



Striving for an inclusive labour market in Liechtenstein

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

August 2022

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Directorate D — Social Rights and Inclusion

Unit D3 — Disability & Inclusion

European Commission

B-1049 Brussels

Striving for an inclusive labour market in Liechtenstein

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

Patricia Hornich

This report has been developed under Contract VC/2020/0273 with the European Commission.

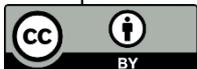
LEGAL NOTICE

Manuscript completed in August 2022

This document has been prepared for the European Commission however it reflects the views only of the authors, and the European Commission is not liable for any consequence stemming from the reuse of this publication. More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, 2023

© European Union, 2023



The reuse policy of European Commission documents is implemented based on Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Except otherwise noted, the reuse of this document is authorised under a Creative Commons Attribution 4.0 International (CC-BY 4.0) licence (<https://creativecommons.org/licenses/by/4.0/>). This means that reuse is allowed provided appropriate credit is given and any changes are indicated.

Table of contents

1	Executive summary	6
1.1	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	6
1.2	Support and partnerships available to employers to assist them in making reasonable accommodations	6
1.3	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	7
1.4	Recommendations	8
2	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	9
2.1	Employment quotas	9
2.2	Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities	10
2.3	Reasonable accommodation	12
2.4	Other relevant actions targeted at employers	13
2.5	Examples of good practice	13
2.6	Good practice guides, websites and advice services directed at employers	15
3	Support and partnerships available to employers to assist them in making reasonable accommodations	16
3.1	Support available to employers for making reasonable accommodation	Error! Bookmark not defined.
3.2	Partnerships to assist employers to make reasonable accommodations.	17
4	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	20
4.1	Good practice guides for employers regarding reasonable accommodation	20
4.2	Any other sources of information regarding good practice for employers regarding reasonable accommodation	20
4.3	Examples of individual reasonable accommodations which reveal good practice	20
4.4	Recommendations and guidance regarding good practice and reasonable accommodation	21
4.5	Recommendations regarding good practice and reasonable accommodation in recruitment and hiring ...	Error! Bookmark not defined.
4.6	Recommendations regarding good practice and reasonable accommodation in initial employment	Error! Bookmark not defined.
4.7	Recommendations regarding good practice and reasonable accommodation in promotion and career development ...	Error! Bookmark not defined.
4.8	Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes	Error! Bookmark not defined.

1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

In Liechtenstein, national law contains no regulation that explicitly refers to an employer's obligation regarding reasonable accommodation and/or the adaptation of workplaces for people with disabilities. However, under Article 10(1) and (2) of the Act on Equality of People with Disabilities (AEPD),¹ it can be assumed that it is included in the law indirectly, through the prohibition on indirect discrimination. Legal provisions in Liechtenstein do not contain any relief for Government levies, taxes or social security contributions for employers who employ people with disabilities in general. The relevant provisions in the Constitution, the AEPD and the Act on Disability Insurance² are designed more to provide care and protection than to focus on inclusion in society.

In terms of wage subsidies, to which employers are entitled if they employ persons with disabilities, the Act on Disability Insurance and the corresponding by-law state that the state may cover additional costs incurred by the person with disability in the event of successful job placement. The purpose of the wage subsidy is to compensate for any lack in the performance of the employee relative to the agreed salary. This reduces the employer's financial risk and should encourage employers to employ people with disabilities.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The Liechtenstein Disability Insurance Office (*Liechtensteinische Invalidenversicherung – IV*)³ is the main public contact in Liechtenstein for employers employing a person with disability. A special measure that it undertakes is the early detection of persons at risk of any disability and the timely introduction of preventive measures. The IV's case management is largely dependent on relationships with private employers in order to create options for the inclusion of people with disabilities in the labour market. In all cases, the principle of 'integration before pension payments' applies.

The Liechtenstein Labour Market Service (*Arbeitsmarkt Service Liechtenstein – AMS*),⁴ which is attached to the Office of Economic Affairs, offers aptitude assessments. It also arranges internships by which employers and jobseekers can get

¹ Act on Equality of People with Disabilities (*Gesetz über die Gleichstellung von Menschen mit Behinderungen, Behindertengleichstellungsgesetz*), 25 October 2006, LGBl. 2006, No. 243, [2006243000 \(gesetze.li\)](https://www.gesetze.li/2006243000).

² Act on Disability Insurance (*Gesetz über die Invalidenversicherung*), 23 December 1959, LGBl. 1960, No. 5, [1960005000 \(gesetze.li\)](https://www.gesetze.li/1960005000).

³ For the purpose of implementing old age and survivors' insurance, disability insurance and family compensation, the Liechtenstein Government founded three separate independent institutions under public law, which are linked by law in a personal union and have identical organs. The Liechtenstein Disability Insurance Office (*Liechtensteinische Invalidenversicherung – IV*) is one of these three institutions; see: [AHV - IV - FAK Liechtenstein: Allgemeines](#).

