

Employment of People with Disabilities in Europe

Overview and examples of good practice from the SENEL partner countries

Introduction

The rapidly changing economic situation in the European Union is reflected in the job market. The European Union is still overcoming a major economic crisis and facing issues relating to a rapidly ageing workforce. Bjelland et al. (2010), in a study of employment discrimination, suggest that it is 'critical to support positive employment outcomes of groups who have been underutilized, specifically older workers and workers with disabilities' (Ibid, p. 456).

Opportunity to work for people with SEND is crucial at societal as well as individual level. The loss connected with not utilizing the work force of people with SEND has been calculated as a loss of GDP of 1,5 to 2 billion dollars per year (Metts, 2000). On individual level, it firstly is a source of economic independence. And secondly, but perhaps more importantly, it is a source of self-esteem and social inclusion (Procházková, 2014).

As a result of the current economic as well as civil rights development (EC 2010, UN, 2009), all European Union countries have implemented measures to remove the barriers encountered in the job market by people facing particular barriers such as special educational needs and disability (SEND), often complicated by cultural or economic disadvantages.

EU countries have different political and legislative history which is mirrored in general attitudes of society towards people with disabilities and as well as to their opportunity to enter free labour market (Pančocha, 2013, Dempsey and Ford, 2009). This became even more visible in the 90's when most of the European countries introduced anti-discrimination legislation (Grabat, 2013). As a result, despite more or less identical aims of policies (be it education, welfare or employment), the approach to fulfilment of this obligation differs among individual countries.

Despite the efforts the European Agency (2013) as well as EC (2012) report that the employment rate of people with disabilities remains low. Estimates confirm that people with disabilities are more threatened by unemployment (Trotter, 2014, Thornton and Lunt, 1995), the probability of unemployment to be three times higher than in general population, with the total of 40% - 50% unemployment rate among people with SEND and reaching up to 75% among people with mental illnesses (O'Reilly, 2007, EC, 2010). However, to obtain reliable data is very complicated also due to the fact that a number of people with SEND is neither working nor looking for a job. This group of people does not fall in the category of labour force, and therefore, the unemployment rate may not provide a full picture of the situation of people with SEND at the labour market. Instead, the employment rate is more commonly used as an indicator of the labour market status of people with disabilities (WHO, 2011, p. 237). It is neither inadequate level of education and training (O'Reilly, 2007, Hogan et al. 2012) nor readiness of people with SEND to work which is the cause. Erickson et al. point to researches showing that "*many of the unemployed people with SEND would prefer to be in labour force*" (2014, p. 309).

In order to effectively focus on the issue of employment, we have to briefly mention the barriers to employment of people with SEND as well. We will focus on barriers on the part of employers and administration as well as people with SEND themselves.

People with SEND face a number of barriers. One of the most important one is insufficient education and training or VET which is not relevant for the job market. When focusing on barriers within people with SEND, we have to mention inadequate self-esteem and self-evaluation. We can find both extremes, people having low self-esteem either because of previous negative experience or as a result of socialization, as well as people unrealistically valuing their competence (Procházková, 2014). This is an issue with people educated in segregated settings, having minimum contact with enterprises and job market (Röderová, 2006).

People with disabilities are disadvantaged in the labour market. For example, their lack of access to education and training or to financial resources may be responsible for their exclusion from the labour market – but it could also be the nature of the workplace or employers' perceptions of disability and disabled people (WHO, 2011, p. 239).

Barriers to employment: People with SEND

People with intellectual disabilities and mental health illnesses compose the most discriminated group of population (Hogan et al. 2012) because of such factors as low skills level and misconceptions about their capabilities (Dempsey and Ford, 2009). The prevailing approach to employing people with SEND can be characterized by doubts about abilities of people with SEND and exaggerated focus on their needs instead of competence. With people with intellectual disabilities and mental health illnesses, this approach is best visible, further supported by general social distance of major population (Pančocha, 2013).

