 1991	“A disabled person is a person whose working ability and earning capacity have substantially reduced as a result of impairment, injury or sickness”
<i>France</i>	Labour Code (article L323-10)	“A disabled worker is 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”
<i>Germany</i>	Section 3 of the Severely Disabled Person Act	“Disabled persons are all those who are limited in their capacity for integration into society because of the effects of a physical, mental or psychological condition which is contrary to the norm, and where limitation of this capacity for integration is not merely of a temporary nature”

<i>Greece</i>	Law 1648. of 1986 (as amended)	Defines a disabled person for the purposes of employment as “someone aged 15 to 65 who has limited possibilities for occupational activity due to any chronic physical, mental or psychological illness or impairment, provided that he or she is listed in the register of the disabled unemployed, held by the Manpower Employment Organisation (OAED), with a disability of more than 40 per cent”
<i>Ireland</i>	1996 Employment Equality Bill	<ul style="list-style-type: none"> (a) the total or partial loss of a person’s bodily or mental functions, including the loss of part of a person’s body, or (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness, or (c) the malfunction, malformation or disfigurement of a part of a person’s body, or (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or (e) a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour, and shall be taken to include a disability which presently exists, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person
<i>Italy</i>	Law 104 of 5 February 1992	“Someone who has a physical, mental or sensory impairment, stable or progressive, resulting in difficulties in vocational training, in social life or in professional integration such as to be at a disadvantage and to lead towards social marginalisation”.
<i>Luxembourg</i>	Law of 12 November 1991 on disabled workers	Disabled workers are people disabled through accident at work or war and people with a physical, mental or sensory disability. The capacity for work must be reduced by at least 30 per cent.

<i>New Zealand</i>		<ul style="list-style-type: none"> (a) physical disability or impairment (b) physical illness (c) psychiatric illness (d) intellectual or psychological disability or impairment (e) any other loss or abnormality of psychological, physiological, or (f) anatomical structure or function (g) reliance on a guide dog, wheelchair, or other remedial means (h) the presence in the body of organisms capable of causing illness.
<i>Portugal</i>	Article 2 of the comprehensive law (9/89)	A person who, because of a loss of abnormality, congenial or acquired, of psychological, intellectual, physiological or anatomical structure or function susceptible of causing limitations to capacity, may be considered in disadvantageous situations for the fulfilment of activities considered normal, taking into account age, sex and the prevailing socio-cultural factors.
<i>Spain</i>	Disabled Persons Social Integration Act (Act No 13 of 7 April 1982)	“Disabled person” means any person whose possibilities of participating in education, work or social activity are reduced as a result of a physical, mental or sensory impairment, whether congenital or not, which is likely to be permanent.
<i>Sweden</i>	Occupational disability is used in conjunction with labour market measures	A jobseeker has an occupational disability if, as a result of impairment, medical condition or illness of a physical, mental, or intellectual or social nature, he or she has, or is expected to have difficulties in obtaining or retaining gainful employment.

Source: Disability Awareness in Action, 11, Belgrade Road, London, SW1V 1RB (UK)

ANNEXE 3

UNITED NATIONS STANDARD RULES

Rule 7: Employment

“States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

1. Laws and regulations in the employment field must not discriminate against persons with disabilities and must not raise obstacles to their employment.
2. States should actively support the integration of persons with disabilities into open employment. This active support could occur through a variety of measures, such as vocational training, incentive-oriented quota schemes, reserved or designated employment, loans or grants for small business, exclusive contracts or priority production rights, tax concessions, contract compliance or other technical or financial assistance to enterprises employing workers with disabilities. States should also encourage employers to make reasonable adjustments to accommodate persons with disabilities.
3. States’ action programmes should include:
 - (a) Measures to design and adapt workplaces and work premises in such a way that they become accessible for persons with different disabilities;
 - (b) Support for the use of new technologies and the development and production of assistive devices, tools and equipment and measures to facilitate access to such devices and equipment for persons with disabilities, to enable them to gain and maintain employment;
 - (c) Provision of appropriate training and placement and ongoing support such as personal assistance and interpreter services.
4. States should initiate and support public awareness-raising campaigns designed to overcome negative attitudes and prejudices concerning workers with disabilities.
5. In their capacity as employers, States should create favourable conditions for the employment of persons with disabilities in the public sector.
6. States, workers’ organizations and employers should cooperate to ensure equitable recruitment and promotion policies, employment conditions, and rates of pay, measures to improve the work environment in order to prevent injuries and impairments and measures for the rehabilitation of employees who have sustained employment-related injuries.
7. The aim should always be for persons with disabilities to obtain employment in the open labour market. For persons with disabilities whose needs cannot be met in open employment, small units of sheltered or supported employment may be an alternative. It is important that the quality of such programmes be assessed in

- terms of their relevance and sufficiency in providing opportunities for persons with disabilities to gain employment in the labour market.
8. Measures should be taken to include persons with disabilities in training and employment programmes in the private and informal sectors.
 9. States, workers' organizations and employers should cooperate with organizations of persons with disabilities concerning all measures to create training and employment opportunities, including flexible hours, part-time work, job-sharing, self-employment and attendant care for persons with disabilities."