⁴ The Liechtenstein Labour Market Service (*Arbeitsmarkt Service Liechtenstein – AMS FL*) is a department of the Labour Division of the Office of National Economy and thus a Governmental unit; see: [AMS FL](#).

to know each other without any contractual obligations. A decision on employment is made only after a suitability assessment, and the employer does not have to pay wages during the assessment. The jobseeker receives unemployment benefit for the duration of the internship.

The Office for the Equality of Persons with Disabilities (*Liechtensteiner Behindertenverband – Büro für Gleichstellung*)⁵ is tasked with assisting employers to make reasonable accommodations as follows:

- advising employers in the field of integration and equality for people with disabilities;
- promoting social dialogue between employers and employees;
- ensuring cooperation with public and private institutions.

The office supports companies that want to check the accessibility of their workplace/offices and supports contractors in the implementation of construction and renovation projects.

The Special Education Centre in Liechtenstein (*Heilpädagogisches Zentrum Liechtenstein – HPZ*)⁶ provides workers with disabilities with paid occupational activity in an economic production unit. The centre organises occupational integration, care and accompaniment measures with the aim of enabling workers with disabilities – where possible – to access jobs in the primary labour market.

The JIL – Job Integration in Liechtenstein⁷ – project by the Assisted Living Association (*Verein für Betreutes Wohnen – VBW*)⁸ is focused on persons with a mental illness and offers counselling for employers. Through the professional support provided by the JIL, the employer is trained to be able to recognise difficulties with which employees may be confronted at an early stage and to deal with them in a solution-oriented manner.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

In Liechtenstein, there are no explicit good-practice guidelines on reasonable accommodation directed at employers regarding how to pursue a positive strategy to deal with disability issues in the workplace.

⁵ The Office for the Equality of Persons with Disabilities was created by the legislature as a Government-independent institution with the entry into force of the Act on Equality of People with Disabilities in January 2007. Organisationally, the Office is affiliated with the Liechtenstein Association for Persons with Disabilities, a private law organisation. See: <http://www.lbv.li/Buero-Gleichstellung.php>.

⁶ The Foundation for Special Education Assistance in Liechtenstein is a non-profit foundation organised under private law, with its registered office in Schaan. Its purpose is supporting people with special needs, which it achieves through the operation of the Special Education Centre (*Heilpädagogisches Zentrum Liechtenstein – HPZ*); see: [HPZ Startseite - hpz.li](http://www.hpz.li).

⁷ For information on the Job Integration in Liechtenstein project, see: <https://www.vbw.li/jil-job-integration-in-liechtenstein/>.

⁸ The Association for Assisted Living (*Verein für Betreutes Wohnen – VBW*) is a private non-profit organisation founded in 1989 with the aim of offering flexible support services to people with social and psychological difficulties.

The networking group Sichtwechsel is comprised of various organisations (private and public) that are committed to supporting people with disabilities. In order to provide employers with a better overview of partnerships and support options, the networking group has compiled a summary of contact points on its homepage.

To the author's knowledge, there is no data available to evaluate the effectiveness of the good-practice guides.

1.4 Recommendations

In view of the UN Convention on the Rights of Persons with Disabilities (UN CRPD), which will be incorporated into national law during 2022, the Liechtenstein Government should increase its efforts to:

- ensure that employers are fulfilling their positive obligations to ensure access by persons with disabilities to the labour market by providing reasonable accommodation;
- make the denial of reasonable accommodation for persons with disabilities a form of discrimination within its existing indirect discrimination provisions;
- ensure that the definition of 'disproportionate burden' in relation to employers' obligations is understood and implemented in a restricted way.

By adapting Article 10 of the Act on Equality of People with Disabilities, the legal situation in Liechtenstein could be clarified accordingly. The development and promotion of a practical guide on support measures/benefits for the employment of persons with disabilities and a campaign to encourage companies to embed a proactive diversity management approach in relation to disability would also be helpful.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

In Liechtenstein, national law does not provide for a quota or quotas for the employment of people with disabilities. In 2005-2006, during the consultation process on the Act on Equality of People with Disabilities (AEPD), it was suggested by various sides that a binding employment quota should be established in the form of a voluntary commitment for larger companies. The proposal included a legal basis for requiring larger companies to offer a certain percentage of jobs to people with disabilities. This proposal was rejected without an alternative being proposed.

Articles 17 to 20 of the AEPD state that different measures in favour of people with disabilities can be supported. Article 19(3) of the AEPD specifies that various programmes may be implemented and supported by the Government, including those on vocational training, integration and housing. Article 20 states that pilot projects on the integration of people with disabilities into the work environment may be supported by society.