Barriers to employment: Enterprises

Among other most common barriers perceived by employers researches most often include employers belief that the person with SEND is not capable of performing the particular job, his/her training and provision of reasonable accommodations would be time-consuming, efficiency of an employee with SEND will not be sufficient and also fear that co-workers would respond negatively (Erickson et al., 2014, Procházková, 2014, Kaye et al. 2011, Weston, 2002). In industries where contact with public is important, the issue of appearance and fear of possible negative reactions of customers is also important (Jasper and Waldhart, 2013). This results in low overall employment rate of people with SEND and for those who entered job market to the fact that they are more likely to perform low-skilled, low paid jobs with limited chances of career development and job satisfaction (RADAR, 1993 in Thorton and Lunt, 1995).

Profesní integrace osob s postižením naráží podle Biekera (2005, p. 7) na překerní ekonomické podmínky: tlak soutěže vycházející z globálního trhu si u zaměstnavatelů vynucuje větší racionalizaci a automatizaci, po pracovnících se žádají stále větší výkony nebo jsou nahrazováni stroji.

The most important recent international convention which includes provisions concerning employment of people with disabilities is the *Convention on the Rights of Persons with Disabilities* from 2006 which is a follow-up of very far-reaching laws prohibiting among others includes also discrimination in the workplace based on disability (EC, 2012a). The Convention sets goals on the level of general understanding and ethos, it obligates the signing countries to step up against any form of discrimination at the job market and to support employment of people with disabilities (UN, 2006). In this respect the Convention confirms the direction majority of EU countries has already turned to. The exact execution of the obligations is left to individual countries. And it is the execution which mirrors the above mentioned historical, political and social factors and characteristics of individual countries.

Approaches to employment of people with SEND

Approaches to employment of people with SEND can be divided into three broad groups: the “civil rights” approach, the “employment quota” approach and approach based on motivation of employers (Hagesawa, 2007, Grabat, 2013).

The civil rights approach is based on such underlying principles as equality of opportunity, right to work and non-discrimination. Employment of people with SEND is not imposed by any strict regulation, the society recognizes the right to work guaranteed to every its member as well as right to equal opportunities. This system has been adopted mainly by richer European countries with longer democratic history, where the economy can “*easily absorb the labour force of people with disabilities*” (Garbat, 2013).

Promotion of employment of people with SEND under the quota system implements a system of rules and obligations instead. These have to be met by employers defined by law under sanction. Who qualifies as an employer with such an obligation and the number of mandatory job positions for people with disabilities differs from country to country (Grabat, 2013). This system based on legal description of entitled groups delineates a clear line between people with and without disabilities. The aim is to deliver clearly defined support to people whose access to job market is for some reason restricted. The result of this effort is to ensure a certain percentage of employment among people with SEND. However, the price people with SEND pay is some kind of stigma. They find themselves in a position of “those in need of help”. Furthermore, as Hagesawa (2007) points out, their SEND is perceived as a factor negatively influencing their job performance.

The present study focuses on the ways EU countries approach employment of people with SEND. We will focus on selected countries which partly cover the EU not only geographically, but also concerning employment rate and approach to the topic in discussion, i.e. the United Kingdom, Finland, Germany and the Czech Republic.

Methods

The study reviews the following areas: development in legislation regarding employment of people with SEND on national level, tools used to remove barriers and enhance employment opportunities of people with SEND and available employment statistics of people with SEND.

When analysing the legislation, where possible, we identified also initiators of the development or amendments. Furthermore, we focused on ways and tools supporting employment of people with SEND and whether establishment of any of these can be put in connection to the legislative development.

The analysis revealed that some tools of active labour market policies are identical among partner countries and have proved to be effective disrespectful of the approach to employment the country adopted. These tools are listed in the overview below.

Defining special educational needs and disability

All four countries have formulated definitions of a person (child/pupil/adult) with disability as well as definitions of the term special support (in the area of education and employment). However, the precise content varies across countries. In the Czech Republic, for example, there are two co-existing definitions – in education and for the purposes of employment.