Rule 8: Income maintenance and social security

"States are responsible for the provision of social security and income maintenance for persons with disabilities.

1. States should ensure the provision of adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost or received a reduction in their income or have been denied employment opportunities. States should ensure that the provision of support takes into account the costs frequently incurred by persons with disabilities and their families as a result of the disability.
2. In countries where social security, social insurance or other social welfare schemes exist or are being developed for the general population, States should ensure that such systems do not exclude or discriminate against persons with disabilities.
3. States should also ensure the provision of income support and social security protection to individuals who undertake the care of a person with a disability.
4. Social security systems should include incentives to restore the income-earning capacity of persons with disabilities. Such systems should provide or contribute to the organization, development and financing of vocational training. They should also assist with placement services.
5. Social security programmes should also provide incentives for persons with disabilities to seek employment in order to establish or re-establish their income earning capacity.
6. Income support should be maintained as long as the disabling conditions remain in a manner that does not discourage persons with disabilities from seeking employment. It should only be reduced or terminated when persons with disabilities achieve adequate and secure income.
7. States, in countries where social security is to a large extent provided by the private sector, should encourage local communities, welfare organizations and families to develop self-help measures and incentives for employment or employment-related activities for persons with disabilities."

ANNEXE 4

EQUAL OPPORTUNITIES - EMPLOYABILITY FOR PERSONS WITH DISABILITIES

26 October 2001, Prague, Czech Republic

Draft resolution

The FIMITIC Working Group, appointed to support the management of the above Conference, discussed the content of a Resolution to be approved at the Conference and to be distributed to relevant parties subsequently.

The following is the proposed content:

“This FIMITIC Conference involved the participation of ... Non Governmental Organisations from Eastern and Central Europe (CEECs) and from European Countries to exchange information and good practices in improving the employability of disabled people, with a special focus on CEECs.

At the close of the Conference the participants approved the following Resolution:

1. Funding the improvements of standards towards EU accession

The participants urge the EU to make funding available to facilitate the transfer of expertise in disability policies and their implementation. The lack of funding will lead to unnecessarily long delays in reaching the standards required for admission in the EU. Also, the current differentials could encourage an unacceptable movement of workers across Europe. Making funding available to speed up the adoption of good practices is therefore in the interest of Europe and of individual countries.

2. Quality of policy development

Policy developments should be guided by the United Nation Standard Rule No 17.

3. Coherence of Definition

There should be a move towards a coherent definition of disability for the purpose of employment across the different Countries. This work should constitute a move away from a “medical model” to a “social model” of disability.

4. Statistic

4.1 Statistics for disabled men and women should be itemised within mainstream statistics at both national and EU levels. In particular, Eurostats should lead the way.

4.2 Statistics should be publicly available

5. Planning and consultation and seamlessness of services

5.1 Meaningful and timely consultation of relevant NGOs should be mandatory in carrying out employability policy development and implementation.

In doing so, institutions responsible for such policies should be mindful of avoiding gaps in services. (seamlessness).

5.2 Such policies should adopt quantitative and qualitative targets.

6. Active measures for employers

The conference participants request that, in developing policies, policy maker's aim at the following:

- 6.1 To adopt Anti-discrimination law.
- 6.2 State authorities should make funding available for employers to carry out “reasonable accommodations” which will facilitate the employment of disabled people in ordinary (mainstream) employment.
- 6.3 A system of quota {legal target aimed at “mainstream” employers to employ a number of people with disabilities) should be adopted and/or extended to all sectors including the public sector.
- 6.4 The “Business Case” (employers' economic motivation for employing people with disabilities) should be elaborated and marketed within the business community.
- 6.5 The credibility of this “Business Case” would be enhanced if employers themselves were encouraged to share their experience (perhaps through employer networks).
- 6.6 Awareness raising sessions should be offered to the Business Community. They should include: The concept of the “social model”, the capabilities of people with disabilities, the dissemination of “success stories” and the link between positive discrimination, social inclusion and the health of the business balance sheet.
- 6.7 The credibility of this “awareness raising” approach would be enhanced if carried out by persons with disabilities themselves.
- 6.8 There should be a drive towards quality standards in the management of Human Resources. Specialist services to help with those improvements should be developed and used.