It appears that the employment of people with disabilities or limitations in the primary labour market of Liechtenstein is successful usually through personal and individual efforts.

In the published document 'Concluding Observations on the second periodic report of Liechtenstein', the UN Human Rights Committee, following its session in July 2017 and hearings in June and July 2017 on economic, social and cultural rights (UN Covenant I), expressed some criticism and issued recommendations regarding persons with disabilities.⁹ While the Committee noted that Liechtenstein had made progress in promoting the rights of persons with disabilities, it expressed its concerns that:

- persons with disabilities are denied access to the labour market due to a lack of infrastructure (indirect discrimination);
- no requirements or obligations on the part of employers exists;
- the statistical bases necessary for the assessment of the situation of people with disabilities (for example, data that provide information about integration in the labour market) are missing;
- persons with disabilities still face challenges in gaining access to justice, education, employment and political participation, and as a result of permissible distinctions regarding wages under the current legislation.

⁹ UN Human Rights Committee, 'Concluding observations on the second periodic report of Liechtenstein' (CCPR/C/LIE/CO/2), 21 August 2017, available at: [1714352 \(llv.li\)](#).

The Committee's recommendations stated, among other things, that the Government should:

- ensure that employers are fulfilling their positive obligations to ensure access to the labour market for persons with disabilities by providing reasonable accommodation;
- make the denial of reasonable accommodation for persons with disabilities a form of discrimination within its existing indirect discrimination provisions; and
- ensure that the definition of 'disproportionate burden' in relation to employers' obligations is understood and implemented in a restrictive way.

Finally, the Committee encouraged the Government to continue its efforts on, for example, the reintegration of persons with disabilities into the workplace, remarking that this would ease the financial burden on the Disability Insurance Office.

Back in 2012, the Liechtenstein Parliament requested (as of 27 November 2012) that the Government review how the professional integration of persons with disabilities into Liechtenstein's labour market could be improved.

Nine years later, on 23 March 2021, the Government of Liechtenstein submitted its response to the Parliament.¹⁰ In summary, the Government of Liechtenstein stated that there were already a number of approaches in place and no further legal obligation had to be put into force. The Government is convinced that greater success can be achieved through increased coordination among the various providers and a corresponding sensitisation of employers than through legally prescribed employment quotas or even protection against dismissal. The Government proposed, therefore, that the Liechtenstein Parliament should refrain from creating an additional administrative structure.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

The Liechtenstein Constitution does not specifically highlight the rights of persons with disabilities. Nevertheless, a duty on the state can be derived from the general provisions. However, the relevant provisions in the Constitution are designed more to provide care and protection than to focus on inclusion in society. As a result, there are no measures directed at employers to encourage them to employ persons with disability by providing tax reliefs or offering reduced social security contributions beside the wage subsidy.

The Act on Equality of People with Disabilities provides financial resources for pilot projects to promote vocational integration. In 2020, an amendment was made to the Employment Services Act (*Arbeitsvermittlungsgesetz – AVG*).¹¹ One of the issues it addressed was that in the provision of services, comparable situations should not be treated differently, and different situations should not be treated equally, unless such

¹⁰ Liechtenstein Government's postulate response to the Parliament on the improved integration of persons with disabilities into the labour market; see: <https://bua.regierung.li/bua/default.aspx?nr=17&year=2021&filter1=Behinderung&backurl=modus%3dsearch%26filter1%3dvt%26filter2%3dBehinderung&sh=-580241069>.

¹¹ Employment Services Act (*Gesetz über die Arbeitsvermittlung und den Personalverleih, AVG*), LGBl 2000, No. 103, available at: <https://www.gesetze.li/konso/pdf/2000103000?version=9>.

treatment is objectively justified. In detail, this means that the essential wage and working time provisions of the employee must, during the period of his assignment with the employing enterprise, be at least equivalent to those that would apply to him if he had been hired directly by that company for the same job. Thus, there must be no discrimination on grounds of nationality, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Nevertheless, the legal provisions do not contain any relief for Government levies, taxes or social security contributions for employers who employ people with disabilities in Liechtenstein.

In terms of wage subsidies, to which employers are entitled if they employ persons with disabilities, the Act on Disability Insurance¹² contains a corresponding regulation based on Article 41 of the Invalidity Insurance Act.¹³ The legal provision states that according to the corresponding ordinance, the state may cover/take over the additional costs incurred by the person with disability in the event of successful job placement. The aim of the wage subsidy is the occupational integration of persons who are still partially able to work. People who have an official disability degree of at least 40 % are entitled to a wage subsidy.¹⁴ Wage subsidies are paid to the employer, which enables the company to pay the usual wage for a particular job, even if the person with a disability cannot perform the same work as a person without disabilities.¹⁵ To the author's knowledge, there are no independent evaluation results with regard to how the wage subsidy is working in practice.