Employment legislation regarding people with SEND

The UN Convention on the Rights of Persons with Disabilities stating that the right to work is one of the basic human rights (Article 27) has been ratified in all four partner countries, the latest was the 2009 ratification in the Czech Republic. This right is further confirmed in the countries' national conventions. For the purposes of this paper, the most important are the following principles: emphasis on the prohibition of any form of discrimination (e.g. Anti-discrimination Law), equality (e.g. Equality Act), support of disadvantaged groups (e.g. Disability Policy Programme, Disability and Employment Strategy) and social security (e.g. Social Welfare Act). Employment of people with SEND is incorporated in the Employment Law in the Czech Republic, in the Social Law (Sozialgesetzbuch) in Germany, in the Act on Rehabilitation Work or the Equality Act in the UK.

Criteria for employment

With regard to employment, some countries (such as the Czech Republic and Germany) define people with disabilities as potentially having obstacles with inclusion to the open labour market. This group then, apart from increased support during entering to the labour market, has also other possibilities such as sheltered employment or sheltered labour market. In Germany, the law imposes on the state the obligation to secure a job for every person who has not succeeded at the open labour market, at least in a sheltered workshop. Other countries (Finland, UK) build on the equality approach. The main aim of any support is to find and maintain a job at the open labour market. However, there is sheltered work and integrated sheltered work in place as well.

Statistical data

Precise statistics concerning employment and unemployment of people with disabilities are available only rarely. It often concerns only particular regions, age groups, people with a particular type of disability or constitutes a part of some study with given criteria (such as the Finnish study of Vesala et al. in 2015). The reasons are multiple, firstly, it is illegal to collect data on health conditions (disability) of people in some countries. Secondly, as mentioned above, a considerable group of people is neither employed nor looking for a job, and the size of this group is impossible to state. And this is the case of the Czech Republic, where statistics of unemployment among people with disabilities includes only people registered with the labour office. In Germany, data from individual federal states (Bundeslanden) are available, summary data not.

Obligation to employ people with disabilities

All countries recognize the right of people with disabilities for employment, however, they face higher unemployment rate when compared to majority population. Support of employment of people with disabilities takes different forms in different states, though. In each country, a variety of support measures for employers (financial support for workplace adaptations or wages of people with disabilities, information, etc.) as well as for job seekers (support in finding and maintaining job, support during transition and initial months at new workplace) have been in place.

In addition, some countries (Czech Republic and Germany) put so called quota system in force. In Germany and the Czech Republic, employers with 25 employees and 20 respectively are obliged to employ people with disabilities as well (4% out of the total number of employees in the Czech Republic and 5% in Germany). The obligation is enforced by a system of financial sanctions imposed on employers who neither comply with the regulation, i.e. employ people with disabilities, nor collaborate with sheltered workshops. While in the Czech Republic, this finance contributes to

the state budget, in other countries (such as Germany, Austria or France), the resources go to a special fund financing support measures for people with disabilities. In the Czech Republic, efforts to change the unfavourable system have been made by the National Board for People with Disabilities.

The quota system has not been implemented neither in Finland nor the UK where the emphasis is put on social responsibility of employers. In the United Kingdom, employers shall „to ensure that their policies and practices do not discriminate against disabled people.” Furthermore, the „ employers make reasonable adjustments to support both job applicants and employees with disabilities” (Equality Act, 2010, p. 10).

Current development

The paradigm shift regarding position of people with disabilities in society has been reflected in legislation as well: equality, no discrimination and support of inclusion into all aspects of civic life. In 2010 in the UK, the Equality Act was enforced, which protects people from discrimination in the workplace and wider society. In Finland, disability no longer is an obstacle to register as an unemployed job seeker to an employment office” (Act on public employment and business service, 2012).