7. Active measures for employees

- 7.1 To revise the disability benefits system so that it encourages people with disabilities to take up employment.
- 7.2 There should be adequate and accessible provision for education and vocational training for people with disabilities.
- 7.3 Formal partnerships between services in order to avoid gaps in services and facilitate effective paths towards employment.
- 7.4 The promotion of personal choice for people with disabilities in selecting their own pathways in the transition from school (or from the onset of disability) to work.
- 7.5 This would involve the creation of client-oriented services for sign-posting towards relevant services, skills assessments, work experience/tasting/place-ment, personal development activities.
- 7.6 To fund the provision of personal support in the work place. This could involve the support of job coaches, support workers and “natural support” such as mentors.

- 7.7 To fund the provision of specific assistance for visually impaired people (ex: readers) and deaf and hard of hearing people (ex: sign language interpreters) and to provide for assistive technologies.
- 7.8 To encourage the redesigning of job and the re-organising work-station to suit a disabled employee.
- 7.9 To adopt "early intervention" measures in order to support both employer and employees in the process of rehabilitation and thus discourage dismissal.

8. "Special" and alternative types of employment

8.1 Sheltered employment

To redefine the purpose and processes involved in sheltered employment to enable the maximum number of employees to transfer to ordinary "mainstream" employment.

Among other modifications, this may be achieved by setting targets and offering incentives to sheltered workshops employers who achieve them.

8.2 Alternative employment

To encourage the employment of persons with disabilities in organisations which offers them increased control on their own lives:

- tele-working
- self-employment
- co-operatives
- social firms".

WOMEN AND EMPLOYABILITY

**REPORTS BY MEMBERS FROM THE FIMITIC
SPECIAL COMMISSION ON WOMEN WITH DISABILITY**

26 OCTOBER 2001, PRAGUE, CZECH REPUBLIC

DEEP - DISABLED WOMEN'S EMPOWERMENT AND ENERGY PROJECT

Marja Pihkala

The current report from Finland, 28.4.- 30.4.2000

The aim of the project is to start training of peer support counsellors for women with disabilities and to produce recourse materials for peer support activities on the all-European level. The partners of the project, Asociatia Handicapatilor Neuromotor din Romania, Forum - Women with disabilities in Sweden and Invalidiliitto, Finland, have organised different kinds of adult education activities and groups for peer support purposes for women with disabilities. We have started networking both inside the partner country and on the European level. Through this women with disabilities will become more aware of their rights, opportunities, responsibilities and position in the society, their vocational skills will be improved and their self-esteem will increase. All this aims at empowerment of individual women with disabilities which also helps to raise public awareness of the issues faced by women with disabilities.

The project is planned to last two years during which the peer support counselling will be established on permanent level, the experiences of training courses and working of the groups will be gathered and produced as resource material and the networking is widespread. Each partner will contribute to the resource material with its own expertise from the project. The good practices can then be used European wide as the basis for peer support training programmes and even counsellors can be exchanged.

Follow-up seminars will be organised in each of the participating country. In this way the participants can meet each other, exchange experiences and get acquainted with the activities in the partner organisations.

In Finland a first national training seminar was organised for 20 selected women with disabilities representing 10 regions of the association. The seminar was arranged in November. The participants received basic knowledge in group counselling and peer support. The trained women have established peer counselling groups to work

in regions. Finnish press has been widely informed about the project. The trained counsellors have made an effort to seek new women. Only two groups have had bigger difficulties.

The national monitoring group of the project has regularly met. Every woman in monitoring group acts like a good mother. Each of them has two groups.

Also the gathering of the resource material has started. Monitoring of the project is and has been carried out all levels.

In March their was the second training seminar. The peer counsellors got to know how the groups usually act and they were thought to use different kinds of methods: All groups are very eager to work and meet each other. Next international meeting will be in Sweden at the end of June.

Next seminar will be in August. At the same time there also will be a bigger information occasion. We try to have new groups and that is why we try to seek new women 12.

In August we have a gig seminar for women.

VIOLENCE AGAINST WOMEN WITH DISABILITIES

Our chairperson for women's group knows a lot about violence. 8. 03. (Women's day) we started to make work with these issues. At the moment almost 20 women have taken contact and asked what is going on. They are either ready to tell their stories or write them down. In May the TV has been interested to make some kind of program.

Later students will work on the material and perhaps in September we have some results.

NEW PEER COUNSELLOR PROJECT

Greek has asked us to work as partners. Belgium is also a partner country. It is a question of EU-project. Our responsibility is to estimate the literature concerning on peer counselling. We are going to have a common guidebook. There is also a possibility to employ a person with disabilities. The coordinator of Leonardo-project will be Greek. Let see if we get money in July.

CO-OPERATION IN THE REPUBLIC OF KARELIA

We have a minimum project with women in Karelia. We try to connect it to our Sokrates project.

MATERIAL

- We have to produce material in our Sokrates project. The main subject is peer counselling.
- Programme of action
- A book telling about the parenthood (parent with disabilities and parents who have a child with disabilities)

DEEP - DISABLED WOMEN'S EMPOWERMENT AND ENERGY PROJECT

*Ecaterina-Ani Jäger, Program Co-ordinator,
Interim Progress Report - from September 1999 - to March, 2000*

In accordance with the contract signed between the applicant association NADF (National Association of the Disabled in Finland) and the partner associations FORUM (Forum-Women and Disability in Sweden) and AHNR (Asociatia Handicapatorilor Neuromotoria din Romania), AHNR started to develop the DEEP Project in September 1999.