As the latest political statement by the Government of Liechtenstein on 23 March 2021 (in its response to the Liechtenstein Parliament) makes clear, the Government has decided not to take action in the field of measures to enforce employers to employ persons with disabilities. Thus, the Government does not consider a recruitment law with a *bonus-malus* system, in which companies that employ people with disabilities are incentivised through a bonus or companies have to pay a *malus* if they employ no or too few people with disabilities, to be sensible. Further, the Government is convinced that greater success will be achieved through increased coordination among the various providers of support to employees in finding a job, and a corresponding sensitisation of employers, than through legally prescribed employment quotas, tax relief and/or reduced social security contributions for employers employing persons with disabilities, or even protection against dismissal. The Government postulate to the Liechtenstein Parliament states that the current system is functioning well and that the introduction of a specific disability employment act or similar legislation in Liechtenstein

¹² The disability insurance, old age and survivors' insurance and family compensation funds are three independent public institutions (AHV-IV-FAK). However, they were technically merged in order to form a joint directorate. They are subject to Government and parliamentary supervision.

¹³ Act on Disability Insurance (*Gesetz über die Invalidenversicherung, IVG*), LGBl 1960, No. 5, available at: <https://www.gesetze.li/lilexprod/ifsshowpdf.jsp?lgblid=196000500&version=7&signed=n&tablesel=0>.

¹⁴ Insured persons with a degree of disability of at least 40 % are entitled to a wage subsidy. An employer in Liechtenstein must employ them. This means that wage subsidies are granted both for new hires and for the continuation of an employment relationship that existed prior to the disability. The entitlement to a wage subsidy is independent of the type of business operation of the employer (private company or state-owned enterprise) as well as the size or number of employees in the company.

¹⁵ See: [AHV - IV - FAK Liechtenstein: Lohnzuschuss](#).

would not bring any benefit.¹⁶ This is justified by the fact that the Government refers to a number of existing approaches to labour market integration for people with disabilities.

2.3 Reasonable accommodation

In Liechtenstein, a duty on employers to provide reasonable accommodation for people with disabilities is not explicitly included in the law and is not defined. Thus, the law does not oblige employers to design workplaces in a barrier-free way. Instead of overall legal requirements, the Government favours single-case solutions and adaptations to workplaces, which are financially supported by the state at the request of the employer.

Article 10(1) and (2) of the AEPD specify the extent of the duty to make provisions for the avoidance of discrimination within the area of employment and occupation. Within this legislation, there is no specific regulation on the obligation of an employer regarding reasonable accommodation and/or the adaptation of workplaces for people with disabilities. However, it can be assumed that it is included in the law indirectly, through the prohibition on indirect discrimination. Article 10 of the AEPD states that no person shall be discriminated against directly or indirectly on grounds of disability in connection with an employment relationship in either the private or public sector or in any other sphere of employment, in particular with regard to other working conditions. This prohibition covers, in particular, the establishment of the employment relationship, training and retraining measures and promotion. Thus, it could be argued that Article 10 of the AEPD comprehensively implements the provisions of Article 27 of the UN CRPD.

Under Article 7(3) of the AEPD, it can be said that attempts have to be undertaken to accommodate the situation of a person with disability, as otherwise this would count as indirect discrimination. In terms of ensuring non-discrimination within employment and occupation, the obligations under the AEPD do not differ according to the type of employment undertaken by the person with disability. Thus, the obligations of the AEPD extend to public and private employers of any size and to all employees.

In the public sector, discrimination is further limited by the Act on the Employment of State Personnel (*Gesetz über das Dienstverhältnis des Staatspersonals*)¹⁷ which explicitly names the integration of people with special needs, such as people with disabilities (Article 4(2)) as an objective of personnel policy, whereas there are no such positive statements relating to the private sector. There are no extra provisions in the labour law. Thus, special obligations for employers concerning employees with disabilities are rather weak in Liechtenstein. Further, to the best of the author's knowledge, the prohibition of discrimination in the Act on the Employment of State Personnel has not been used by a person with disabilities in a court case. Likewise, it

¹⁶ Liechtenstein Government's postulate response to the Parliament on the improved integration of persons with disabilities into the labour market, see: <https://bua.regierung.li/bua/default.aspx?nr=17&year=2021&filter1=Behinderung&backurl=modus%3dsearch%26filter1%3dvt%26filter2%3dBehinderung&sh=-580241069>.

¹⁷ Act on the Employment of State Personnel (*Gesetz über das Dienstverhältnis des Staatspersonals – Staatspersonalgesetz; StPG*), LGBl. 2008. No. 144, available at: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2008144000&version=7&search_text=Staatspersonalgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=22.06.2017.

has not been enforced by the Association for Human Rights in Liechtenstein or the Liechtenstein Association of Persons with Disabilities.