All partner countries perceive unemployment of people with disabilities as a crucial problem, which they have reacted to and have been striving to resolve it. They are aware of the necessity to support not only people with SEND when they are looking for a job. Furthermore, they find as crucial to motivate employers and change public opinion.

Country Overview

	CZ	UK	DE	FI
SEND / disability	According to area (education, social services, employment)			
Definition, types	<p>See Acts according to area (education, social services, employment)</p> <p>OZP = person with disability (employment) According to the level of disablement (<i>invalidita</i>) or with health disadvantage (<i>zdrav. znevýhodnění</i>) – ZoZ</p> <p>SVP = SEN (education)</p>	<p>Disability <i>A person (P) has a disability if</i> <i>(a) P has a physical or mental impairment, and</i> <i>(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.</i> Equality Act (2010, p.4)</p> <p>SEN 20 When a child or young person has special educational needs <i>(1) A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.</i> <i>(2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she</i> <i>(a) has a significantly greater difficulty in learning than the majority of others of the same</i></p>		<p>Special-needs support <i>„The decision on special-needs support may be made... if it is evident based... that the pupil cannot be taught otherwise owing to a disability, illness, delayed development or emotional dysfunction or some other corresponding reason.“</i> Basic Education Act (628/1998) (Section 17)</p>

		<p><i>age, or (b) has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions</i></p> <p>Children and Families Act (2014, p. 19).</p>		
Criteria for employment	<p>Higher protection on the labour market for people with disability – Employment Act</p> <p>Disablement (<i>invalidita</i>) = decrease of work ability... (since 2010)</p> <ol style="list-style-type: none"> 1. decrease of 35-49 % 2. decrease of 50-69 % 3. decrease of min. o 70 % <p>Zákon o důchodovém pojištění</p>	<p>60 Enquiries about disability and health</p> <p><i>(1) A person (A) to whom an application for work is made must not ask about the health of the applicant (B)</i></p> <p><i>(a) before offering work to B, or (b) where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work.</i></p> <p>Equality Act (2010, p.40)</p>		<p>Paid employment, equal treatment and access to education have been defined as fundamental rights of all citizens in the Constitution of Finland.</p> <p>One of the main aims of this program was to promote paid employment of people with disabilities into open labour market.</p> <p>Finland's Disability Policy Programme VAMPO</p>

Statistics	CZ	UK	DE	FI
Job seekers / unemployment	<p>Number of job seekers with disab. lower, 2011-2015 (63.092 >> 57.653 = 8,6 % less) BUT We don't know if the number of employed higher. Only those who are registered at the employment office.</p>	<p>March 2013, the unemployment rate for disabled people stood at 12 %, compared to 7.6 % of non-disabled people (Papworth Trust, 2014, p.11)</p> <p>2015 (second quarter) – 922,000 people aged 16-24 were not in employment, education, training (NEET) (Mirza-Davies, 2015, p. 3).</p>		
Employment	<p>No official figures concerning the employment rate of people with SEND</p> <p>Employment rate no change – cca. 38 % (EU-SILC, 2011-2012)</p>	<p>The number of disabled people in employment over 3.1 million (DWP, 2015, line 34) DWP=Dep. for Work a. Pension</p> <p>March 2013, the UK employment rate among working age disabled people was 49% (4.1 million), compared to 81.8% of non-disabled people (Papworth Trust, 2014, p. 5)</p> <p>Employment rate no change – cca. 46 % (EU-SILC, 2011-2012)</p>	<p>Employment rate growing – cca. 56-57 % (EU-SILC, 2011-2012)</p>	<p>Info only for people with intellectual disab. (research report (Vesala et al. 2015)</p> <ul style="list-style-type: none"> - cca. 40.000 people with intellect. disab. in Finland - cca. 15 000 registered with the employment services for people with disabilities - more than 6000 in sheltered work/workshops - more than 2000 at ordinary workplaces (integrated sheltered work) - about 400-500 at open labour market <p>Employment rate growing – cca. 51-56 % (EU-SILC, 2011-2012)</p>
Types of	SEND mainly (VŠPS, 2010)			