The project is developed within AHNR's member associations, in five countries across Romania (Arad, Arges; Cluj, Hunedoara, Zalau). The first stage of the DEEP Project, that to inform the public about its aims and activities, as well as its financial resource and strategies, was realised through Press Conferences held by the associations involved in the project. The general secretariat of AHNR has had an important role in elaborating and sending by mail and fax:

- promotional materials about the DEEP Project and its background as well as general information about AHNR - the applicant - national association for the press kits and folders for representatives of the local authorities, governmental bodies and representatives of different institutions.

With this co-ordination each of the five associations has successfully held the Press Conference in the proposed period of time.

In order to propose and to find the best way of collaboration between the beneficiaries of the program and the specialists, and to provide group counselling sessions for girls/women with disabilities, each association organised a meeting with representatives of different local institutions and/or governmental bodies.

As reported by each of the four associations, the first meetings were held to increase disabled teenager's and women's awareness of their rights, opportunities and position in society as well their responsibilities. This is a long process if we take into consideration that most of the girls were isolated from the community and that they

don't have a very strong personality. Specialists (psychologist, social assistants, and sociologists) held these meetings.

Through this project, a great number of girls and women with disabilities have free access to professional counselling services, which can help them to overcome the psychosocial barriers.

The most important result of the counselling meetings is considered at the moment by each association to be the new relationships between the girls with disabilities who become in very short time friends as well as the new relationships between the parents - mostly mothers.

Some of the associations considered that an important way for the integration of girls/women with disabilities into the community is to organise some meetings outside of the association, in the city, in a park or a restaurant. This could be a good opportunity to provoke their fantasy how to dress themselves, to test their behaviour and their preferences.

As a result of the changes not only of the behaviour but also of the personality of their daughters, the association from Arad decided to form on their own request - the counselling group for mothers of girls with disabilities.

The girls have expressed that they enjoy the sessions and find them very useful and necessary especially for those persons with disabilities who lives isolated. This is why the General Secretariat of AHNR gathered and sent information about the possibility to create and continue the counselling sessions with *peer support group meetings* in each of these five centres.

Merely taking into consideration that through the counselling sessions new friendships were born between the girls and women with disabilities, and between parents sharing their experiences, we can affirm that the DEEP Project is a very useful one for their integration into the community.

As the groups of girls and women with neuromotor disabilities grew into a small family, the bi-monthly meetings are now held on a weekly basis.

BRIEF REPORT ON INTEGRATION OF GIRLS AND WOMEN WITH NEUROMOTOR DISABILITY IN ROMANIA

Ecaterina-Ani Jäger

*Member of FIMITIC's Special Commission on Women with Disability
Meeting of the Special Commission on Women with Disability,
28-30 April 2000, Triesen, Liechtenstein*

Integration of disabled girls and women into the 21st century community at all levels still represents one of the most important goals of the Association of Neuromotor Disabled Persons in Romania - AHNHR. This integration should increase awareness of disabled women's rights; their access to professional services free of charge; their participation in community life through social development programs and projects.

To work towards integration, AHNHR's Commission on Women with Disabilities decided to implement programs which develop activities to help girls and women with disabilities, especially severe disabilities, to understand their role and position in society as well as their responsibilities.

Specifically we will mention the counselling program, social programs, a creative occupational program, the peer support-training project, and a planned computer-training project. These activities are developed on a national level through five member associations located throughout the country.

In the counselling program, weekly meetings with a psychologist are held in which young women with disabilities have succeeded to communicate extremely well with each other in a time period of only few months. A priority for integration is good communication in the community. This is a long process if we take into consideration that most of the girls were isolated from the community most of their lives resulting in their lack of healthy identities and strong personalities.

Most of the young women with disabilities who participate lived isolated in their homes before this project, never seeing a butterfly or a bird, never smelling the grass

and the wood. Thus we considered that organising some social meetings outside of the association was an important way to enhance their communication and integration into the community. We organised trips in the surrounding areas outside of the city to enjoy the fresh air, flowers, trees, etc. and learn a little about nature. Visiting the city, walking along the river listening to the song of birds, listening to music in the park, or enjoying a pizza in a restaurant was a good opportunity for the young women to test behaviour, discover preferences, dress up, etc.

Through press conferences that are also a part of the integration program, the young women have had an opportunity not only to expose their problems to invited representatives of the local authorities, but also to learn about the way healthy persons try to lead their destiny and think about their problems. If at the first meeting with representatives of the local authorities, reporters, and cameramen, etc. the girls/women with disabilities were embarrassed, at the next meetings most of them were relaxed, smiling answering the questions.