Article 20 of the AEPD states that pilot projects for the integration of people with disabilities into the work environment may be supported by society. The term 'society' is not elaborated any further, but one can assume that the Government and the municipalities are addressed, and perhaps also the Disability Insurance Office and other public services. One of the various measures under Article 20 of the AEPD concerns financial support in order to adapt a workplace to the special needs of a person with disability. Article 32-bis, paragraph 6 of the Act on Disability Insurance says that the Government is allowed to enact a by-law to support measurements for the preservation of an existing workplace for a person with disability, to integrate a person into another workplace at the same enterprise or to provide another adaptation to the workplace, with other integrative activities to be developed on a case-by-case basis, while binding and strong legal obligations on employers are lacking in Liechtenstein's legislation.

2.4 Other relevant actions targeted at employers

In recent years, the state has shifted tasks relating to access to the labour market to private service providers in addition to the Labour Market Service and the Disability Insurance Office. The Office for the Equality of Persons with Disabilities, the Special Education Centre in Liechtenstein, the Association for Assisted Living (*Verein für betreutes Wohnen*), the 50plus Foundation (*Stiftung 50plus*) and the Liechtenstein Association of Persons with Disabilities (*Liechtensteiner Behindertenverband – LBV*) are provided with service agreements, including financial funds. The latter, however, has criticised the lack of a coordination office to inform, advise and assist employers and (potential) employees by providing information, advice and support.¹⁸

2.5 Examples of good practice

The Government of Liechtenstein rejected the proposal for a recruitment law including a *bonus-malus* system, in which companies that employ persons with disabilities are supported by a bonus and companies that employ no or too few persons with disabilities have to pay a *malus*, as not sensible.¹⁹ Furthermore, the Government has decided not to promote the integration of persons with disabilities in Liechtenstein through any alternative incentive system. It also rejects special protection against dismissal for persons with disabilities.

Against this background, no noteworthy regulatory examples of the integration of persons with disabilities into the regular labour market in Liechtenstein can be pointed out.

¹⁸ See press article, '*Integration: Regierung strebt keine weiteren Bemühungen an*' ('Integration: Government does not seek further efforts'), 27 March 2021, available at: https://www.ahv.li/fileadmin/user_upload/Dokumente/Medien/Presse/2021/03/2021-03-27--Volksblatt--1.pdf.

¹⁹ Postulate response by the Government to the Parliament of the Principality of Liechtenstein for the improved integration of people with disabilities in the workplace, see: [BERICHT UND ANTRAG \(llv.li\)](#).

As a special measure, the early detection of persons at risk of any disability and the timely introduction of preventive measures by the Liechtenstein Disability Insurance Office should be emphasised. Notification of early registration by the employer and cooperation with the Disability Insurance Office does not affect the existing employment relationship (e.g. the employer's right to terminate). A notification of early registration can be made voluntarily by the employer, in agreement with the employee or based on legal provisions.²⁰ The legal obligation to register an employee with the Disability Insurance Office exists after at least six weeks of absence from work due to health reasons (incapacity for work of at least 50 %). This obligation applies to the employer, the attending doctors, the social security institutions (e.g. health insurance, accident insurance, unemployment insurance). The obligation to report does not apply if it becomes apparent that full fitness for work will be restored in the near future (e.g. where a longer recovery period is required after an accident). The employee must be informed of the notification in advance.

If the insured person participates in the early registration process with the Disability Insurance Office, the office will hand over the assessment to independent external specialists (case managers). In discussion and cooperation with the insured person, the employer and attending doctors, etc., these specialists try to steer the individual case in the right direction with as little bureaucracy as possible, making full use of the entire range of disability insurance benefits and, if necessary, coordinating with other agencies. In addition to the existing integration measures undertaken by the Disability Insurance Office (retraining with daily allowance, job trials with daily allowance, etc.), numerous additional early intervention measures are available within the framework of early assessment (financing of short-term employment measures, training courses, familiarisation grants for job trials, support through job coaching, etc.). A contact person in the Disability Insurance Office is assigned to the employer to keep the employer informed on an ongoing basis and to actively involve them in the integration process.

Early intervention measures are generally available for a maximum of one year. Within this period, it must be clarified whether integration or reintegration is possible or whether a disability insurance registration is definitely indicated. To the best of the author's knowledge, there is no independent evaluation of the early intervention system publicly available. Therefore, a statistical comparison of the measure with a corresponding period without the use of this measure is not possible.

²⁰ See information sheet from the IV office regarding early registration, available at: https://www.ahv.li/fileadmin/user_upload/Dokumente/Online-Schalter/MB/AHV-IV-FAK-MB-3-04--Frueherfassung_IV.pdf and https://www.ahv.li/fileadmin/user_upload/Dokumente/Online-Schalter/MB/AHV-IV-FAK-MB-3-05--Meldepflicht_Frueherfassung.pdf.