employment	Non-qualified professions – 30,1 % in services and sale – 27,8 % In administration – 15,4 % In the Czech Republic there are mainly technical professions, crafts			
Sheltered workplaces	- there are sheltered workplaces and employers with more than 50 % employees with disab. (past sheltered workshops) - ¼ of SEND, mainly 3rd level of disablement (intellectual, visual, mental disorder)			- sheltered work/workshops - integrated sheltered work According to Act on Rehabilitative Work (189/2001) the Finnish municipalities responsible for organizing rehabilitative work for long term unemployed people or people who need more support to their employment than employment offices can offer.
	In the legislation no sheltered workshops anymore, just shelt. workplaces (since 2012)			

	CZ	UK	DE	FI
Legislation and policy	Employment Act (435/2004), 3rd part Employment of people with disability	2014 Children and Families Act/new SEND Code of Practice (2015)		Act on Rehabilitative Work (189/2001)
	Pension Insurance Act (155/1995) (<i>Zákon o důchodovém pojištění</i>)	2015 Specialist Employability Support (announced by Mark Harper March 2015) <i>What is it?</i>		Act on public employment and business service (916/2012)
	Work Code (262/2006) (<i>Zákoník práce</i>)			Act on services and assistance for people with disabilities (2009) Act on Interpretation Services for Persons with Disabilities (2010) Social Welfare Act (2014)
Who initiated the changes?		Change of ideological climate in education and disability issues, reflected in legislation - Definition of SEN new, 2014 - Equality Act (2010) protects people from discrimination in the workplace and wider society, new definition of disability		special program to improve policies concerning people with disabilities (VAMPO 2010 – 2015, A special program to improve policies concerning people with disabilities) Disability no longer an obstacle to register as an unemployed job seeker to an employment office (Act on public employment and business service, 2012)

	CZ	UK	DE	FI
Instruments, tools, strategies	Active policy of employment (Employment Act, 2004) Pracovní rehabilitace Rekvalifikace Chráněná prac. místa Kariérové poradenství	2013 Disability and Employment Strategy (DWP) 2013 Fulfilling Potential (DWP)		Finland's Disability Policy Program VAMPO (2010-2015) Rehabilitation (support for every day life) Coaching (ability to work) Employment Support (employment guidance)
	Booklets, instructions, web			Employment competence profile
	Campaigns, case studies	2014 Disability Confident campaign (DWP)		
Acts against discrimination	Anti-discrimination Law 198/2009 Sb.	Equality Act 2010		Non-discrimination Act (1325/2014) Constitution of Finland
Quota	When 25 employees and more >> 4 % employees with disability	No "quota" for employing disabled people. Under the Equality Act 2010 <i>"employers have to ensure that their policies and practices do not discriminate against disabled people."</i> (Action on Disability and Work UK, n.k. line 13) <i>"Employers must make reasonable adjustments to support both job applicants and employees with disab."</i> (Equality Act, 2010, p. 10)		No quota system, but the employment offices offer employers wage support and monetary support to adjust the conditions in the work place if the employee has any kind of disability.
Support	- wage support (for employees			- wage support

(motivation) for employers	in sheltered workplaces) - financial support for establishing or adjusting the workplace			- salary compensation - financial support to adjust the conditions in the work place for an employee with disab.
Support of people with disability	Supported Employment (<i>podporované zaměstnávání</i>) - work and social counselling - work assistance Transit programme (<i>Tranzitní program</i>) - individual practice with assistance Retraining (<i>rekvalifikace</i>)	SEN and Disability Code of Practice (DfE/DH, 2015) – support of transition to adulthood Skills Funding Agency, 2014 - delivering apprenticeship and traineeship opportunities, raising standards across vocational training and reviewing qualifications		Supported employment, f.e. job coaches for people with intellectual disab. organised by municipalities New ideas: personal coach or personal mentor

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