The most important component of becoming integrated into the community is to be independent, both socially and financially. This is why we develop the "HANDS" program for creative occupational therapy in order to strengthen and maintain certain abilities. The project is developed within five member associations of AHNR involving over 70 girls and women with disabilities. Handicrafts such as beaded jewellery, dolls, stuffed animals, hand painted holiday cards, and various holiday items are made for sale. The young women feel useful generating income in support of AHNR from business activities that also increase the vocational skills, integration, socialization, creative expression, and self-esteem of the participants. Ninety percent of the girls/women with disabilities were isolated before participating in AHNR's activities. Funds have been received through the sale of the beaded jewellery; hand painted holiday cards, and various holiday items at the Puppet-theatre, City Hall, schools and high schools. This program also brings persons with disabilities in contact with other people and creates a positive image about them. One of the most important outcomes of this project is the fact that for all of the girls this was the first time they earned income for their own work, which has succeeded to raise their interest and wish to work, to contribute. Both the young women and their parents are very happy and proud of their accomplishments in the "HANDS" program.

Since September 1999, AHNR is also a partner in the "DEEP" Project developed within the Socrates Programmes of the Commission of Europe along with other partners: the Forum - Women and Disability in Sweden and the National Association of the Disabled in Finland. The aim of this project is to start training of peer support counsellors for women with disabilities and to produce resource materials for peer support activities on the all-European level. Peer support in Romania is a new concept; the first peer support groups have been formed as a result of this project.

In addition to these programs, AHNR will organize computer courses to introduce the girls/women with disabilities to the world of technology. This will facilitate their

access to information, which is an important component of integration. It is also be a good opportunity to explore a wider world and make new friends.

AHNR is pleased with the success of these programs and projects towards integration and hopes to expand its work further to meet the challenge of fully involving girls and women with disabilities in the Romanian society.

Thank you for your attention.

INFORMATION SHEET FOR THE WORKSHOP “WOMEN”: EMPLOYABILITY FOR WOMEN WITH DISABILITIES IN SLOVENIA

*Karmen Langus
Federation of Disabled Workers of Slovenia
Member of FIMITIC's Special Commission on Women with Disability
Meeting of the Special Commission on Women with Disability*

GENERAL INFORMATION ON EMPLOYMENT/EMPLOYABILITY

In Slovenia, the general unemployment is slowly, but permanently decreasing due to favourable economic flows reflected in the labour market as well as due to measures of the active employment policy with various training programmes and the enforcement of the novel to the Employment and Insurance in Case of Unemployment Act.

In May, the level of registered unemployed persons was 12 % (in December 1999 it was still 13 %), 13.3 % for women and 10.9 % for men. In June 2000, 51.0 % of all unemployed persons were women, although their level of education exceeded the education level of male employment searchers.

Nevertheless, the fast growth in unemployment of disabled persons is being continued. In the first half-year of 2000, the number of unemployed persons with disabilities increased by 9.7%, their share in the structure of unemployed persons is 16%. Among them, the number of female employment searchers is growing faster (45% in March 2000).

Despite the programme of the active employment policy for disabled persons and hardly employable persons, implemented by the Government of the Republic of Slovenia and Employment Office of the Republic of Slovenia with additional budgetary resources, in the open labour market there are few opportunities for the employment of disabled persons disabled persons themselves still prefer using the benefits arising from work as well as disability and pension insurance to trying to ac-

quire education, appropriate qualification through vocational rehabilitation and employment.

Regardless the sex, disabled persons are assured an effective professional support in regional services of the Employment Office of the Republic of Slovenia with a multilaterally composed medical-advisory service and specialists - rehabilitation advisers - who, with regard to individual working capacity and motivation of employment searchers, create individual programmes of vocational rehabilitation and training for concrete workplaces under general conditions in the open labour market, i.e. "supported employment" with professional free counselling in regular or disability enterprises (there are already 140 of them with 5,700 employees with disabilities – 280 more compared to the last year). There are no separate statistical data for women - pursuant to the law they are assured equal opportunities. On the average the proportion is 50:50.

In December 1999 into various training programmes 957 persons with disabilities were included (6.38% of all unemployed disabled persons), by the end of June this year already 1,007 of them or 6.71%: In the first half of 2000, 516 or 44% of job-seekers with disabilities got employed (818 or 5.50 % by December 1999). The somewhat improved situation was influenced by the basis of legal changes, reduced personal income tax obligations and various forms of subsidies for additional costs paid to employers and disability enterprises for each employed disabled person, depending on the disability rate, adjustment of working conditions, and number of disabled persons among the employees and the duration of the employment. With the financial assistance, the state also supports disabled persons until the beginning of vocational rehabilitation, during its course and until the employment, by remunerating the school fees, purchasing working tools and paying the transport costs.