2.6 Good practice guides, websites and advice services directed at employers

There is no dedicated website and no good practice guides available from the Government or the authorities in Liechtenstein to support companies on issues relating to the employment of people with disabilities.

Only the summary of support measures and counselling services provided by the Disability Insurance Office within the framework of the private networking group for people with disabilities and support needs (*Sichtwechsel*) can be cited, as an indication at best.²¹

²¹ *Sichtwechsel* (networking group for people with disabilities and support needs in Liechtenstein), see: <https://www.sichtwechsel.li/berufseinstieg>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Various agencies in Liechtenstein offer employers advice, support and information regarding the integration of people with disabilities into everyday working life and associated questions of labour law, social security law and psychological issues. In this context, the employer is supported in the employment and induction of a person with disabilities through various measures.

Based on the Act on Disability Insurance, the insured person is entitled to those aids that he/she requires for the exercise of gainful employment or the activity in the field of duties, for the maintenance or improvement of the earning capacity, for training, education and further training or for the purpose of functional acclimatisation. The entitlement also extends to the necessary disability-related accessories and adaptations. The entitlement to aids is limited to the aids and measures for adapting the workplace listed in the Annexe to Article 25 of the Ordinance to the Act on Disability Insurance (*Verordnung zum Gesetz über die Invalidenversicherung*).²² As a rule, the insured person is entitled only to the necessary measures appropriate to the respective purpose of integration, and not to the best possible arrangements under the given circumstances. This is because the law aims to ensure integration only to the extent that it is necessary and sufficient in the individual case; furthermore, the expected success of an integration measure must be in reasonable proportion to its costs.

As a special measure, the early detection of persons at risk of any disability and the timely introduction of preventive measures by the Liechtenstein Disability Insurance Office should be emphasised. These measures are crucial for the permanent reintegration of people with disabilities, which pays off for both the employer and the employee. The purpose of early detection is to prevent cases of disability as far as possible through early intervention measures and integration measures.

In cases that involve a first integration attempt by people with disabilities, who have not worked before, the Disability Insurance Office supports employers in various ways. For integration into a new job, training allowances may also be granted to the new employer, as well as guidance from specialists to support the insured person and the employer. Further, a work trial coordinated by the Disability Insurance Office, which does not constitute an employment relationship, can be set up. In a work trial, the employer can determine a person's ability to perform for a certain time period. During this time, the employer receives a work trial allowance from the Disability Insurance Office. The process is assisted by specialists from the Disability Insurance Office to support the insured person and the employer. The duration of a work trial is determined by the need to clarify the circumstances, with a maximum period of six months. A work trial may be terminated prematurely if the results of the clarification are established prematurely or if it becomes apparent that the intended subsequent employment relationship will not materialise. However, if the result of the clarification is not achieved within the allotted time period, the work trial may be extended if there is a reasonable prospect of achieving the intended clarification goal by extending the work attempt. In

²² Annex to Article 25 of the Ordinance to the Act on Disability Insurance (*Verordnung vom 22. Dezember 1981 zum Gesetz über die Invalidenversicherung – Invalidenversicherungsverordnung*; IVV), LGBl. 1982, No. 36, available at: <https://www.gesetze.li/konso/pdf/1982036000?version=41>.

the case of such an extension, the total duration of the work attempt, including the extension of the work attempt, may not exceed 12 months.

The costs of work trial measures are covered for a maximum of one year. The one-year period begins with the receipt of the application by the Disability Insurance Office. For a single person, the benefits paid by the Disability Insurance may not exceed EUR 19 133 (CHF 20 000). The eligibility criteria for a first integration attempt by the Disability Insurance Office are not published. The cases are evaluated individually and the decision is based on different aspects carried out in consultation with the person concerned. To the best of the author's knowledge, there is no independent evaluation of the first integration attempt system publicly available. Therefore, a statistical comparison of the measure to a corresponding period without the use of this measure is not possible.

Workplace accessibility is touched on rather generally by the AEPD, in that it requests non-discrimination. The law does not oblige employers to design workplaces in a barrier-free way. The law favours single-case solutions and adaptations of the workplace, which can be financially supported by the state, instead of overall requirements.

Thus, the possibility for a person with a disability of finding a job in the open labour market is mainly dependent on his/her degree of disability and the willingness of the employer to make necessary adaptations to the workplace, in the absence of any legal obligation. Instead of overall legal requirements, the law favours single-case solutions and adaptations of workplaces, which can be financially supported by the state at the request of the employer. From a legal perspective, judicial interpretation is required to confirm whether such obligations can be subsumed within 'other conditions for employment' as stated within Article 10(1)(f),²³ or if rather general provisions – such as those in the Constitution (Article 9) – are sufficient to protect people against discrimination resulting from a lack of reasonable accommodation and accessibility of workplaces.