GOOD EXAMPLES - FOCUSING ON WOMEN WITH PHYSICAL DISABILITY

In Slovenia there are no models of employment intended merely for women with physical disability.

We shall present the **social company** pilot project which is being developed by the Centre for Rehabilitation of Disabled Persons in Celje since January 1998 (within the framework of public works until the Act is adopted), in accordance with the programme of the active policy of employment of disabled persons in Slovenia. It was also adopted as a pilot project in accordance with the programme of EU Phare by which it shall be supported in 2001. The social company model enables the disabled persons and those who are difficult to employ and have various capabilities and social skills, an optimal integration to work, employment and social integration, but also personal dignity based on the earned money. Following the adoption of the Training and Employment of Disabled Persons Act, it is foreseen that a social com-

pany as an individual organization with an economic and social function will be able to create approximately one half of the resources needed for its existence.

Following the professional discussion, leading, practical training and work, by the social company the persons included will also be facilitated the transitions to disability enterprises (at least 80% working capacity) or to the open labour market, whereas the less successful individuals will be directed to interim workshops or custodial-working centres. According to the expert estimate, 70% of them will be able to enter other forms of work and employment which will be a substantial reduction of the state's burden.

The rest of them will be regularly employed in the social company in suitable programmes (development and acquisition of practical skills for market needs): production and service programmes, leasing - performance of services on client's premises, placement - work on client's premises supervised by an expert from the social company, home work – tele-work for less mobile disabled persons.

The Celje social company is located in the urban area and includes 50 persons (23 with disabilities, of them 14 women and 9 men, the rest of them are difficult to employ for various reasons) from the city and broader region. It is successful and cooperates effectively with local communities which are already interested in establishing units of the social company in order to also include other job-seekers with limited opportunities in their areas.

There are four phases in the project, which will be going on until the end of 2002:

1. Selection and training of personnel, selection of working programmes, premises, working means, training of social management and persons participating, monitoring of programmes and economic effects.
2. Analysis of effect, preparation for the establishment of units in other regions, and production of business plans interesting for market.
3. Founding of new units pursuant to the established model in the entire state.
4. Final goal - employment of one third of disabled and hardly employable persons in the state.

The project will maintain the social and economic function; therefore it is necessary to develop social management, technology of work and professional staff (for more demanding tasks healthy and professionally qualified persons shall be included who are willing to continuously upgrade their skills for work with the disabled population and to introduce new technology). The social company will assure the included persons (optimally 55 persons with 40-hours working week) organization and contents of work adapted to their mental and physical capabilities, suitable working time, flexible forms of employment (temporary work, home work, tele-work, part-time jobs), bonuses for their work, social integration and transition to employment.

At the local level, this completely flexible model of training and employment is or will be very suitable for women with disabilities due to maternal and family obligations.

LEGISLATION FOR WOMEN WITH DISABILITIES

In Slovenia, the fields of education, training, employment and social security of persons with disabilities, regardless sex, are regulated by the Constitution of the Republic of Slovenia and 70 Acts and by-laws. The present legislation of the Republic Slovenia is to a high degree harmonized with the Acquis Communautaire of the EU. Under the Constitution, women with disabilities are assured the right to equal opportunities and equal treatment in all fields. But in practical life they are even more pushed aside than other women and find it even more difficult to assert their legal rights in searching employment, which could not be claimed for the assertion of other rights.

To keep this report short we shall only present some of the most important acts and regulations which aside from the provisions for all disabled persons also include some provisions for women with disabilities:

1. In the field of labour relationships, for quite some time in the Parliament the updated Labour Relations Act is being discussed which prohibits employers from any kind of discrimination against job-seekers or workers, among others on the basis of health condition or disability, sex or age (in accordance with the EU directives, Convention 159 on Vocational Rehabilitation and Employment of Disabled Persons, and Standard UN Rules on the Equalization of Opportunities for Persons with Disabilities).
2. Act on Training and Employment of Disabled Persons and Self-managing Agreement on Measures and Procedures for the Establishment of Characteristics of Disabled Persons: on average 45 % of persons acknowledged the disability status by the multilaterally composed expert commission are women.
3. Rules on the Implementation of Measures of the Active Policy of Employment of Disabled Persons (1999): the foreseen performers of measures shall be selected on the basis of a public tender (individuals, integration companies, local development centres registered for a non-profitable activity and fulfilling the prescribed conditions related to premises, programme and professional management) and must employ disabled persons and persons who are difficult to employ for at least three years, financial subsidy and professional assistance inclusive.
4. According to these rules, with concrete programmes women with disabilities shall be assured the opportunity of vocational rehabilitation, training and employment, particularly at the local level, to enable them to simultaneously perform their roles as mothers and take care of their families. This year 38 % of the included persons were women.
5. By the Pension and Disability Insurance Act (adopted in July 1999), the disability insurance is regulated as an independent branch of social insurance together with the pension and dependants insurance. Vocational rehabilitation is a fundamental right and obligation of a working disabled person. The definition: Disability is a combination of a general and vocational disability. The remaining working capacity shall be established. There are three disability categories of disabled workers.