3.2 Partnerships to assist employers to make reasonable accommodations

The Liechtenstein Disability Insurance Office (*Liechtensteinische Invalidenversicherung – IV*) is the main public contact in Liechtenstein for employers who wish to hire an employee with a disability or with reduced capacity, as well as for all people with disabilities or in vocational rehabilitation. The IV office is not only at the service of people with health limitations; it also strives for active cooperation with companies. A company that employs or wants to employ a person with health limitations can contact the IV specialists for counselling (this includes services such as the disability-friendly design of workplaces and training centres, financial subsidies for the creation and furnishing of new workplaces, further training measures, scope of and requirements for Government subsidies or cost absorption, suitability assessment, etc.).

²³ Act on Equality of People with Disabilities (*Gesetz über die Gleichstellung von Menschen mit Behinderungen, Behindertengleichstellungsgesetz*), 25 October 2006, LGBl. 2006, No. 243, [2006243000 \(gesetze.li\)](http://www.gesetze.li/2006243000).

Employment integration measures – addressing the employer’s needs – include, at the first stage:

- case management in evaluating suitable work based on the clarification of needs and possibilities concerning the potential employee;
- payment of additional costs for initial vocational training due to disability;
- payment of the costs of further vocational training for persons with disabilities;
- covering the costs for retraining if the previous occupation can no longer be pursued due to the disability and no other equivalent occupational opportunity is available without retraining.²⁴

The efforts of IV case management are largely dependent on relationships with private employers in order to create options for the inclusion of people with disabilities in the labour market. Thus, the IV office offers employers advice, support and information on the integration of affected persons and the associated social security issues. In all cases, the main objective of the IV is the integration or reintegration of people with disabilities into working life, so the principle of ‘integration before pension payments’ applies.

The Liechtenstein Labour Market Service, which is attached to the Office of Economic Affairs, offers aptitude assessments. It arranges internships (taster apprenticeships) where employers and jobseekers can get to know each other without any contractual obligations, with the aim of enabling the potential employer to find out whether the jobseeker is suitable for the position in question. A decision on employment is made only after a suitability assessment, during which the employer does not have to pay wages. The jobseeker receives unemployment benefit for the duration of the internship.

The Office for the Equality of Persons with Disabilities, which is hosted by the Liechtenstein Association of Persons with Disabilities (*Liechtensteinischer Behindertenverband – LBV*) is focused on non-discrimination against persons with disabilities. The office is the point of contact when it comes to official services (subsidies, complaints, etc.). The office is tasked with assisting employers to make reasonable accommodations as follows:

- advising employers in the field of integration and equality for people with disabilities;
- promoting social dialogue between employers and employees;
- ensuring cooperation with public and private institutions.

It supports companies that want to check the accessibility of their premises. It also supports contractors in the implementation of their construction or renovation projects, thus ensuring that buildings are accessible to everyone.

The Special Education Centre in Liechtenstein maintains sheltered working spaces, supported by the Government by means of a mandate to provide workers with

²⁴ Costs for retraining are covered by the Disability Insurance Office (fund-based – in principle, persons who are resident in Liechtenstein under civil law and persons who are gainfully employed in Liechtenstein are liable to pay disability insurance contributions. The contribution rate is set annually by the Liechtenstein Government and divided (equally) between employer and employee.

disabilities with a paid occupational activity tailored to their abilities. The Special Education Centre provides the workers with disabilities with a paid occupational activity in an economic production unit. The centre organises occupational integration, care and assistance measures with the aim of enabling workers with disabilities – where possible – to access jobs in the primary labour market. Thus, there is no legally binding aim set for this process. This means that there is no set timetable or process for integrating a person with disabilities working in a sheltered workplace through the Special Education Centre in the regular labour market.

The JIL – Job Integration in Liechtenstein – project²⁵ by the Association for Assisted Living²⁶ is focused on persons with mental illness. The association is committed to the professional integration of people who find it difficult to access to the labour market. It is financed largely by donations. The approach is based on the concept of ‘supported employment’. The main features are:

- it is about (performance-related) paid work;
- in the primary labour market (as integration in the community and not in special institutions);
- in addition to obtaining work, the sustainability of the placement is sought through further coaching (obtaining a job).

It has a focus on counselling for employers. Through the professional support provided by the JIL, the employer is trained to be able to recognise difficulties with which employees may be confronted at an early stage and to deal with them in a solution-oriented manner. Since the project is run by a private organisation, there is no statistical data or analysis on the success of the measures so far.

²⁵ For information on the Job Integration in Liechtenstein project, see: <https://www.vbw.li/jil-job-integration-in-liechtenstein/>.