6. Conditions for the acquisition of rights on the basis of disability shall be recognized to women at the age of 61 (men at the age of 63): right to transfer, to work with shorter working time, to vocational rehabilitation in the period until the full pension age is achieved (women at the age of 58, men at 63). In case of disability which is a consequence of the injury at work or vocational illness, an insured person is entitled to the right to disability pension regardless the pension age - credited as pension for full pension age (which is 38 for women and 40 for men).
7. In case of disability which did not occur work or in case of illness, the density of insurance is important, except for the disability which occurred before the age of 21. The disability pension for women under 61 (men under 63) shall at least amount to 48 % (45 % men) of the pension base. In case of the premature disability retirement, the credit depends on the age - the younger the disabled worker, the longer the added up period.
8. The Act on Employment of Disabled Persons is being prepared for the parliamentary discussion. It shall slow down the increase in the number of unemployed persons with disabilities. Particularly the category of disabled workers of both sexes is still increasing - the category of women a bit faster.

The fundamental rights in individual regulations of the positive law in Slovenia are not being decreased. The regulation in the field of legal provisions is still favourable, even for disabled persons. But there are still issues which are not favourably solved and to which particular attention is drawn in disability organization.

EDUCATION AND VOCATIONAL TRAINING OF WOMEN

Rita Vögt-Iseli

Schweiz.Invalidenverband, Women's Group

Member of FIMITIC's Special Commission on Women with Disability

Meeting of the Special Commission on Women with Disability

In Switzerland people who have a sound education and good vocational training have better chances to find a job on the free labour market than those with only rudimentary education and vocational training or no vocational training at all. Women with disabilities (unconsciously) get an educational and vocational training that is not as good as that of their male counterparts and thus the financial situation of disabled women is often worse than that of the men. Applications for additional training or further education are often rejected. Therefore, we ask the women concerned not to accept these “minimal offers and decisions” and to fight for their wishes in the field of education and vocational training. Equal opportunities are to be called for and achieved in this sector as well.

NEW PROJECT: CONTACT OFFICE FOR WOMEN AND GIRLS WITH DISABILITIES

In Switzerland there exist many advice centres for people with disabilities but no one is responsible for the specific concerns and requirements of women and girls with disabilities. To tackle this problem we are now about to establish a contact office for them. We would like to underline that we do not understand ourselves as another advice centre but rather as a pool or contact office for women, girls and interested relatives, politicians or media representatives. We want to be a network, i.e. we want to “web a net” between the women and thus help them to organise themselves and finally help themselves.

Since mobility of people with disabilities is in most of the cases a big problem this contact office works by phone, fax and e-mail. This way we can be easily reached by everybody, also by women who are deaf or hard of hearing.

The contact office is led by qualified disabled women with a lot of experience and expert knowledge from their homes. This way highly qualified jobs are created for severely disabled women, which can be offered part-time. During this initial phase of construction the two women who lead the project are working without remuneration. The Swiss Invalids' Association (SIV) takes over the costs for establishing this contact office and thus makes this gratifying pioneer project possible. As soon as the contact office is well established and firm the work performed will be paid according to the market principles. We will look for sponsors, as soon as we can furnish a proof of demand.

NOTES FOR WORKSHOP

MOTIVATION OF DISABLED PEOPLE TO ACCESS EMPLOYMENT

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1. THE DEFINITION OF DISABILITY

- a. Does the definition of disability in different CEEC-s discourage disabled people from seeking employment?
- b. Should there be an internationally agreed definition or should definitions reflect the specific regulations of each country?

*In preparation for this discussion, participants are invited to read the pre-conference report showing the “state of play” among the respondent countries. Annexe No 2 provides a list of different definitions. Participants are also invited to download a report from a recent piece of research: *Definitions of Disability in Europe: A Comparative Analysis*.*

There is no agreement within European countries concerning a single definition of disability. Should it be a “medical” definition inspired by the need to provide support, or should it be a definition that implicates an inauspicious environment? (*See for example in annexe 2 the different definitions from Belgium and France*)

Dr Lajos Hegedüs, Leader of this Workshop, puts forward the following proposal:

“If participants consider it necessary to agree on one international definition, then I would suggest that the conference should try to formulate the elements of this definition. I would suggest the following principles: Persons can be considered to possess limited working capabilities if their physical, sensory and mental working abilities are reduced in comparison with the human average by at least, 40%, 50% 67% or more”.

“There should be provision for support services, special training, technical aids, and adaptation of the work place and of working times”.

2. WOULD DISABLED PEOPLE PREFER TO WORK WITHOUT SPECIAL INCENTIVES OR DO THEY NEED SPECIFIC TREATMENT TO BE MOTIVATED?

What are the barriers that keep disabled people away from work?

Participants are invited to read the sections of the pre-conference report on “Incentives to disabled people” and the conclusion.

Dr. Hegedüs proposes the following points for discussion:

1. Is it reasonable to limit the total income received from wages and disability benefits allowances?
2. Positive discrimination: Is it necessary? Reasonable?
3. Does disabled people’s perception of the working environment constitute a motivating factor?
4. Should “success stories” and “good practices” be disseminated and promoted?
5. Should there be special services to assist disabled people to find and retain work and to ensure that they access continuous training and retraining?
6. Should rehabilitation be mandatory or voluntary? Should rehabilitation be only an initial process or should it be followed up?
7. Who should be performing rehabilitation: Professional institutions? Civil organisations? Disabled people and/or their organisations? Residential centres?
8. Support services at work: Are they necessary? What kind of support? What kind of service? To whom? Who should cover the costs?

3. THE ROLE OF NGOS

Is there a role for NGOs in participating in the making of policies designed to ease the paths to employment for disabled people? Or should the State institutions act alone?

Dr. Hegedüs puts forward the following proposals for discussion:

Possible role of civil organisations:

- to influence legislation,
- to monitor the implementation of legislation,
- to constitute a control to participate in special/supported employment,
- to participate in creating employment and managing employment processes,
- to mediate, mentor, provide vocational assessment and guidance to carry out follow-up assessments and provide personal development,
- to provide and maintain registration.

NOTES FOR WORKSHOP: THE MOTIVATION OF EMPLOYERS TO EMPLOY DISABLED PEOPLE

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Participants are invited to read the following publications:

- *Unlocking potential - The New Disability Business Case*, by Simon Zadek and Susan Scott-Parker
e-mail: <mailto:efd@employers-forum.co.uk>, web-site: <http://www.employers-forum.co.uk>
- *Partnership Alchemy. New Social Partnerships in Europe*. Jane Nelson and S. Zadek.
The Copenhagen Centre
e-mail: tcc@copenhagencentre.org. web-site: <http://www.copenhagencentre.org>

Participants are invited to read the pre-conference report sections on incentives for employers and the recommendations from various countries.

1. WHAT MEASURES SHOULD BE ADOPTED IN CEECs TO MOTIVATE EMPLOYERS INTO POSITIVELY WELCOMING DISABLED PEOPLE IN THE WORKPLACE?

- a. Do obligations for employers help promote their motivation?
- b. Should the law strengthen the obligations of employers: “Quota” system? Antidiscrimination legislation? Other policies?
- c. Should there be a “quota” system, or is this perceived as counter-productive? (A constraint that hampers latent goodwill).
- d. Are “quota” systems effective? Can they be improved?

- e. If CEECs opt for a “quota” system, what are their proposals to ensure that it is enforced?
- f. What kind of developments would generate motivation in the business community?
 - Incentives in the form of State recognition (league tables or the like) for businesses who implement “inclusive” employment, “diversity” policies, strategic audits, etc?
 - Business-to-business networking to exchange experiences and good practice in the employment of disabled people.
 - To shift employer negative assumptions and perception: Business-to-business networking supported by “success stories”: Employing disabled people in position of influence and authority as advisers, presenters and leaders of awareness raising courses.
 - As business operates on logical and economic arguments, how can the process of employing disabled people be arranged so that it does not disturb unduly from the economic logic?

Suggestions:

- Free and easily obtainable information (help lines, advice centres, one-stop-shops ...)
- Free technical aids and human support (supported employment, readers, sign language interpreters, external assistance for technical assessments and provision of aids and adaptation, etc.)
- Briefing/awareness raising sessions for employers.

2. SOCIAL ENTERPRISE

What place should social enterprises occupy in the world of business?

What form of funding should be acceptable to ensure their sustainability?

PRESS RELEASE

FIMITIC is an International Federation of Persons with Physical Disabilities with members in 37 countries of which 15 are Central and Eastern European Countries (CEECs). Ten (10) of these countries are candidates for accession to the European Union. They are Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The process of privatisation and the generally high levels of unemployment have not been conducive to spearheading disability issues. Yet, in order to fulfil their membership of the EU, applicant countries have to sign up to the EU Treaties which, through Article 13 of the Amsterdam Treaty, make reference to disability.

FIMITIC's objective is to play a major and positive role in bridging this gap. The aim is to put disability on the agenda of European debates and to help CEECs adopt good practices quickly and effectively.

In order to help focus such a geographically varied Conference FIMITIC commissioned a survey involving members from applicant countries plus other members from Albania, Belarus, Croatia and Macedonia. A Russian organisation also agreed to contribute.

Issues of definitions and of employment policies will be raised. Workshops will concentrate on the obligations and incentives of employers, disabled job seekers and disabled employees. The Conference will generate a Resolution for distribution to European Institutions and policy makers in individual countries.

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