²⁶ The Association for Assisted Living (Verein für Betreutes Wohnen – VBW) was founded in 1989 with the aim of offering flexible support services close to home for people who find themselves in social and psychological difficulties or distress. The VBW currently serves around 400 people, including children, young people, families, adults with mental illnesses and people who find it difficult to access to the labour market.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

Various organisations and their networks, including the Office for the Equality of Persons with Disabilities, help to improve the chances for people with disabilities to take up work, stay in employment and return to work through counselling and support services. However, there are no explicit good-practice guidelines regarding reasonable accommodation directed at employers in Liechtenstein, whether they are large, small or medium-sized enterprises, in the private or public sector, regarding how to pursue a positive strategy to deal with disability issues in the workplace.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

The networking group *Sichtwechsel* is made up of various organisations, associations and offices that are committed to the interests of people with disabilities and support needs. In order to provide those affected, as well as companies, with a better overview of the topic of career entry, the networking group has compiled a summary of partner organisations and contact points for questions on its homepage. The offers for people with a disability and support needs can be seen there at a glance.²⁷

4.3 Examples of individual reasonable accommodations which reveal good practice

The measures for the occupational integration or inclusion of people with disabilities in Liechtenstein are based largely on individual cases. In addition, there are no explicit legal requirements, and in particular no normative instruments that regulate or prescribe the employment of workers with disabilities.

In the assessment of the managing director of the Liechtenstein Association of Persons with Disabilities, a major hurdle to the integration of people with disabilities in the regular labour market is that simple activities such as watering flowers, emptying trash cans, distributing mail and small cleaning jobs in offices have disappeared. This means that there are few, if any, job opportunities left for low-skilled people. She is convinced that this problem will become even greater in the future, as it is due to digitalisation as well as the cost pressures regarding labour for simple activities. Thus, according to the LBV managing director, Liechtenstein is still a long way off from achieving an inclusive society. To achieve this goal would, in her experience, require more employers with courage, drive and a pioneering spirit.²⁸

Therefore, no good-practice examples of individual reasonable accommodations can be given.

²⁷ For information on the networking group *Sichtwechsel*, see: <https://www.sichtwechsel.li/berufseinstieg>.

²⁸ *'Inklusion am Arbeitsplatz für alle'* ('Workplace inclusion for all'), interview with Christine Schädler, executive director of the Liechtenstein Association of Persons with Disabilities, *Liechtensteiner Vaterland*, 22 September 2021, available at: [Vaterland20 \(lbv.li\)](#).

5 Recommendations and guidance regarding good practice and reasonable accommodation

With reference to the Government's decision, on 26 May 2020, to sign the UN Convention on the Rights of Persons with Disabilities of 13 December 2006 (UN Disability Rights Convention), some actions in the field of non-discriminatory regulation of access to the labour market are planned but not finalised. Thus, a general and clear order regarding reasonable accommodation in the field of work and employment in accordance with Article 27(1)(2)(i) of the UN CRPD is currently lacking in Liechtenstein. The Liechtenstein legal situation should therefore be clarified accordingly by adapting Article 10 of the Act on Equality of People with Disabilities. For Liechtenstein, special attention should be paid to the general objective of Article 27(1) of the UN Convention – that is, to realise an open, inclusive labour market that is actually accessible to persons with disabilities, i.e. barrier-free. This is an obligation to be realised progressively. This means that credible and concrete strategies are needed to reduce the need for special work environments.²⁹

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

In view of the UN Disability Rights Convention, which the Liechtenstein Government plans to incorporate in national law during 2022, the Government should provide for increased efforts to facilitate access to employment for persons with disabilities.

The development and promotion of a practical guide to support measures and benefits for the employment of persons with disabilities would also be helpful.

This should also be linked to a campaign to encourage companies to embed a proactive diversity management approach in relation to disability. Barriers that still exist in the labour market, which stand in the way of the inclusion of a person in need of protection, should be reduced or removed.

Therefore, the recommendations of the UN Human Rights Committee directed at Government can also be supported, from the author's point of view, as follows:

- the Government has to ensure that employers are fulfilling their positive obligations to ensure access by persons with disabilities to the labour market by providing reasonable accommodation;
- the Government has to make the denial of reasonable accommodation for persons with disabilities a form of discrimination within its existing indirect discrimination provisions;
- finally, the Government has to ensure that the definition of 'disproportionate burden' in relation to employers' obligations is understood and implemented in a restrictive way.

²⁹ Legal implications of ratifying the UN Convention on the Rights of Persons with Disabilities for Liechtenstein.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

See above.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

See above.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

See above.

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en.

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696, or
- by email via: https://europa.eu/european-union/contact_en.

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en.

EU publications

You can download or order free and priced EU publications from: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>.

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU.

Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

